

State of Iowa

2011

ACTS AND JOINT RESOLUTIONS
(Session Laws)

Enacted at the

2011 REGULAR SESSION

of the

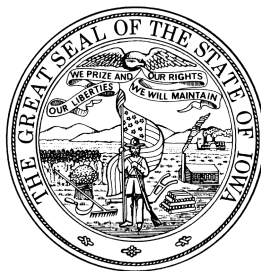
Eighty-Fourth General Assembly

of the

State of Iowa

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

REGULAR SESSION CONVENED ON THE TENTH DAY OF JANUARY
AND ADJOURNED ON THE THIRTIETH DAY OF JUNE, A.D. 2011



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, and Leslie E. W. Hickey, 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 2011 Regular Session of the Eighty-fourth 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 SUPPLEMENT IS PUBLISHED. Changes will be shown in the Tables of Disposition of Acts in the 2011 Iowa Code Supplement.

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 2011 Regular Session that were approved by the Governor prior to July 1, 2011, took effect on July 1, 2011, unless otherwise provided. The Acts of the 2011 Regular Session that were approved by the Governor on or after July 1, 2011, took effect forty-five days after approval, 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

TERRY E. BRANSTAD Boone
 Jeffrey Boeyink, Chief of Staff
 Alicia Freed, Governor's Scheduler

LIEUTENANT GOVERNOR

KIM REYNOLDS Clarke
 Caitlin Oponski, Executive Assistant to Lieutenant Governor

SECRETARY OF STATE

MATT SCHULTZ Pottawattamie
 Jim Gibbons, Chief Deputy
 Mary Mosiman, Deputy of Elections

AUDITOR OF STATE

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

TREASURER OF STATE

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

SECRETARY OF AGRICULTURE

WILLIAM NORTHEY Dickinson
 Karey Claghorn, Deputy Secretary
 Charles Gipp, Director, Soil Conservation Division
 Stephen Moline, Director, Consumer Protection and Industry Services/Food Safety
 and Animal Health

ATTORNEY GENERAL

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

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
Anderson, Bill Pierson	Small Business Owner	27th—Cherokee, Plymouth, <i>Woodbury</i>	84(1st)
Bacon, Robert Maxwell	Funeral Director	5th—Franklin, Hamilton, <i>Story</i> , Webster, <i>Wright</i>	84(1st)
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), 84(1st)
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), 84(1st)
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), 84(1st)
Bertrand, Rick Sioux City		1st— <i>Woodbury</i>	84(1st)
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), 84(1st)
Boettger, Nancy J. Harlan	Farmer/Former Educator/Bed and Breakfast Owner-Operator	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), 84(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Bolkcom, Joe Iowa City	Outreach Director— University of Iowa Center for Global and Regional Environmental Research	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), 84(1st)
Bowman, Tod Maquoketa		13th—Clinton, Dubuque, <i>Jackson</i>	84(1st)
Chelgren, Mark Ottumwa		47th—Appanoose, Davis, <i>Wapello</i> , Wayne	84(1st)
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), 84(1st)
Dandekar, Swati A. Marion	Community Volunteer	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), 84(1st)
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), 84(1st)
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), 84(1st)
Dix, Bill Shell Rock	Farmer	9th—Black Hawk, Bremer, <i>Butler</i> , Fayette	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), 84(1st)
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), 84(1st)
Dvorsky, Robert E. Coralville	Executive Officer—6th Judicial District, Department of Correctional Services	15th— <i>Johnson</i> , Linn	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), 84(1st)
Ernst, Joni Red Oak	Former County Auditor/Iowa Army National Guard	48th—Adams, Clarke, Decatur, <i>Montgomery</i> , Ringgold, Taylor, Union	84(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
Feenstra, Randy Hull	Finance and Insurance—Iowa State Bank	2nd—Lyon, Plymouth, <i>Sioux</i>	83(1st), 83(2nd), 84(1st)
Fraise, Gene Fort Madison	Farmer	46th—Henry, <i>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), 84(1st)
Greiner, Sandra H. Keota	Farmer	45th—Jefferson, Johnson, Van Buren, Wapello, <i>Washington</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), 84(1st)
Gronstal, Michael E. Council Bluffs	Majority Leader	50th—Pottawattamie	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), 84(1st)
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), 84(1st)
Hamerlinck, Shawn Dixon	Education, Adjunct Professor—Augustana College	42nd—Clinton, <i>Scott</i>	83(1st), 83(2nd), 84(1st)
Hancock, Tom Epworth	Retired/United States Postal Service	16th—Delaware, <i>Dubuque</i> , Jones	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)
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), 84(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
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), 84(1st)
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), 84(1st)
Houser, Hubert Carson	Farmer	49th—Fremont, Mills, Page, <i>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), 84(1st)
Jochum, Pam Dubuque	Legislator	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), 84(1st)
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), 84(1st)
Kapucian, Tim L. Keystone	Farmer	20th— <i>Benton</i> , Grundy, Iowa, Tama	83(1st), 83(2nd), 84(1st)
Kettering, Steve Lake View	Community Banker	26th—Buena Vista, Carroll, Crawford, Sac	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), 84(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
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), 84(1st)
McCoy, Matt Des Moines	Owner—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), 84(1st)
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), 84(1st)
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), 84(1st)
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), 84(1st)
Rielly, Tom Oskaloosa	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), 84(1st)
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), 84(1st)
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), 84(1st)
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), 84(1st)
Smith, Roby Davenport	Small Business Owner	41st— <i>Scott</i>	84(1st)
Sodders, Steven J. State Center	Deputy Sheriff	22nd—Franklin, Hardin, <i>Marshall</i>	83(1st), 83(2nd), 84(1st)
Sorenson, Kent Indianola	Business Owner	37th—Dallas, Madison, <i>Warren</i>	83(1st), 83(2nd), 84(1st)

Name and Residence	Occupation	Senatorial District	Legislative Service
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), 84(1st)
Whitver, Jack Ankeny	Self-Employed/Business Owner	35th— <i>Polk</i>	84(1st)
Wilhelm, Mary Jo Cresco	Appraiser	8th—Allamakee, Chickasaw, <i>Howard</i> , Winneshiek	83(1st), 83(2nd), 84(1st)
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), 84(1st)

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), 84(1st)
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), 84(1st)
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), 84(1st)
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), 84(1st)
Baltimore, Chip Boone	Attorney—General Counsel	48th— <i>Boone, Dallas</i>	84(1st)
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), 84(1st)
Berry, Deborah L. Waterloo		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), 84(1st)
Brandenburg, Mark A. Council Bluffs	Adjunct Instructor— Iowa Western Community College/Retired HR Professional—Electric Utility	100th— <i>Pottawattamie</i>	84(1st)
Byrnes, Josh Osage	Educator/Ag and Industrial Division Chair—North Iowa Area Community College	14th— <i>Cerro Gordo, Floyd, Howard, Mitchell</i>	84(1st)
Chambers, Royd E. Sheldon	Educator/Member—Iowa Air National Guard	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), 84(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Cphoon, Dennis M. Burlington	Retired/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), 84(1st)
Cownie, Peter West Des Moines	President—Junior Achievement of Central Iowa	60th— <i>Polk</i>	83(1st), 83(2nd), 84(1st)
De Boef, Betty R. What Cheer	Farmer/Small Business Owner	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), 84(1st)
Deyoe, Dave Nevada	Farmer	10th—Hamilton, <i>Story</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)
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), 84(1st)
Drake, Jack Griswold	Farmer	57th— <i>Cass</i> , 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), 84(1st)
Forristall, Greg Macedonia	Farmer	98th—Mills, <i>Pottawattamie</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)
Fry, Joel Osceola	Therapist/Educator/ Consultant/Speaker	95th— <i>Clarke</i> , Decatur, Union	84(1st)
Gaines, Ruth Ann Des Moines	Teacher	65th— <i>Polk</i>	84(1st)
Garrett, Julian B. Indianola	Attorney/Farmer	73rd—Dallas, Madison, <i>Warren</i>	84(1st)
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), 84(1st)
Grassley, Pat New Hartford	Farmer	17th—Bremer, <i>Butler</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)
Hagenow, Chris Windsor Heights	Attorney	59th— <i>Polk</i>	83(1st), 83(2nd), 84(1st)
Hager, Bob Dorchester	Owner-Operator of Upper Iowa Resort and Rental	16th— <i>Allamakee</i> , Winneshiek	84(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Hall, Chris Sioux City	Concrete Products Inc.	2nd— <i>Woodbury</i>	84(1st)
Hanson, Curt Fairfield	Retired/Teacher	90th— <i>Jefferson, Van Buren, Wapello</i>	83(2nd), 84(1st)
Hanusa, Mary Ann Council Bluffs	High School Administrator	99th— <i>Pottawattamie</i>	84(1st)
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), 84(1st)
Heddens, Lisa K. Ames		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), 84(1st)
Hein, Lee Monticello	Business Owner	31st— <i>Dubuque, Jones</i>	84(1st)
Helland, Erik Johnston	Banker	69th— <i>Polk</i>	83(1st), 83(2nd), 84(1st)
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), 84(1st)
Hunter, Bruce L. Des Moines	Retired Loan Counselor—Iowa Student Loan	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), 84(1st)
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), 84(1st)
Isenhart, Charles Dubuque	President—Common Good Services/Sports Official	27th— <i>Dubuque</i>	83(1st), 83(2nd), 84(1st)
Iverson, Stewart, Jr. Clarion	Farmer	9th— <i>Franklin, Hamilton, Webster, Wright</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, 84(1st)
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), 84(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Jorgenson, Ron Sioux City	Vice President— Business and Finance— Morningside College	54th— <i>Woodbury</i>	84(1st)
Kajtazovic, Anesa Waterloo	Mortgage Analyst	21st— <i>Black Hawk</i>	84(1st)
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), 84(1st)
Kearns, Jerry A. Keokuk	Staff Representative— United Steelworkers Union	92nd— <i>Lee</i>	83(1st), 83(2nd), 84(1st)
Kelley, Dan Newton	Realtor/Small Business Owner—DJ Service	41st— <i>Jasper</i>	84(1st)
Klein, Jarad Keota	Farmer	89th— <i>Jefferson, Johnson, Washington</i>	84(1st)
Koester, Kevin Ankeny	School Administrator	70th— <i>Polk</i>	83(1st), 83(2nd), 84(1st)
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), 84(1st)
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), 84(1st)
Lofgren, Mark S. Muscatine	Investment Sales	80th— <i>Muscatine</i>	84(1st)
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), 84(1st)
Lykam, Jim Davenport	Small Business Owner	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), 84(1st)
Mascher, Mary Iowa City	Retired/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), 84(1st)
Massie, Glen H. Des Moines	Diesel Technician- Trainer	74th— <i>Warren</i>	84(1st)
McCarthy, Kevin M. Des Moines	Minority 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), 84(1st)
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), 84(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Miller, Linda J. Bettendorf	Retired/Registered Nurse	82nd— <i>Scott</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)
Moore, Brian Zwingle	Farmer/Truck Driver	25th— <i>Clinton, Dubuque, Jackson</i>	84(1st)
Muhlbauer, Dan Manilla	Farmer	51st— <i>Carroll, Crawford, Sac</i>	84(1st)
Murphy, Patrick J. Dubuque		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), 84(1st)
Oldson, Jo Des Moines	Attorney	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), 84(1st)
Olson, Rick Des Moines	Attorney	68th— <i>Polk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)
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), 84(1st)
Olson, Tyler Cedar Rapids	Small Business Owner	38th— <i>Linn</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)
Paulsen, Kraig Hiawatha	Speaker of the House/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), 84(1st)
Paustian, Ross C. Walcott	Farmer	84th— <i>Scott</i>	84(1st)
Pearson, Kim Pleasant Hill	Retired Attorney/Home Educator	42nd— <i>Jasper, Polk</i>	84(1st)
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), 84(1st)
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), 84(1st)
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), 84(1st)

Name and Residence	Occupation	Representative District	Legislative Service
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), 84(1st)
Rasmussen, Dan Independence	Executive Director— Land Improvement Contractor Association	23rd—Black Hawk, <i>Buchanan, Fayette</i>	84(1st)
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), 84(1st)
Rogers, Walt Cedar Falls	Founder and Director—Urban Hope Leadership	20th— <i>Black Hawk</i>	84(1st)
Running-Marquardt, Kirsten Cedar Rapids	District Representative for United States Congressman Dave Loebsack	33rd— <i>Linn</i>	83(2nd), 84(1st)
Sands, Thomas R. Wapello	Bank Officer/Real Estate Appraiser/Farm Owner	87th—Des Moines, <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), 84(1st)
Schulte, Renee Cedar Rapids	Strategic Planning Consultant—Four Oaks Inc.	37th— <i>Linn</i>	83(1st), 83(2nd), 84(1st)
Schultz, Jason Schleswig	Farmer	55th— <i>Crawford, Ida,</i> <i>Monona, Woodbury</i>	83(1st), 83(2nd), 84(1st)
Shaw, Tom W. Laurens	Peace Officer	8th—Humboldt, <i>Kossuth, Pocahontas,</i> <i>Webster</i>	84(1st)
Smith, Jeff Okoboji	Retired Banker	6th—Clay, <i>Dickinson</i>	84(1st)
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), 84(1st)
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), 84(1st)
Steckman, Sharon S. Mason City	Retired/Educator	13th— <i>Cerro Gordo</i>	83(1st), 83(2nd), 84(1st)
Swaim, Kurt Bloomfield	Lawyer	94th—Appanoose, <i>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), 84(1st)

Name and Residence	Occupation	Representative District	Legislative Service
Sweeney, Annette Alden	Farmer/Publisher	44th—Franklin, <i>Hardin</i> , Marshall	83(1st), 83(2nd), 84(1st)
Taylor, Jeremy Sioux City	Educator	1st— <i>Woodbury</i>	84(1st)
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), 84(1st)
Thede, Phyllis Bettendorf	Attendance Secretary— Williams Intermediate School	81st— <i>Scott</i>	83(1st), 83(2nd), 84(1st)
Thomas, Roger Elkader	Executive Director— Elkader Development Corporation/Main Street Elkader	24th— <i>Clayton</i> , Delaware, <i>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), 84(1st)
Tjepkes, David A. Gowrie	Retired/State Trooper	50th— <i>Calhoun</i> , <i>Greene</i> , <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), 84(1st)
Upmeyer, Linda L. Garner	Majority Leader/Nurse Practitioner	12th— <i>Cerro Gordo</i> , <i>Franklin</i> , <i>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), 84(1st)
Van Engelenhoven, Jim Pella	Farmer	71st— <i>Jasper</i> , <i>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), 84(1st)
Vander Linden, Guy Oskaloosa	Retired Marine	75th— <i>Mahaska</i> , <i>Poweshiek</i>	84(1st)
Wagner, Nick Marion	Electrical Engineer	36th— <i>Linn</i>	83(1st), 83(2nd), 84(1st)
Watts, Ralph C. Adel	Retired/Engineer	47th— <i>Boone</i> , <i>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), 84(1st)
Wenthe, Andrew J. Hawkeye	Vice President of External Affairs—Upper Iowa University	18th— <i>Black Hawk</i> , <i>Bremer</i> , <i>Fayette</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)
Wessel-Kroeschell, Beth Ames	Legislator	45th— <i>Story</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)
Willems, Nathan Lisbon	Attorney	29th— <i>Johnson</i> , <i>Linn</i>	83(1st), 83(2nd), 84(1st)

Name and Residence	Occupation	Representative District	Legislative Service
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), 84(1st)
Windschitl, Matt W. Missouri Valley	Gunsmith/Conductor— Union Pacific Railroad	56th— <i>Harrison</i> , Monona, Pottawattamie	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)
Wittneben, John Estherville	Professional Land Surveyor	7th— <i>Emmet</i> , Kossuth, Palo Alto	84(1st)
Wolfe, Mary Clinton	Attorney	26th— <i>Clinton</i>	84(1st)
Worthan, Gary Storm Lake	Farmer	52nd— <i>Buena Vista</i> , Sac	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st)

JUDICIAL BRANCH

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	City of Office	Term Ending
Mark S. Cady, C.J.	Fort Dodge	December 31, 2016
David S. Wiggins	West Des Moines	December 31, 2012
Daryl L. Hecht	Sloan	December 31, 2016
Brent R. Appel	Ackworth	December 31, 2016
Thomas D. Waterman	Pleasant Valley	December 31, 2012
Edward M. Mansfield	Des Moines	December 31, 2012
Bruce B. Zager	Waterloo	December 31, 2012

JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Rosemary Shaw Sackett, C.J.	Spirit Lake	December 31, 2014
Gayle N. Vogel	Spirit Lake	December 31, 2016
Anuradha Vaitheswaran	Des Moines	December 31, 2012
Larry J. Eisenhauer	Ankeny	December 31, 2014
Amanda Potterfield	Tiffin	December 31, 2016
Richard H. Doyle	Des Moines	December 31, 2016
David R. Danilson	Boone	December 31, 2016
Mary E. Tabor	Des Moines	December 31, 2012
Michael R. Mullins	Washington	December 31, 2012

CONGRESSIONAL DELEGATION AND DISTRICT OFFICES

UNITED STATES SENATORS

Senator Tom Harkin (D)

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1606 Brady Street
Suite 323
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Sioux City, Iowa 51101
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Fax (712) 732-4217

CONDITION OF STATE TREASURY

June 30, 2010

	Balance July 1, 2009	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2010
General Fund	\$ 413,363,032	\$11,622,198,205	\$12,035,561,237	\$11,338,810,843	\$ 696,750,394
Special Revenue Fund	1,105,256,124	5,733,745,682	6,839,001,806	5,360,492,859	1,478,508,947
Capitol Projects Fund	12,818,553	48,899,588	61,718,141	44,533,723	17,184,418
Debt Service Fund	659	7	666	0	666
Enterprise Fund	44,375,084	543,772,647	558,147,731	541,999,580	46,148,151
Internal Service Fund	90,168,754	571,966,355	662,135,109	573,335,138	88,799,971
Expendable Trust Fund	157,438,505	1,346,269,230	1,503,707,735	1,343,845,490	159,862,245
Nonexpendable Trust Fund	19,959,990	3,616,142	23,576,132	210,238	23,365,894
Pension Fund	18,365,245,849	1,540,191,279	19,905,437,128	1,388,909,805	18,516,527,323
Trust and Agency Fund	281,407,253	4,805,928,506	5,087,335,759	4,801,577,418	285,758,341
Totals	<u>\$20,490,033,803</u>	<u>\$26,216,587,641</u>	<u>\$46,706,621,444</u>	<u>\$25,393,715,094</u>	<u>\$21,312,906,350</u>

Balance July 1, 2009	\$20,490,033,803
Receipts and Transfers	26,216,587,641
Total Available	46,706,621,444
Disbursements and Transfers	25,393,715,094
Balance June 30, 2010	\$21,312,906,350

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE ACCOUNTING ENTERPRISE

May 4, 2011

ANALYSIS BY CHAPTERS

2011 REGULAR SESSION

For Conversion Tables of Senate and House Files and Joint Resolutions to chapters of the 2011 Acts, Regular Session, see page 690

CH.	FILE	TITLE
1	SF 72	Professional limited liability companies — professions, combined practice, and scope of practice
2	SF 325	Public corporations and boards of directors
3	SF 464	Mourning dove hunting season
4	HF 267	Historic properties regulation — archeological site surveys by rural electric cooperatives
5	SF 149	Motor vehicle operator competency screening — reports by advanced registered nurse practitioners and physician assistants
6	SF 244	Release and satisfaction of judgments
7	SF 259	Presentence investigation reports and sentencing standards — mental health and substance abuse history
8	SF 291	Discovery of privileged records in criminal proceedings
9	SF 299	Waste management and environmental remediation
10	SF 327	Children with mental illness or retardation — juvenile court disposition
11	SF 400	Conveyance or encumbrance of homestead by a spouse
12	SF 402	Injured veterans grant program
13	SF 429	Agricultural development authority
14	SF 483	School administrator preparation and licensing — out-of-state programs and institutions
15	HF 290	Motorcycles with detachable stabilizing rear wheels
16	HF 453	Regulation of egg handlers
17	HF 617	Alcoholic beverages regulation — miscellaneous changes
18	HF 245	Posthumously conceived and born children — status — rights
19	SF 124	Electronic contraband in jails, municipal holding facilities, and correctional facilities
20	SF 470	Community colleges — miscellaneous provisions — drinking drivers courses
21	HF 243	Updates to county transfer books and index
22	HF 271	Detention of criminal defendants and inmates
23	HF 348	Cooperative associations — voting methods
24	SF 7	Operating a motorboat or sailboat while intoxicated
25	SF 474	Nonsubstantive Code corrections
26	HF 393	Death certificates — physician assistants or advanced registered nurse practitioners
27	HF 468	Cooperative associations — preferred stock dividends
28	HF 562	Child abuse assessment and registry changes
29	SF 233	Medicaid — behavioral health services — licensed mental health counselors and certified alcohol and drug counselors
30	SF 240	Alcoholic beverages regulation — additional miscellaneous changes
31	SF 321	On-farm food commodity processing operations — wastewater disposal
32	SF 367	Extracurricular interscholastic activities — concussion and brain injury policies
33	SF 396	Construction contracts — indemnity provisions
34	SF 475	Substantive Code corrections
35	SF 120	Educational examiners board — license revocation or disqualification standards
36	SF 122	Postsecondary education institutions and student financial aid
37	SF 123	Educational examiners board — civil liability immunity
38	SF 205	Transportation — vehicles, motor vehicle operators, motor carriers, and public transit

CH.	FILE	TITLE
39	SF 393	Drainage and levee districts — written communications to state or local government
40	SF 427	Bingo — community festivals and electronic equipment
41	SF 512	Internal revenue code, income tax provisions, and other financial matters
42	HF 195	Military service members — visitation or physical care parenting time
43	HF 321	County attorney duties — schools, extradition, and securing witnesses
44	HF 329	Equipment dealership agreements — supplier liability
45	HF 364	Veterans records — roster of information
46	HF 532	Regulation of agriculture — miscellaneous changes
47	SF 194	Regulation of military service and property
48	SF 389	National guard educational assistance program funding
49	SF 399	Regulation of veterans benefits appeal services advertising
50	HF 132	Tax increment financing — filing of municipal ordinances
51	HF 299	Copper theft ordinances and trespass on public utility property
52	HF 389	Medicaid fraud control investigative costs
53	HF 454	Unpaid city utility rates or charges — certification for collection
54	HF 474	Purple heart day
55	HF 512	Authorized public funds investments
56	HF 565	Business entity regulation — foreign corporations and professional limited liability companies
57	HF 593	Licensed massage therapist education requirements
58	SF 286	Prescription monitoring program
59	SF 428	Levee or drainage districts — state benefits assessment
60	HF 322	Epilepsy treatment and education task force
61	HF 390	Alzheimer's disease — workgroup — response strategy
62	HF 404	Prepaid cemetery and funeral merchandise and funeral services — trust or surety bond payments
63	HF 467	Public health regulation — miscellaneous changes
64	HF 516	Subdivision plat approval process — improvements — notice
65	SF 197	Fire protection systems and electrician licensure
66	SF 260	Out-of-state insurers who become domestic insurers — transfer tax eliminated
67	SF 279	Child support recovery changes
68	SF 312	Business-trade and special truck registration plates
69	SF 315	Emergency management and planning
70	SF 406	Regulation of securities, insurance, and cemetery and funeral merchandise and services
71	SF 453	High school graduation requirements
72	SF 456	Possession or receipt of firearms — mental health commitments or adjudications
73	SF 460	Regulation of real estate brokers and salespersons
74	HF 363	Regulation of veterans affairs
75	HF 536	Audits and examinations of public financial activities and expenditures
76	HF 682	Congressional and legislative redistricting
77	SF 243	Alternate energy production facility — definition
78	SF 326	Judicial nominating commissioners and judicial officers — appointment and qualification
79	SF 361	Iowa state fair board, foundation, and funding
80	SF 438	Dentists — licensing reciprocity
81	SF 478	Livestock — care and feeding — liens — neglect
82	HF 484	Public funds deposit and investment — Iran
83	HF 537	Regulation of assisted living programs
84	HF 557	Swine health regulation — exhibitions
85	HF 592	Agricultural education advisory council
86	HF 126	Lobbyist registrations and client reports
87	HF 405	Bank and credit union records and related civil proceedings
88	HF 493	Public employee compensation — felony convictions — civil penalties
89	HF 658	Regulation of grade "A" milk
90	SF 418	Disclosure of new motor vehicle repairs

CH.	FILE	TITLE
91	SF 424	District-to-community college program and facilities sharing pilot program
92	SF 515	Streamlined sales and use tax administration
93	HF 254	Iowa communications network — utilization changes
94	HF 654	Drainage and levee districts — miscellaneous changes
95	SF 236	Public safety — miscellaneous changes
96	SF 397	Impersonating a decorated military veteran
97	SF 407	Sewage disposal regulation and enforcement
98	SF 482	Human services — miscellaneous changes
99	SF 521	Historic preservation and cultural and entertainment district tax credits — rehabilitation of property
100	HF 392	Licensing of plumbers, mechanical professionals, and contractors
101	HF 597	External review of health care coverage decisions
102	HF 328	Banking and mortgage loan administration
103	HF 461	Tagging deer carcasses
104	HF 679	Replacement tax for new cogeneration facilities
105	HF 652	Individual income tax — active duty military service pay
106	SF 289	Government records and meetings
107	SF 302	Endow Iowa program tax credits
108	SF 412	Benefited recreational lake and water quality districts
109	SF 434	Collection of property taxes, fees, and related charges
110	HF 676	Leased motor vehicles — new registrations — fee exemptions
111	SF 526	Gambling regulation and licensing
112	SF 530	Family farm property tax credit
113	SF 531	Motor fuels — regulation, dispensing, and tax credits and refunds
114	HF 651	Special motor vehicle registration plates — civil war, fallen peace officers, military combat
115	HF 672	Renewable energy development incentives
116	SF 514	Brownfields and grayfields redevelopment tax credit program
117	HF 148	State budget practices — revenue estimates and appropriation transfers
118	HF 590	Economic development agencies and programs
119	SF 535	Water resources coordinating council
120	SF 313	Medical assistance program — miscellaneous changes
121	SF 525	Disability services
122	HF 45	Miscellaneous appropriation reductions, transfers, and supplementals
123	SF 209	Miscellaneous supplemental appropriations and public funding measures
124	HF 698	Appropriations — temporary determinations, short-term funding, and state library personnel
125	HF 683	Appropriations — transportation
126	SF 508	Federal block grant appropriations and other federal funding
127	HF 646	Appropriations — administration and regulation
128	SF 509	Appropriations — agriculture and natural resources
129	HF 649	Appropriations — health and human services
130	SF 517	Appropriations — economic development
131	SF 533	State and local government financial and regulatory matters — appropriations and miscellaneous changes
132	HF 645	Appropriations — education
133	HF 648	Appropriations — infrastructure and capital projects
134	SF 510	Appropriations — justice system
135	SF 511	Appropriations — judicial branch
136	HJR 16	Dr. Norman Borlaug statue — placement at United States capitol

2011 Regular Session
of the
Eighty-Fourth General Assembly
of the
State of Iowa

CHAPTER 1

PROFESSIONAL LIMITED LIABILITY COMPANIES — PROFESSIONS, COMBINED
PRACTICE, AND SCOPE OF PRACTICE

S.F. 72

AN ACT relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions.

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

Section 1. Section 489.1101, subsection 4, Code 2011, 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, or marital and family therapy, provided that the marital and family therapist is licensed under chapters 147 and 154D.

Sec. 2. Section 489.1102, Code 2011, is amended to read as follows:

489.1102 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 certificate 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 489.1105, Code 2011, is amended to read as follows:

489.1105 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 a member, manager, employee, or agent, who is licensed to practice the same profession in this state. In its practice of a profession, a professional limited liability company shall not do any act which could not lawfully be done by an individual 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 489.1102.

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 489.1114, Code 2011, is amended to read as follows:

489.1114 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 489.1102, 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 professional 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. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 6. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2011.

Approved March 17, 2011

CHAPTER 2

PUBLIC CORPORATIONS AND BOARDS OF DIRECTORS

S.F. 325

AN ACT relating to the boards of directors of public corporations, and including effective date provisions.

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

Section 1. Section 490.140, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 21A. “*Public corporation*” means a corporation that has a class of voting stock that is listed on a national securities exchange or held of record by more than two thousand shareholders.

Sec. 2. Section 490.702, subsection 5, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Notwithstanding subsections 1 through 4, a public corporation which has a class of voting stock that is listed on a national securities exchange, authorized for quotation on the national association of securities dealers automated quotations — national market system, or held of

~~record by more than two thousand shareholders~~, is required to hold a special meeting only upon the occurrence of either of the following:

Sec. 3. Section 490.803, subsections 2 and 3, Code 2011, are amended to read as follows:

2. a. The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the bylaws.

b. Notwithstanding paragraph "a", the number of directors of a public corporation subject to section 490.806A, subsection 1, shall be increased or decreased only by the affirmative vote of a majority of its board of directors.

3. Directors are elected at the first annual shareholders' meeting and at each annual meeting thereafter unless their terms are staggered under section 490.806 or 490.806A.

Sec. 4. Section 490.805, subsections 2 and 4, Code 2011, are amended to read as follows:

2. The terms of all other directors expire at the next annual shareholders' meeting following their election unless their terms are staggered under section 490.806 or 490.806A.

4. The term of a director elected to fill a vacancy expires at the next shareholders' meeting at which directors are elected, except as provided in section 490.806A.

Sec. 5. Section 490.806, Code 2011, is amended to read as follows:

490.806 Staggered terms for directors.

The Except as otherwise provided in section 490.806A, a corporation's articles of incorporation may provide for staggering the terms of its directors by dividing the total number of directors into two or three groups, with each group containing one-half or one-third of the total, as near as may be. In that event, the terms of directors in the first group expire at the first annual shareholders' meeting after their election, the terms of the second group expire at the second annual shareholders' meeting after their election, and the terms of the third group, if any, expire at the third annual shareholders' meeting after their election. At each annual shareholders' meeting held thereafter, directors shall be chosen for a term of two years or three years, as the case may be, to succeed those whose terms expire.

Sec. 6. **NEW SECTION. 490.806A Public corporations — staggered terms.**

1. Except as provided in subsection 2, and notwithstanding anything to the contrary in the articles of incorporation or bylaws of a public corporation, the terms of directors of a public corporation shall be staggered by dividing the number of directors into three groups, as nearly equal in number as possible. The first group shall be referred to as "class I directors", the second group shall be referred to as "class II directors", and the third group shall be referred to as "class III directors".

a. On or before the date on which a public corporation first convenes an annual shareholders' meeting following the time the public corporation becomes subject to this subsection, the board of directors of the public corporation shall by majority vote designate from among its members directors to serve as class I directors, class II directors, and class III directors.

b. The terms of directors serving in office on the date that the public corporation becomes subject to this subsection shall be as follows:

(1) Class I directors shall continue in office until the first annual shareholders' meeting following the date that the public corporation becomes subject to this subsection, and until their successors are elected. The shareholders' meeting shall be conducted not less than eleven months following the last annual shareholders' meeting conducted before the public corporation became subject to this subsection.

(2) Class II directors shall continue in office until one year following the first annual shareholders' meeting described in subparagraph (1), and until their successors are elected.

(3) Class III directors shall continue in office until two years following the first annual shareholders' meeting described in subparagraph (1), and until their successors are elected.

c. At each annual shareholders' meeting of a public corporation subject to this subsection, the successors to the class of directors whose term expires at that meeting shall be elected to hold office for a term of three years following such meeting and until their successors are elected.

d. The board of directors of a public corporation subject to this subsection shall adopt an amendment to its articles of incorporation as provided in section 490.1005A.

e. Notwithstanding this subsection, the articles of incorporation of a public corporation may confer upon the holders of preferred shares the right to elect one or more directors pursuant to section 490.804, who shall serve for such term, and have such voting powers, as shall be stated in the articles of incorporation.

2. Every public corporation shall be subject to subsection 1, unless it is exempt pursuant to this subsection.

a. (1) In order for a public corporation in existence on the effective date of this Act to be exempt from subsection 1, its board of directors must adopt a resolution or take action under section 490.821 expressly making an election to be exempt from the provisions of subsection 1. Such resolution or action must be adopted or taken within forty days after the effective date of this Act.

(2) Upon adopting the resolution or taking board action under section 490.821, the public corporation is no longer subject to subsection 1, effective immediately unless otherwise provided for in the resolution or by the board action.

b. If on the effective date of this Act the articles of incorporation of the public corporation already provide for staggering the terms of its directors under section 490.806, the public corporation shall be exempt from the provisions of subsection 1. In such event, no further corporate action is required, and the public corporation is not required to amend or modify any provision of its articles of incorporation or bylaws in order to be exempt from subsection 1.

c. A corporation that becomes a public corporation on or after the effective date of this Act is exempt from the provisions of subsection 1.

Sec. 7. Section 490.810, Code 2011, is amended by adding the following new subsection: **NEW SUBSECTION.** 1A. For a public corporation subject to section 490.806A, subsection 1, a vacancy on the board of directors, including but not limited to a vacancy resulting from an increase in the number of directors, shall be filled solely by the affirmative vote of a majority of the remaining directors, even though less than a quorum of the board.

Sec. 8. **NEW SECTION. 490.1005A Public corporation — amendment by board of directors.**

1. The board of directors of a public corporation subject to section 490.806A, subsection 1, shall adopt an amendment to its articles of incorporation which includes all of the following:

a. A statement that the public corporation is subject to section 490.806A, subsection 1.

b. Any necessary changes to the articles of incorporation required to implement the requirements of section 490.806A, subsection 1, including by staggering the terms of the board of directors as described in that subsection.

2. Any amendment to the articles of incorporation as provided in subsection 1 of this section shall be made without shareholder approval.

Sec. 9. **REPEAL.**

1. This Act is repealed on December 31, 2014.

2. However, a public corporation that has amended its articles of incorporation under section 490.1005A prior to the date of repeal shall continue to stagger the terms of its directors as provided in section 490.806A, subsection 1, until such time as the articles of incorporation are specifically amended to remove or modify the staggered terms in accordance with the procedures of chapter 490.

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

Approved March 23, 2011

CHAPTER 3**MOURNING DOVE HUNTING SEASON***S.F. 464*

AN ACT allowing the establishment of an open season for hunting mourning doves.

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

Section 1. Section 481A.48, subsection 1, Code 2011, is amended to read as follows:

1. ~~No~~ A person, except as otherwise provided by law, shall not willfully disturb, pursue, shoot, kill, take or attempt to take or have in possession any of the following game birds or animals except within the open season established by the commission: Gray or fox squirrel, bobwhite quail, cottontail or jackrabbit, duck, snipe, pheasant, goose, woodcock, partridge, mourning dove, coot, rail, ruffed grouse, wild turkey, pigeons, or deer. The seasons, bag limits, possession limits, and locality shall be established by the department or commission under the authority of sections 456A.24, 481A.38, and 481A.39.

Approved March 24, 2011

CHAPTER 4**HISTORIC PROPERTIES REGULATION — ARCHEOLOGICAL SITE SURVEYS BY RURAL ELECTRIC COOPERATIVES***H.F. 267*

AN ACT relating to the historical division of the department of cultural affairs, including the identification of historic properties by certain rural electric cooperatives and including effective date provisions.

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

Section 1. Section 303.2, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. Develop standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance, operation, and interpretation of properties under the jurisdiction of the division. The administrator of the division shall serve as the state historic preservation officer, certified by the governor, pursuant to federal requirements. The recommendations and decisions of the state historic preservation officer shall be subject to the review and approval of the director.

Sec. 2. **NEW SECTION. 303.19A Effort required of rural electric cooperatives receiving federal funding to identify historic properties.**

1. The state historic preservation officer shall only recommend that a rural electric cooperative¹ constructing electric distribution and transmission facilities for which it is receiving federal funding conduct an archeological site survey of its proposed route when, based upon a review of existing information on historic properties within the area of potential effects of the construction, the state historic preservation officer has determined that a historic property, as defined by the federal National Historic Preservation Act of 1966, as amended, is likely to exist within the proposed route.

2. The state historic preservation officer shall not require a level of archeological identification effort which is greater than the reasonable and good faith effort required by

¹ See chapter 131, §92, 102 herein

the federal agency. Such effort shall reflect the public interest and shall take into account the likelihood and magnitude of potential impacts to historic properties and project costs.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 29, 2011

CHAPTER 5

MOTOR VEHICLE OPERATOR COMPETENCY SCREENING — REPORTS BY ADVANCED REGISTERED NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS

S.F. 149

AN ACT allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

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

Section 1. Section 321.186, subsection 4, Code 2011, is amended to read as follows:

4. A physician licensed under chapter 148, an advanced registered nurse practitioner licensed under chapter 152 and registered with the board of nursing, a physician assistant licensed under chapter 148C, or an optometrist licensed under chapter 154 may report to the department the identity of a person who has been diagnosed as having a physical or mental condition which would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. The physician, advanced registered nurse practitioner, physician assistant, or optometrist shall make reasonable efforts to notify the person who is the subject of the report, in writing. The written notification shall state the nature of the disclosure and the reason for the disclosure. A physician, advanced registered nurse practitioner, physician assistant, or optometrist making a report under this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report. A physician, advanced registered nurse practitioner, physician assistant, or optometrist has no duty to make a report or to warn third parties with regard to any knowledge concerning a person's mental or physical competency to operate a motor vehicle in a safe manner. Any report received by the department from a physician, advanced registered nurse practitioner, physician assistant, or optometrist under this section shall be kept confidential. Information regulated by chapter 141A shall be subject to the confidentiality provisions and remedies of that chapter.

Approved March 30, 2011

CHAPTER 6

RELEASE AND SATISFACTION OF JUDGMENTS

S.F. 244

AN ACT relating to the release and satisfaction of judgments.

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

Section 1. Section 624.23, subsection 2, paragraph c, Code 2011, is amended to read as follows:

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. The court may order that in lieu of posting the bond with the clerk of court, the bond may be deposited in either the trust account of an attorney licensed to practice law in this state or in a federally insured depository institution, along with the restriction that the bond not be disbursed except as the court may direct. 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.

Sec. 2. Section 624.37, Code 2011, is amended to read as follows:

624.37 Satisfaction of judgment — penalty.

1. When the amount due upon judgment is paid off, or satisfied in full, the party entitled to the proceeds thereof, or those acting for that party, must acknowledge satisfaction of the judgment by the execution of an instrument referring to it, duly acknowledged or notarized in the manner prescribed in chapter 9E, and filed in the office of the clerk in every county wherein the judgment is a lien. A failure to ~~do so~~ acknowledge satisfaction of the judgment in such manner within thirty days after having been requested to do so in a writing containing a draft release of the judgment shall subject the delinquent party to a penalty of one four hundred dollars plus reasonable attorney fees incurred by the party aggrieved, to be recovered in an action for the satisfaction or acknowledgment by the party aggrieved by a motion filed in the court that rendered the original judgment requesting that the payor of the judgment, if different from the judgment debtor, be subrogated to the rights of the judgment creditor, that the court determine the amount currently owed on the judgment, or any other relief as may be necessary to accomplish payment and satisfaction of the judgment. If the motion relates to a lien of judgment as to specific property, the motion may be filed by a person with an interest in the property.

2. Upon the filing of an affidavit to the motion that a judgment creditor cannot be located or is unresponsive to requests to accept payment within the thirty-day period described in subsection 1, and upon court order, payment upon a judgment may be made to the treasurer of state as provided in chapter 556 and the treasurer's receipt for the funds is conclusive proof of payment on the judgment.

Sec. 3. Section 631.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The district court sitting in small claims has concurrent jurisdiction of motions and orders relating to releases of judgments in whole or in part including motions and orders under section 624.23, subsection 2, paragraph "c" and section 624.37, where the amount owing on the judgment, including interests and costs, is five thousand dollars or less.

Approved March 30, 2011

CHAPTER 7**PRESENTENCE INVESTIGATION REPORTS AND SENTENCING STANDARDS —
MENTAL HEALTH AND SUBSTANCE ABUSE HISTORY***S.F. 259*

AN ACT relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

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

Section 1. Section 901.3, subsection 1, Code 2011, is amended to read as follows:

1. The defendant's characteristics, family and financial circumstances, needs, and potentialities, ~~including the presence of any previously diagnosed mental disorder.~~

Sec. 2. Section 901.3, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Whether the defendant has a history of mental health or substance abuse problems. If so, the investigator shall inquire into the treatment options available in both the community of the defendant and the correctional system.

Sec. 3. Section 901.3, subsection 7, unnumbered paragraph 2, Code 2011, is amended to read as follows:

All local and state mental and correctional institutions, courts, and police agencies shall furnish to the investigator on request the defendant's criminal record and other relevant information. The originating source of specific mental health or substance abuse information including the histories, treatment, and use of medications shall not be released to the presentence investigator unless the defendant authorizes the release of such information. If the defendant refuses to release the information, the presentence investigator may note the defendant's refusal to release mental health or substance abuse information in the presentence investigation report and rely upon other mental health or substance abuse information available to the presentence investigator. With the approval of the court, a physical examination or psychiatric evaluation of the defendant may be ordered, or the defendant may be committed to an inpatient or outpatient psychiatric facility for an evaluation of the defendant's personality and mental health. The results of any such examination or evaluation shall be included in the report of the investigator.

Sec. 4. Section 907.5, Code 2011, is amended to read as follows:

907.5 Standards for release on probation — written reasons.

Before deferring judgment, deferring sentence, or suspending sentence, the court first shall determine which option, if available, will provide maximum opportunity for the rehabilitation of the defendant and protection of the community from further offenses by the defendant and others. In making this determination, the court shall consider the age of the defendant; the defendant's prior record of convictions and prior record of deferments of judgment if any; the defendant's employment circumstances; the defendant's family circumstances; the defendant's mental health and substance abuse history and treatment options available in the community and the correctional system; the nature of the offense committed; and such other factors as are appropriate. The court shall file a specific written statement of its reasons for and the facts supporting its decision to defer judgment, to defer sentence, or to suspend sentence, and its decision on the length of probation.

Approved March 30, 2011

CHAPTER 8**DISCOVERY OF PRIVILEGED RECORDS IN CRIMINAL PROCEEDINGS***S.F. 291*

AN ACT relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

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

Section 1. Section 228.6, subsection 4, Code 2011, is amended to read as follows:

4. a. Mental health information may be disclosed in a civil or administrative proceeding in which an individual eighteen years of age or older or an individual's legal representative or, in the case of a deceased individual, a party claiming or defending through a beneficiary of the individual, offers the individual's mental or emotional condition as an element of a claim or a defense.

b. Mental health information may be disclosed in a criminal proceeding pursuant to section 622.10, subsection 3A.

Sec. 2. Section 622.10, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. Except as otherwise provided in this subsection, the confidentiality privilege under this section shall be absolute with regard to a criminal action and this section shall not be construed to authorize or require the disclosure of any privileged records to a defendant in a criminal action unless either of the following occur:

(1) The privilege holder voluntarily waives the confidentiality privilege.

(2) (a) The defendant seeking access to privileged records under this section files a motion demonstrating in good faith a reasonable probability that the information sought is likely to contain exculpatory information that is not available from any other source and for which there is a compelling need for the defendant to present a defense in the case. Such a motion shall be filed not later than forty days after arraignment under seal of the court. Failure of the defendant to timely file such a motion constitutes a waiver of the right to seek access to privileged records under this section, but the court, for good cause shown, may grant relief from such waiver.

(b) Upon a showing of a reasonable probability that the privileged records sought may likely contain exculpatory information that is not available from any other source, the court shall conduct an in camera review of such records to determine whether exculpatory information is contained in such records.

(c) If exculpatory information is contained in such records, the court shall balance the need to disclose such information against the privacy interest of the privilege holder.

(d) Upon the court's determination, in writing, that the privileged information sought is exculpatory and that there is a compelling need for such information that outweighs the privacy interests of the privilege holder, the court shall issue an order allowing the disclosure of only those portions of the records that contain the exculpatory information. The court's order shall also prohibit any further dissemination of the information to any person, other than the defendant, the defendant's attorney, and the prosecutor, unless otherwise authorized by the court.

b. Privileged information obtained by any means other than as provided in paragraph "a" shall not be admissible in any criminal action.

Sec. 3. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 30, 2011

CHAPTER 9**WASTE MANAGEMENT AND ENVIRONMENTAL REMEDIATION***S.F. 299*

AN ACT relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

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

Section 1. Section 29C.8A, subsection 1, Code 2011, is amended to read as follows:

1. An emergency response fund is created in the state treasury. The first one hundred thousand dollars received annually by the treasurer of state for the civil penalties and fines imposed by the court pursuant to sections 455B.146, 455B.191, 455B.386, ~~455B.417~~, ~~455B.454~~, ~~455B.466~~, and 455B.477 shall be deposited in the waste volume reduction and recycling fund created in section 455D.15. The next hundred thousand dollars shall be deposited in the emergency response fund and any additional moneys shall be deposited in the household hazardous waste account. All moneys received annually by the treasurer of the state for the fines imposed by sections 716B.2, 716B.3, and 716B.4 shall also be deposited in the emergency response fund.

Sec. 2. Section 455B.104, subsection 1, Code 2011, is amended to read as follows:

1. The department shall either approve or deny a permit to a person applying for a permit under this chapter within six months from the date that the department receives a completed application for the permit. An application which is not approved or denied within the six-month period shall be approved by default. The department shall issue a permit to the applicant within ten days following the date of default approval. However, this subsection shall not apply to applications for permits which are issued under division II or division IV, parts 2 through 7 5.

Sec. 3. Section 455B.411, subsections 5 through 11, Code 2011, are amended by striking the subsections.

Sec. 4. Section 455B.426, subsection 2, Code 2011, is amended to read as follows:

2. The director shall investigate all known or suspected hazardous waste or hazardous substance disposal sites and determine whether each site should be included in the registry. In the evaluation of known or suspected hazardous waste or hazardous substance disposal sites, the director may enter private property and perform tests and analyses ~~in the manner provided in section 455B.416~~.

Sec. 5. Section 455B.426, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 3. Beginning July 1, 2011, a new site shall not be placed on the registry of confirmed hazardous waste or hazardous substance disposal sites.

NEW SUBSECTION. 4. A site placed on the registry of confirmed hazardous waste or hazardous substance disposal sites prior to July 1, 2011, shall be removed upon the execution of a uniform environmental covenant pursuant to the provisions of chapter 455I relating to the contaminated portions of the property listed on the registry. A site may also be removed from the registry pursuant to section 455B.427, subsection 4.

NEW SUBSECTION. 5. If no sites remain listed on the registry of confirmed hazardous waste or hazardous substance disposal sites, the department shall recommend to the general assembly the repeal of this section and sections 455B.427 through 455B.432.

Sec. 6. Section 455D.15, subsection 3, paragraph a, Code 2011, is amended by striking the paragraph.

Sec. 7. Section 455H.102, Code 2011, is amended to read as follows:

455H.102 Scope.

The environmental remediation standards established under this chapter shall be

used for any response action or other site assessment or remediation that is conducted at a site enrolled pursuant to this chapter notwithstanding provisions regarding water quality in chapter 455B, division III; hazardous conditions in chapter 455B, division IV, part 4; hazardous waste and substance management in chapter 455B, division IV, part 5; underground storage tanks, other than petroleum underground storage tanks, in chapter 455B, division IV, part 8; ~~contaminated sites in chapter 455B, division VIII;~~ and groundwater protection in chapter 455E.

Sec. 8. Section 558.69, subsection 1, paragraph e, Code 2011, is amended to read as follows:

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.

Sec. 9. Section 716B.1, subsections 5 and 6, Code 2011, are amended to read as follows:

5. ~~“Storage” or “store” means storage as defined in section 455B.411, subsection 9~~ the containment of a hazardous waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal of the hazardous waste.

6. ~~“Treatment” or “treat” means treatment as defined in section 455B.411, subsection 10~~ a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of a hazardous waste so as to neutralize the waste or to render the waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or to reduce the waste in volume. “Treatment” includes any activity or processing designed to change the physical form or chemical composition of hazardous waste to render the waste nonhazardous.

Sec. 10. REPEAL. Sections 455B.116, 455B.241, 455B.242, 455B.243, 455B.244, 455B.245, 455B.246, 455B.312, 455B.316, 455B.412, 455B.413, 455B.414, 455B.415, 455B.416, 455B.417, 455B.418, 455B.419, 455B.420, 455B.421, 455B.441, 455B.442, 455B.443, 455B.444, 455B.445, 455B.446, 455B.447, 455B.448, 455B.449, 455B.450, 455B.451, 455B.452, 455B.453, 455B.454, 455B.455, 455B.461, 455B.462, 455B.463, 455B.465, 455B.466, 455B.467, 455B.468, 455B.504, 455B.601, and 455B.602, Code 2011, are repealed.

Sec. 11. REPEAL. Section 455D.8, Code 2011, is repealed.

Approved March 30, 2011

CHAPTER 10

CHILDREN WITH MENTAL ILLNESS OR RETARDATION — JUVENILE COURT DISPOSITION

S.F. 327

AN ACT relating to the disposition of a child with mental illness or mental retardation in juvenile court.

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

Section 1. Section 232.51, Code 2011, is amended to read as follows:

232.51 Disposition of child with mental illness or mental retardation.

1. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally ill, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment

proceedings in the juvenile court.—~~These and such~~ proceedings in the juvenile court shall adhere to the requirements of chapter 229.

2. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally retarded, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court.—These and such proceedings shall adhere to the requirements of chapter 222. If the child is committed as a child with mental illness or mental retardation, any order adjudicating the child to have committed a delinquent act shall be set aside and the petition shall be dismissed.

3. a. If prior to the adjudicatory or dispositional hearing on the pending delinquency petition, the child is committed as a child with a mental illness or mental retardation and is ordered into a residential facility, institution, or hospital for inpatient treatment, the delinquency proceeding shall be suspended until such time as the juvenile court either terminates the civil commitment order or the child is released from the residential facility, institution, or hospital for purposes of receiving outpatient treatment.

b. During any time that the delinquency proceeding is suspended pursuant to this subsection, any time limits for speedy adjudicatory hearings and continuances shall be tolled.

c. This subsection shall not apply to waiver hearings held pursuant to section 232.45.

Approved March 30, 2011

CHAPTER 11

CONVEYANCE OR ENCUMBRANCE OF HOMESTEAD BY A SPOUSE

S.F. 400

AN ACT relating to the conveyance or encumbrance of a homestead by a spouse.

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

Section 1. Section 561.13, Code 2011, is amended to read as follows:

561.13 Conveyance or encumbrance.

1. A conveyance or encumbrance of, or contract to convey or encumber the homestead, if the owner is married, is not valid, unless and until the spouse of the owner executes the same or a like instrument, or a power of attorney for the execution of the same or a like instrument, except as provided in subsection 3. However, when the homestead is conveyed or encumbered along with or in addition to other real estate, it is not necessary to particularly describe or set aside the tract of land constituting the homestead, whether the homestead is exclusively the subject of the contract or not, but the contract may be enforced as to real estate other than the homestead at the option of the purchaser or encumbrancer.

2. If a spouse who holds only homestead rights and surviving spouse's statutory share in the homestead specifically relinquishes homestead rights in an instrument, including a power of attorney constituting the other spouse as the husband's or wife's attorney in fact, as provided in section 597.5, it is not necessary for the spouse to join in the granting clause of the same or a like instrument.

3. A conveyance or encumbrance or a contract to convey or encumber the homestead is not invalid under subsection 1 if any of the following apply:

a. The nonsigning spouse's interest is terminated by a decree of dissolution of marriage or other order of the court.

b. The nonsigning spouse's right of recovery is barred by section 614.15.

c. The encumbrance is a purchase money mortgage as defined in section 654.12B.

d. A court sitting in equity enters a decree holding that invalidating the conveyance or encumbrance or a contract to convey or encumber the homestead would, directly or indirectly, unjustly enrich the nonsigning spouse.

4. For the purposes of this section, “nonsigning spouse” means a spouse who has not executed a conveyance or encumbrance or a contract to convey or encumber the homestead, the same or a like instrument, or a power of attorney for the execution of the same or a like instrument.

Approved March 30, 2011

CHAPTER 12

INJURED VETERANS GRANT PROGRAM

S.F. 402

AN ACT relating to the injured veterans grant program and including effective date and retroactive applicability provisions.

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

Section 1. Section 35A.14, subsection 5, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. (1) A seriously injured veteran meeting all other requirements of this section may receive additional grants for subsequent, unrelated injuries that meet the requirements of this section. Any subsequent, unrelated injury shall be treated as if it were an initial injury for the purposes of determining eligibility or allotment.

(2) Grants for veterans suffering subsequent, unrelated injuries after September 11, 2001, but prior to the effective date of this Act, shall be payable, upon a showing that the veteran would have been eligible for payment had the subsequent, unrelated injury occurred on or after the effective date of this Act.

Sec. 2. Section 35A.14, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The department may appear before the executive council and request funds to meet the funding needs of the grant program under this section if funds are made available to the executive council for this purpose.

Sec. 3. **EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY.** This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to September 11, 2001, for veterans suffering a subsequent, unrelated injury after that date.

Approved March 30, 2011

CHAPTER 13**AGRICULTURAL DEVELOPMENT AUTHORITY**

S.F. 429

AN ACT placing the agricultural development authority within the department of agriculture and land stewardship.

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

Section 1. Section 175.3, subsection 1, paragraphs a and c, Code 2011, are amended to read as follows:

a. The agricultural development authority is established within the department of agriculture and land stewardship. The agency¹ is constituted as a public instrumentality and agency of the state exercising public and essential governmental functions.

c. The powers of the authority are vested in and exercised by a board of ten members with nine members appointed by the governor subject to confirmation by the senate. The ~~treasurer of state~~ secretary of agriculture or the ~~treasurer's secretary's~~ designee shall serve as an ex officio nonvoting member. No more than five appointed members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning farmers, average taxpayers, local government, soil and water conservation district officials, agricultural educators, and other persons specially interested in family farm development.

Approved March 30, 2011

CHAPTER 14**SCHOOL ADMINISTRATOR PREPARATION AND LICENSING — OUT-OF-STATE PROGRAMS AND INSTITUTIONS**

S.F. 483

AN ACT relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution.

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

Section 1. Section 272.8, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 4. a. An applicant who, prior to May 1, 2009, enrolled in an administrator preparation program offered by a regionally accredited out-of-state institution or an out-of-state institution approved by the board in accordance with subsection 3, and who completes the program prior to December 15, 2011, shall be eligible for licensure notwithstanding the out-of-state licensure and certification requirements of 282 IAC 18.6(1)(c).

b. The board shall notify all persons who meet the requirements of paragraph "a" and who apply for an administrator license between May 1, 2009, and December 31, 2011, of their limited eligibility for licensure and of the application deadline provided under this subsection, and shall post such notification on its website.

¹ See chapter 131, §55, 158 herein

c. This subsection is repealed July 1, 2012.

Approved March 30, 2011

CHAPTER 15

MOTORCYCLES WITH DETACHABLE STABILIZING REAR WHEELS

H.F. 290

AN ACT to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

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

Section 1. NEW SECTION. **321.435 Motorcycles equipped with detachable stabilizing wheels.**

Notwithstanding any other provision of law, a motor vehicle that is originally designed as a two-wheeled motorcycle and is modified using conversion hardware which allows for the attachment and detachment of two stabilizing rear wheels may be operated on a highway with the stabilizing wheels attached in accordance with the provisions of this chapter applicable to motorcycles. A motorcycle shall not be determined to be reconstructed based on the sole fact that two stabilizing wheels have been added as described in this section.

Approved March 30, 2011

CHAPTER 16

REGULATION OF EGG HANDLERS

H.F. 453

AN ACT relating to the regulation of egg production, and including effective date provisions.

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

Section 1. Section 10A.104, subsection 12, Code 2011, is amended to read as follows:

12. Administer inspections and licensing of hotels, and home food establishments, ~~and egg handlers.~~

Sec. 2. Section 196.1, subsection 3, Code 2011, is amended to read as follows:

3. "*Department*" means the department of ~~inspections and appeals, as established in section 10A.102~~ agriculture and land stewardship.

Sec. 3. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

1. a. Any rule, regulation, form, order, or directive promulgated by the department of inspections and appeals as required to administer and enforce the provisions of chapter 196 shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of agriculture and land stewardship.

b. Any license issued by the department of inspections and appeals under chapter 196, and in effect on the effective date of this Act, shall continue in full force and effect until expiration or renewal.

2. An administrative hearing or court proceeding arising out of an enforcement action under chapter 196 pending on the effective date of this Act shall not be affected due to this Act. Any cause of action or statute of limitation relating to an action taken by the department of inspections and appeals shall not be affected as a result of this Act and such cause or statute of limitation shall apply to the department of agriculture and land stewardship.

3. Any personnel in the state merit system of employment who are mandatorily transferred due to the effect of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

4. Any replacement of signs, logos, stationery, insignia, uniforms, and related items that is made due to the effect of this Act shall be done as part of the normal replacement cycle for such items.

Sec. 4. INTERAGENCY COOPERATION. The department of inspections and appeals shall assist the department of agriculture and land stewardship in implementing this Act by providing for an effective transition of powers and duties from one agency to another under chapter 196 and related administrative rules. To the extent requested by the department of agriculture and land stewardship, such assistance shall include but is not limited to assisting in providing inspections and cooperating with federal agencies such as the United States food and drug administration and the United States department of agriculture.

Sec. 5. EFFECTIVE DATES.

1. Except as provided in subsection 2, this Act takes effect July 1, 2012.

2. The section of this Act that provides for interagency cooperation, being deemed of immediate importance, takes effect upon enactment.

Approved March 30, 2011

CHAPTER 17

ALCOHOLIC BEVERAGES REGULATION — MISCELLANEOUS CHANGES

H.F. 617

AN ACT relating to matters under the purview of the alcoholic beverages division of the department of commerce, including alcoholic beverage permits and licenses and administrative provisions, modifying fees, and including effective date provisions.

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

Section 1. Section 123.3, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 014B. “*Grocery store*” means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.

NEW SUBSECTION. 022A. “*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.

NEW SUBSECTION. 022B. “*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.

NEW SUBSECTION. 26A. “*Pharmacy*” means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, or veterinarians are compounded and sold by a registered pharmacist.

NEW SUBSECTION. 32A. “*School*” means a public or private school or that portion of a public or private school which provides facilities for teaching any grade from kindergarten through grade twelve.

Sec. 2. Section 123.3, subsection 14A, Code 2011, is amended to read as follows:

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. Not more than one and five-tenths percent of the volume of a “high alcoholic content beer” may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol. The added flavors and other nonbeverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine.

Sec. 3. Section 123.3, subsection 22A, Code 2011, is amended to read as follows:

22A. “*Native wine*” means wine manufactured ~~in this state~~ pursuant to section 123.56 by a manufacturer of native wine.

Sec. 4. Section 123.6, Code 2011, is amended to read as follows:

123.6 Appointment — term — expenses — compensation.

Appointments shall be for five-year staggered terms beginning and ending as provided by section 69.19 and shall be made by the governor, subject to confirmation by the senate. Members of the commission shall be chosen on the basis of managerial ability and experience as business executives. ~~One member~~ Not more than two members of the commission may be the holder of or have an interest in a permit or license to manufacture alcoholic liquor, wine, or beer or to sell alcoholic liquor, wine, or beer at wholesale or retail. A member may be reappointed for one additional term. Each member appointed is entitled to receive reimbursement of actual expenses incurred while attending meetings. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6.

Sec. 5. Section 123.9, Code 2011, is amended to read as follows:

123.9 Commission meetings.

The commission shall meet on or before July 1 of each year for the purpose of selecting one of its members as chairperson, ~~which member shall serve in such capacity for the succeeding year.~~ The commission shall otherwise meet quarterly or at the call of the chairperson or administrator or, when any three members file with the chairperson a written request for a meeting. Written notice of the time and place of each meeting shall be given to each member of the commission. ~~All commission meetings shall be held within the state.~~ A majority of the commission members shall constitute a quorum.

Sec. 6. Section 123.30, subsection 3, paragraph e, subparagraph (1), Code 2011, 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. 7. Section 123.31, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~Except as otherwise provided in section 123.35, verified~~ Verified applications for the original issuance or the renewal of liquor control licenses shall be filed at the time and

in the number of copies as the administrator shall prescribe, on forms prescribed by the administrator, and shall set forth under oath the following information:

Sec. 8. Section 123.36, subsection 8, Code 2011, is amended to read as follows:

8. a. Class “E” liquor control license, a sum determined as follows:

(1) For licensed premises at which gasoline is not sold, a sum of not less than seven hundred and fifty dollars, and not more than seven thousand five hundred dollars as determined on a sliding scale as established by the division taking into account the factors of square footage of the licensed premises, the location of the licensed premises, and the population of the area of the location of the licensed premises.

(2) For licensed premises at which gasoline is sold, a sum equal to the following:

(a) For premises located within the corporate limits of a city with a population of less than one thousand five hundred, three thousand five hundred dollars.

(b) For premises located within the corporate limits of a city with a population of at least one thousand five hundred but less than ten thousand, five thousand dollars.

(c) For premises located within the corporate limits of a city with a population of ten thousand population or more, the greater of five thousand dollars or the amount that would be established pursuant to subparagraph (1) if gasoline were not sold at the premises.

(d) For premises located outside the corporate limits of any city, a sum equal to that charged in the incorporated city located nearest the premises to be licensed. If there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if the premises is located in an unincorporated town, for purposes of this subparagraph, the unincorporated town shall be treated as if it is a city.

b. Notwithstanding subsection 5, the holder of a class “E” liquor control license may sell alcoholic liquor for consumption off the licensed premises on Sunday subject to section 123.49, subsection 2, paragraph “b”.

Sec. 9. Section 123.43A, subsection 1, Code 2011, is amended by striking the subsection.

Sec. 10. Section 123.46, subsection 1, paragraph d, Code 2011, is amended by striking the paragraph.

Sec. 11. Section 123.56, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. A manufacturer may use the space and equipment of another manufacturer for the purpose of manufacturing native wine, provided that such an alternating proprietorship arrangement is approved by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A separate class “A” wine permit shall be issued to each manufacturer, and each manufacturer shall be subject to the provisions of this chapter and the rules of the division. Notwithstanding subsection 5, not more than one class “C” native wine permit shall be issued to a premises with alternating proprietorships.

Sec. 12. Section 123.129, subsection 1, Code 2011, is amended by striking the subsection.

Sec. 13. Section 123.134, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 14. Section 123.141, Code 2011, is amended to read as follows:

123.141 Keeping liquor where beer is sold.

No alcoholic liquor for beverage purposes shall be used, or kept for any purpose in the place of business of class “B” permittees, or on the premises of such class “B” permittees, at any time. A violation of any provision of this section shall be grounds for suspension or revocation of the permit pursuant to section 123.50, subsection 3. This section shall not apply in any manner or in any way, ~~to any railway car of any dining car company, sleeping car company, railroad company or railway company, having a special class “B” permit;~~ to the premises of any hotel or motel for which a class “B” permit has been issued, other than that part of such premises regularly used by the hotel or motel for the principal purpose of selling beer or food to the general public; or to drug stores regularly and continuously employing a registered pharmacist, from having alcohol in stock for medicinal and compounding purposes.

Sec. 15. Section 123.142, unnumbered paragraph 1, Code 2011, is amended to read as follows:

It is unlawful for the holder of a class “B” or class “C” permit issued under this chapter to sell beer, except beer brewed on the premises covered by a special class “A” permit or beer purchased from a person holding a class “A” permit issued in accordance with this chapter, and on which the tax provided in section 123.136 has been paid. However, this section does not apply to the holders of special class “B” permits issued under section 123.133 for sales in cars engaged in interstate commerce nor to class “D” liquor control licensees as provided in this chapter.

Sec. 16. REPEAL. Sections 123.35, 123.133, 123.153, 123.154, 123.155, 123.156, 123.157, 123.158, 123.159, 123.160, 123.161, and 123.162, Code 2011, are repealed.

Sec. 17. EFFECTIVE UPON ENACTMENT. The section of this Act amending section 123.3, subsection 14A, regarding the definition of high alcoholic content beer, being deemed of immediate importance, takes effect upon enactment.

Approved March 30, 2011

CHAPTER 18

POSTHUMOUSLY CONCEIVED AND BORN CHILDREN — STATUS — RIGHTS

H.F. 245

AN ACT relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child’s share, and other rights.

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

Section 1. Section 252A.3, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. *a.* A child born of parents who at any time prior to the birth of the child entered into a civil or religious marriage ceremony is deemed the legitimate child of both parents, regardless of the validity of such marriage, if all of the following conditions are met:

- (1) The marriage was not thereafter dissolved prior to the death of either parent.
- (2) The child was conceived and born after the death of a parent or was born as the result of the implantation of an embryo after the death of a parent.
- (3) A genetic parent-child relationship between the child and the deceased parent is established.
- (4) The deceased parent, in a signed writing, authorized the other parent to use the deceased parent’s genetic material to initiate the posthumous procedure that resulted in the child’s birth, or the deceased parent, by a specific reference to the genetic material, bequeathed the genetic material to the other parent in a valid will.

(5) The child is born within two years of the death of the deceased parent.

b. For the purposes of this subsection, “genetic material” means sperm, eggs, or embryos.

NEW SUBSECTION. 5A. *a.* A child born of parents who at any time prior to the birth of the child held themselves out as spouses by virtue of a common law marriage is deemed the legitimate child of both parents, if all of the following conditions are met:

- (1) The marriage was not thereafter dissolved prior to the death of either parent.
- (2) The child was conceived and born after the death of a parent or was born as the result of the implantation of an embryo after the death of a parent.
- (3) A genetic parent-child relationship between the child and the deceased parent is established.

(4) The deceased parent, in a signed writing, authorized the other parent to use the deceased parent's genetic material to initiate the posthumous procedure that resulted in the child's birth, or the deceased parent, by a specific reference to the genetic material, bequeathed the genetic material to the other parent in a valid will.

(5) The child is born within two years of the death of the deceased parent.

b. For purposes of this subsection, "*genetic material*" means sperm, eggs, or embryos.

Sec. 2. **NEW SECTION. 633.220A Posthumous child.**

1. For the purposes of rules relating to intestate succession, a child of an intestate conceived and born after the intestate's death or born as the result of the implantation of an embryo after the death of the intestate is deemed a child of the intestate as if the child had been born during the lifetime of the intestate and had survived the intestate, if all of the following conditions are met:

a. A genetic parent-child relationship between the child and the intestate is established.

b. The intestate, in a signed writing, authorized the intestate's surviving spouse to use the deceased parent's genetic material to initiate the posthumous procedure that resulted in the child's birth.

c. The child is born within two years of the death of the intestate.

2. Any heir of the intestate whose interest in the intestate's estate would be reduced by the birth of a child born as provided in subsection 1 shall have one year from the birth of the child within which to bring an action challenging the child's right to inherit under this chapter.

3. For the purposes of this section, "*genetic material*" means sperm, eggs, or embryos.

Sec. 3. Section 633.267, Code 2011, is amended to read as follows:

633.267 Children born or adopted after execution of will.

1. If a testator fails to provide in the testator's will for any child of the testator's children testator born to or adopted by the testator after the execution of the testator's last will, such child, whether born before or after the testator's death, shall receive a share in the estate of the testator equal in value to that which the child would have received under section 633.211, 633.212, or 633.219, after taking into account the spouse's intestate share under section 633.211 or section 633.212, whichever section or sections are applicable, if the testator had died intestate, unless it appears from the will that such omission was intentional.

2. a. For the purposes of this section, a child born after the testator's death includes a child of the testator conceived and born after the testator's death, or a child born as the result of the implantation of an embryo after the testator's death, if all of the following conditions are met:

(1) A genetic parent-child relationship between the child and the testator is established.

(2) The testator, in a signed writing, authorized the testator's surviving spouse to use the deceased parent's genetic material to initiate the posthumous procedure that resulted in the child's birth or the testator by specific reference to the genetic material, bequeathed the genetic material to the other parent in a valid will.

(3) The child is born within two years of the death of the testator.

b. Any child of the testator whose share of the estate would be reduced by the birth of a child born as provided in paragraph "a" shall have one year from the birth of the child within which to bring an action challenging the child's right to a share of the estate under this section.

c. For the purposes of this subsection, "*genetic material*" means sperm, eggs, or embryos.

Sec. 4. Section 633.477, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 13. A statement as to whether the decedent left any genetic material, and if the decedent left genetic material, if the personal representative has reserved sufficient estate assets to fund the distribution to which posthumous heirs, if any, would be entitled to receive; that the personal representative will wait until two years after the decedent's date of death to make final distributions; and that the personal representative will submit a supplemental report after such final distributions have been made.

Sec. 5. Section 633A.3106, Code 2011, is amended to read as follows:

633A.3106 Children born or adopted after execution of a revocable trust.

1. When a settlor fails to provide in a revocable trust for any of the settlor's children born to or adopted by the settlor after the execution of the trust or the last amendment to the trust, such child, whether born before or after the settlor's death, shall receive a share of the trust equal in value to that which the child would have received under section ~~633.211, 633.212, or~~ 633.219, after taking into account the spouse's intestate share under section 633.211 or section 633.212, whichever is applicable, as if the settlor had died intestate, unless it appears from the terms of the trust or decedent's will that such omission was intentional.

2. For the purposes of this section, a child born after the death of the settlor who would have been entitled to a share of the settlor's probate estate pursuant to section 633.267 shall be treated as a child of the settlor for purposes of this section.

Approved March 31, 2011

CHAPTER 19

ELECTRONIC CONTRABAND IN JAILS, MUNICIPAL HOLDING FACILITIES, AND CORRECTIONAL FACILITIES

S.F. 124

AN ACT relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

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

Section 1. NEW SECTION. 719.7A **Electronic contraband — criminal penalties.**

1. As used in this section, unless the context otherwise requires:

a. "Electronic contraband" means a mobile telephone or other hand-held electronic communication device.

b. "Facility" means a county jail, municipal holding facility, or institution under the management of the department of corrections.

2. A person commits the offense of possessing electronic contraband under this section if the person, not authorized by law, does any of the following:

a. Knowingly supplies or attempts to supply electronic contraband to any person confined in a facility, or to any person confined in a facility while the person is being transported or moved incidental to the confinement.

b. Knowingly makes, obtains, or possesses electronic contraband while confined in a facility, or while being transported or moved incidental to confinement.

3. A person who possesses electronic contraband commits a class "D" felony.

4. a. A person commits the offense of failing to report electronic contraband when the person fails to report a known violation or attempted violation of this section to an official or officer at a facility.

b. A person who violates this subsection commits an aggravated misdemeanor.

5. The sheriff may x-ray a person committed to the jail, the supervising law enforcement agency may x-ray a person confined in the municipal holding facility, or the department of corrections may x-ray a person under the control of the department, if there is reason to believe that the person is in possession of electronic contraband. A licensed physician or x-ray technician under the supervision of a licensed physician must x-ray the person.

6. Nothing in this section is intended to limit the authority of the administrator of any facility to prescribe or enforce rules concerning the definition of electronic contraband, and the supplying, making, obtaining, or possession of electronic contraband.

Approved April 5, 2011

CHAPTER 20**COMMUNITY COLLEGES — MISCELLANEOUS PROVISIONS — DRINKING DRIVERS COURSES****S.F. 470**

AN ACT relating to the duties and operations of the state's community colleges.

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

Section 1. Section 8A.318, subsection 3, paragraph c, Code 2011, is amended to read as follows:

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~~ of education, or the state board of regents, ~~respectively~~ as appropriate, of this decision.

Sec. 2. Section 16.162, Code 2011, is amended to read as follows:

16.162 Authority to issue community college dormitory bonds and notes.

The authority shall assist a community college or the state board ~~for community colleges~~ of education as provided in chapter 260C, and the authority shall have all of the powers delegated to it in a chapter 28E agreement by a community college board of directors, the state board ~~for community colleges~~ of education, or a private developer contracting with a community college to develop a housing facility, such as a dormitory, for the community college, with respect to the issuance or securing of bonds or notes as provided in sections 260C.71 and 260C.72.

Sec. 3. Section 22.7, subsection 1, Code 2011, is amended to read as follows:

1. Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records. This subsection shall not be construed to prohibit a postsecondary education institution from disclosing to a parent or guardian information regarding a violation of a federal, state, or local law, or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the child is under the age of twenty-one years and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance regardless of whether that information is contained in the student's education records. This subsection shall not be construed to prohibit a school corporation or educational institution from transferring student records electronically to the department of education, an accredited nonpublic school, an attendance center, a school district, or an accredited postsecondary institution in accordance with section 256.9, subsection 48.

Sec. 4. Section 256.7, subsection 14, Code 2011, is amended to read as follows:

14. ~~Adopt rules which require~~ Require each community college which establishes a new jobs training project or projects and receives funds derived from or associated with the project or projects to establish a separate account to act as a repository for any funds received ~~and to report annually, by January 15, to the general assembly on funds received and disbursed during the preceding fiscal year in the form required by the department.~~

Sec. 5. Section 256.7, subsection 23, Code 2011, is amended to read as follows:

23. Adopt rules directing the community colleges to annually and uniformly submit data from the most recent fiscal year to the division of community colleges and workforce preparation, using criteria determined and prescribed by the division via the management information system.

a. Financial data submitted to the division by a community college shall be broken down by fund.

b. Community colleges shall provide data to the division by a deadline set by the division. The deadline shall be set for a date that permits the division to include the data in a report submitted for state board approval and for review by December 15 of each year by the house and senate standing education committees and the joint subcommittee on education appropriations.

c. The department shall include a statewide summary of the financial data submitted in accordance with paragraph "a" in the annual condition of community colleges report, which upon approval of the state board, shall be submitted to the general assembly on or before February 1 of each year.

Sec. 6. Section 256.31, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 7. Section 259A.3, Code 2011, is amended to read as follows:

259A.3 Notice and fee.

Any applicant who has achieved the minimum passing standards as established by the department, and approved by the state board, shall be issued a high school equivalency diploma by the department upon payment of an additional ~~five dollars~~ amount determined in rules adopted by the state board of education to cover the actual costs of the production and distribution of the diploma. The state board of education may also by rule establish a fee for the issuance or verification of a transcript which shall be based on the actual costs of the production or verification of a transcript.

Sec. 8. Section 260C.4, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The state board ~~for community colleges~~ shall:

Sec. 9. Section 260C.48, subsection 2, Code 2011, is amended to read as follows:

2. Standards developed shall include a provision that the ~~standard academic workload full-time teaching load for an instructor in arts and science sciences courses shall be fifteen credit hours per school term semester, or the equivalent,~~ and the maximum academic workload ~~for any instructor shall be sixteen credit hours per school term, for classes taught during the normal school day semester, or the equivalent.~~ In addition thereto, any faculty member may teach a course or courses at times other than the regular school week, involving total class instruction time equivalent to not more than a three-credit-hour course. The total workload for such instructors shall not exceed the equivalent of eighteen credit hours per school term. An instructor may also have an additional teaching assignment if the instructor and the community college administration mutually consent to the additional assignment and the total teaching load does not exceed twenty-two hours of credit per semester, or the equivalent.

Sec. 10. Section 260C.71, subsection 2, Code 2011, is amended to read as follows:

2. The authority shall cooperate with the state board ~~for community colleges~~, individual community colleges, and private developers, acting in conjunction with a community college to build housing facilities in connection with the community college, in the creation, administration, and funding of a community college dormitory bond program to finance housing facilities, such as dormitories, in connection with a community college.

Sec. 11. Section 260C.72, subsection 1, paragraph a, subparagraphs (2), (3), (4), and (6), Code 2011, are amended to read as follows:

(2) From the net rents, profits, and income which has not been pledged for other purposes arising from any similar housing facility under the control and management of the community college or state board ~~for community colleges~~.

(3) From the fees or charges established by the community college or state board ~~for community colleges~~ for students attending the institution who are living in the housing facility for which the obligation was incurred.

(4) From the income derived from gifts and bequests made to the institutions under the control of the community college or state board ~~for community colleges~~ for such purposes.

(6) From the amounts payable to the authority, the community college board of directors, the state board ~~for community colleges~~, or a private developer or operator, pursuant to a loan agreement, lease agreement, or sale agreement.

Sec. 12. Section 261E.8, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 13. Section 262.9, subsection 33, unnumbered paragraph 1, Code 2011, is amended to read as follows:

In consultation with the state board ~~for community colleges established pursuant to section 260C.3 of education~~, establish and enter into a collective statewide articulation agreement with the community colleges established pursuant to chapter 260C, which shall provide for the seamless transfer of academic credits from a completed associate of arts or associate of science degree program offered by a community college to a baccalaureate degree program offered by an institution of higher education governed by the board. The board shall also do the following:

Sec. 14. Section 266.39C, subsection 2, paragraph a, subparagraph (5), Code 2011, is amended to read as follows:

(5) One representative of community colleges, appointed by the state board ~~for community colleges of education~~.

Sec. 15. Section 321J.3, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. The court may prescribe the length of time for the evaluation and treatment or it may request that the community college or other approved provider conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs.

Sec. 16. Section 321J.17, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The court or department may request that the community college or substance abuse treatment providers licensed under chapter 125 or other approved provider conducting the course for drinking drivers that the person is ordered to attend immediately report to the court or department that the person has successfully completed the course for drinking drivers. The court or department may request that the treatment program which the person attends periodically report on the defendant's attendance and participation in the program, as well as the status of treatment or rehabilitation.

Sec. 17. Section 321J.22, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0a. "Approved provider" means a provider of a course for drinking drivers offered outside this state which has been approved by the department of education.

Sec. 18. Section 321J.22, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0d. The department of education may approve a provider of a course for drinking drivers offered outside this state upon proof to the department's satisfaction that the course is comparable to those offered by community colleges, substance abuse treatment programs licensed under chapter 125, and state correctional facilities as provided in this section. The department shall comply with the requirements of subsection 5 regarding such approved providers.

Sec. 19. REPEAL. Section 260C.3, Code 2011, is repealed.

Approved April 5, 2011

CHAPTER 21

UPDATES TO COUNTY TRANSFER BOOKS AND INDEX

H.F. 243

AN ACT relating to instruments used to update the county transfer books and index maintained by the county auditor.

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

Section 1. Section 558.66, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

558.66 Updating county administrative records.

1. Upon the receipt of an instrument that satisfies the requirements of this section and the payment of the applicable fees authorized in section 331.507, subsection 2, the auditor shall enter the updated or corrected real estate ownership information in the transfer books and index required by section 558.60.

2. In the case of an instrument filed with the recorder that satisfies the requirements of this section, the recorder shall collect the applicable fees authorized under section 331.507, subsection 2, and section 331.604 and pay such fees to the treasurer as provided in section 331.902, subsection 3.

3. Each of the following instruments shall be accepted by the recorder for the purpose of updating the county transfer books and index if a conveyance has not occurred:

a. A certificate issued by the clerk of the district court or clerk of the supreme court indicating that the title to real estate has been finally established in any named person by judgment or decree or by will.

b. An affidavit of or on behalf of a surviving joint tenant or a person who owns the remainder interest. The affidavit shall include substantially the following:

(1) The name of the affiant.

(2) The name of the surviving joint tenant or owner of the remainder interest, as applicable, whose name the county records should reflect ownership of title.

(3) The name of the deceased joint tenant or life tenant and such person's date of death.

(4) The legal description of the real estate located in the county.

(5) The description and date of filing and recording of the conveyance instrument by which the surviving joint tenant or owner of the remainder interest acquired title.

(6) The document reference number of the instrument establishing title, if applicable.

(7) A request that the auditor enter the information on the transfer books and index pursuant to subsection 1.

c. An affidavit by or for a person, other than an individual, following a merger, consolidation, name change, or change of fiduciary. The affidavit shall include substantially the following, as applicable:

(1) The former name of the person.

(2) The new name of the person.

(3) The legal description of the real estate located in the county.

(4) A description of the merger, consolidation, name change, or change of fiduciary.

(5) A request that the auditor enter the information on the transfer books and index pursuant to subsection 1.

d. Articles of merger, consolidation, or name change as required by another provision of law if the legal description of the real estate is attached thereto.

4. An instrument recorded pursuant to this section is not a muniment of title.

Approved April 5, 2011

CHAPTER 22

DETENTION OF CRIMINAL DEFENDANTS AND INMATES

H.F. 271

AN ACT relating to criminal defendants and inmates by modifying bail restrictions placed on criminal defendants and applying credit for time served.

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

Section 1. Section 811.1, subsections 1 and 2, Code 2011, are amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony, ~~murder, forcible felony as defined in section 702.11,~~ any class "B" felony included in section 462A.14 or 707.6A; ~~felonious assault; felonious child endangerment; sexual abuse in the second degree; sexual abuse in the third degree; kidnapping; robbery in the first degree; arson in the first degree; burglary in the first degree;~~ any felony included in section 124.401, subsection 1, paragraph "a" or "b"; or a second or subsequent offense under section 124.401, subsection 1, paragraph "c"; any felony punishable under section 902.9, subsection 1; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

2. A defendant appealing a conviction of a class "A" felony; ~~murder; forcible felony as defined in section 702.11;~~ any class "B" or "C" felony included in section 462A.14 or 707.6A; ~~felonious assault; felonious child endangerment; sexual abuse in the second degree; sexual abuse in the third degree; kidnapping; robbery in the first degree; arson in the first degree; burglary in the first degree;~~ any felony included in section 124.401, subsection 1, paragraph "a" or "b"; or a second or subsequent conviction under section 124.401, subsection 1, paragraph "c"; any felony punishable under section 902.9, subsection 1; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

Sec. 2. Section 903A.2, subsection 3, Code 2011, is amended to read as follows:

3. Time served in a jail, ~~or municipal holding facility, or another facility~~ prior to actual placement in an institution under the control of the department of corrections and credited against the sentence by the court shall accrue for the purpose of reduction of sentence under this section. Time which elapses during an escape shall not accrue for purposes of reduction of sentence under this section.

Sec. 3. Section 903A.5, subsection 1, Code 2011, is amended to read as follows:

1. An inmate shall not be discharged from the custody of the director of the Iowa department of corrections until the inmate has served the full term for which the inmate was sentenced, less earned time and other credits earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Earned time accrued and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11. An inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. If an inmate was confined to a county jail, municipal holding facility, or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence.

However, if a person commits any offense while confined in a county jail, municipal holding facility, or other correctional or mental health facility, the person shall not be granted jail¹ credit for that offense. Unless the inmate was confined in a correctional facility, the sheriff of the county in which the inmate was confined or the officer in charge of the municipal holding facility in which the inmate was confined shall certify to the clerk of the district court from which the inmate was sentenced and to the department of corrections' records administrator at the Iowa medical and classification center the number of days so served. The department of corrections' records administrator, or the administrator's designee, shall apply jail credit as ordered by the court of proper jurisdiction or as authorized by this section and section 907.3, subsection 3.

Approved April 5, 2011

CHAPTER 23

COOPERATIVE ASSOCIATIONS — VOTING METHODS

H.F. 348

AN ACT providing for voting methods which may be utilized by members of cooperative associations.

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

Section 1. Section 499.2, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Alternative voting method" means a method of voting other than a written ballot, including voting by electronic, telephonic, internet, or other means that reasonably allows members the opportunity to vote.

Sec. 2. Section 499.29, Code 2011, is amended to read as follows:

499.29 Manner of voting.

~~Votes A vote shall not be cast in person, and not by proxy.~~ The vote of a member-association shall be cast only by its representative duly authorized in writing. ~~If the articles or bylaws permit, a~~ A member may cast that member's vote, in advance of the meeting, by mail ballot or, if the association's articles or bylaws permit, by an alternative voting method upon any proposition of which the member has been previously notified in writing.

Sec. 3. Section 499.41, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Notwithstanding the provisions of the articles of incorporation of any association pertaining to amendment thereto now in effect, any association may amend its articles of incorporation by a vote of sixty-six and two-thirds percent of the members present, ~~or represented voting by mailed ballots~~ ballot or alternative voting method, and having voting privileges, at any annual meeting or any special meeting called for that purpose, provided that at least ten days before said annual meeting or special meeting a copy of the proposed amendment or summary thereof be sent to all members having voting rights; or said articles of incorporation may be amended in accordance with the amendment requirements contained in the articles or bylaws of said association that are adopted subsequent to July 4, 1963, or are in effect on or after July 4, 1964, provided said amendment requirements in the articles or bylaws are not less than established in this section.

¹ See chapter 131, §77, 158 herein

Sec. 4. Section 499.47B, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Except as provided in paragraph “b”, the sale, lease, exchange, or other disposition must be approved by a two-thirds vote of the members ~~on a ballot~~ in which a majority of all voting members participate.

Sec. 5. Section 499.47B, subsection 3, paragraph b, subparagraph (1), Code 2011, is amended to read as follows:

(1) If the cooperative association’s articles of incorporation require approval by more than two-thirds of its members ~~on a ballot~~ in which a majority of all voting members participate, the sale, lease, exchange, or other disposition must be approved by the greater number as provided in the articles of incorporation.

Sec. 6. Section 499.64, subsections 2 and 3, Code 2011, are amended to read as follows:

2. At the meeting, a ballot vote of the members who are entitled to vote in the affairs of the association shall be taken on the proposed plan of merger or consolidation. The plan of merger or consolidation shall be approved as follows:

a. Except as provided in paragraph “b”, the proposed plan of merger or consolidation must be approved by a two-thirds vote of the members ~~on a ballot~~ in which a majority of all voting members participate.

b. (1) If the cooperative association’s articles of incorporation require approval by more than two-thirds of its members ~~on a ballot~~ in which a majority of all voting members participate, the proposed plan of merger or consolidation must be approved by the greater number as provided in the articles of incorporation.

(2) If the board of directors adopts additional conditions for the approval of the plan of merger or consolidation as provided in subsection 1, the additional conditions must be satisfied in order for the plan of merger or consolidation to be approved.

~~3. Voting by members may be by mail ballot notwithstanding any contrary provision in the articles of incorporation or bylaws.~~

Sec. 7. Section 501.101, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 01. “*Alternative voting method*” means a method of voting other than a written ballot, including voting by electronic, telephonic, internet, or other means that reasonably allow¹ members the opportunity to vote.

Sec. 8. Section 501.203, subsection 4, Code 2011, is amended to read as follows:

4. If the board does not recommend the amendment or restatement to the members, then the amendment or restatement must be adopted by the members by a vote of two-thirds of the votes cast ~~on a ballot~~ in which a majority of all votes are cast.

Sec. 9. Section 501.204, Code 2011, is amended to read as follows:

501.204 Bylaws.

The board may adopt or amend the cooperative’s bylaws by a vote of three-fourths of the board. The members may adopt or amend the cooperative’s bylaws by a vote of three-fourths of the votes cast ~~on a ballot~~ in which a majority of all votes are cast. A bylaw provision adopted by the members shall not be amended or repealed by the directors.

Sec. 10. Section 501.303, subsection 2, Code 2011, is amended to read as follows:

2. A member may vote at a member meeting in person or by ~~signed absentee mail~~ ballot that specifies the issue and the member’s vote on that issue. If the board makes available ~~an absentee~~ a ballot form, then that form must be used to cast ~~an absentee a mail~~ ballot on that issue. If the cooperative’s articles or bylaws permit it, a member may cast a vote by an alternative voting method. The cooperative shall take reasonable measures to authenticate that a vote is cast by a member eligible to cast that vote.

¹ See chapter 131, §68, 158 herein

Sec. 11. Section 501.601, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. “*Dissenting member*” means a voting member who votes in opposition to the plan of conversion and who makes a demand for payment as provided in this section not later than the deadline for members to ~~cast ballots on the~~ vote to approve the plan of conversion.

Sec. 12. Section 501.601, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The members must approve the plan of conversion by the vote of two-thirds of the votes cast ~~on a ballot~~ in which a majority of all votes are cast.

Sec. 13. Section 501.601, subsection 3, paragraph b, Code 2011, is amended to read as follows:

b. An equity holder who is not a voting member shall have the same rights as a dissenting member if the equity holder makes a demand for payment pursuant to paragraph “a” not later than the deadline for members to ~~cast ballots on the~~ vote to approve the plan of conversion.

Sec. 14. Section 501.603, subsection 2, Code 2011, is amended to read as follows:

2. A cooperative may sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property, with or without the goodwill, on the terms and conditions and for the consideration determined by the board, which consideration may include the interests of another cooperative, if the board recommends the proposed transaction to the members, and the members approve it by the vote of two-thirds of the votes cast ~~on a ballot~~ in which a majority of all votes are cast. The board may condition its submission of the proposed transaction on any basis.

Sec. 15. Section 501.614, subsection 2, Code 2011, is amended to read as follows:

2. At the meeting, a ~~ballot~~ vote of the members who are entitled to vote in the affairs of the association shall be taken on the proposed plan of merger or consolidation. The plan of merger or consolidation shall be approved if two-thirds of the members vote affirmatively ~~on a ballot~~ in which a majority of all voting members participate. ~~Voting may be by mail ballot notwithstanding any contrary provision in the articles of association or bylaws.~~

Sec. 16. Section 501A.102, subsection 2, Code 2011, is amended to read as follows:

2. “*Alternative ~~ballot~~ voting method*” means a method of voting ~~for a candidate or issue prescribed by the board in advance of the vote, and may include other than a written ballot, including~~ voting by electronic, telephonic, internet, or other means that reasonably ~~allow~~ allows members the opportunity to vote.

Sec. 17. Section 501A.504, subsection 1, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) The board, by majority vote, must pass a resolution stating the text of the proposed amendment. The text of the proposed amendment and an attached ~~mail or alternative~~ ballot, if the board has provided for a mail ~~or alternative~~ ballot in the resolution ~~or alternative method approved by the board and stated in the resolution~~, shall be mailed or otherwise distributed with a regular or special meeting notice to each member. If the board authorizes an alternative voting method, the text of the proposed amendment and explanation of how to cast a vote using the alternative voting method shall be distributed with the regular or special meeting notice to each member. The notice shall designate the time and place of the meeting for the proposed amendment to be considered and voted on.

Sec. 18. Section 501A.504, subsection 1, paragraph a, subparagraph (2), unnumbered paragraph 1, Code 2011, is amended to read as follows:

If a quorum of the members is registered as being present or represented by ~~alternative~~ vote at the meeting, the proposed amendment is adopted if any of the following occurs:

Sec. 19. Section 501A.703, subsection 5, Code 2011, is amended to read as follows:

5. ~~Vote by mail ballot or alternative ballot voting method.~~ The following shall apply to voting by mail ballot or alternative ballot voting method:

a. A member shall not vote for a director other than by being present at a meeting, ~~or by mail ballot, or by alternative ballot voting method,~~ as authorized by the board.

b. The ballot shall be in a form prescribed by the board.

c. The member shall mark the ballot for the candidate chosen and mail the ballot to the cooperative in a sealed plain envelope inside another envelope bearing the member's name, or ~~the member shall vote by designating the candidate chosen by an alternative ballot voting method in the manner prescribed by the board.~~

d. If the ballot of the member is received by the cooperative on or before the date of the regular members' meeting or as otherwise prescribed for ~~an alternative ballots,~~² ~~voting method,~~ the ballot or ~~alternative voting method~~ shall be accepted and counted as the vote of the absent member.

Sec. 20. Section 501A.804, subsection 2, Code 2011, is amended to read as follows:

2. *Notice.* The cooperative shall give notice of a special members' meeting by mailing the special members' meeting notice to each member personally at the person's last known post office address, ~~or by another process determined by the board if the member is to vote by an alternative voting method as approved by the board and agreed to by the member individually or the members generally.~~ For a member that is an entity, ~~the notice mailed, or delivered by another process for vote by an alternative voting method,~~ shall be to an officer of the entity. The special members' meeting notice shall state the time, place, and purpose of the special members' meeting. The special members' meeting notice shall be issued within ten days from and after the date of the presentation of a members' petition, and the special members' meeting shall be held within thirty days after the date of the presentation of the members' petition.

Sec. 21. Section 501A.806, subsection 2, Code 2011, is amended to read as follows:

2. *Quorum for voting by mail.* In determining a quorum at a meeting, on a question submitted to a vote by mail or ~~by an alternative voting method,~~ members present in person or represented by mail vote or the alternative voting method shall be counted. The attendance of a sufficient number of members to constitute a quorum shall be established by a registration of the members of the cooperative present at the meeting. The registration shall be verified by the chairperson or the records officer of the cooperative and shall be reported in the minutes of the meeting.

Sec. 22. Section 501A.810, subsection 3, Code 2011, is amended to read as follows:

3. *Voting method.* A member's vote at a members' meeting shall be cast in person, ~~or by mail if a mail vote ballot is authorized by the board, or by an alternative voting method if that is authorized by the board and.~~ ~~A vote shall not be cast by proxy, except as provided in subsection 4.~~ ~~The cooperative shall take reasonable measures to authenticate that a vote is cast by a member eligible to cast that vote.~~

Sec. 23. Section 501A.810, subsection 5, Code 2011, is amended to read as follows:

5. *Absentee Mail ballots.*

a. The provisions of this subsection apply to absentee mail ballots.

b. ~~a.~~ A member who is or will be absent from a members' meeting may vote by mail ~~or by an approved alternative method on the ballot prescribed in this subsection on any motion, resolution, or amendment that the board submits for vote by mail or alternative method to the members.~~

c. ~~b.~~ The A ballot shall be in the form prescribed by the board and ~~contain all of the following:~~

(1) ~~The exact text of the proposed motion, resolution, or amendment to be acted on at the meeting.~~

² See chapter 131, §69, 158 herein

~~(2) The be accompanied by the text of the proposed motion, resolution, or amendment for which the member may indicate an affirmative or negative vote to be acted upon at the meeting.~~

~~d. c.~~ The member shall express a choice by marking an appropriate choice on the ballot and mail, deliver, or otherwise submit the ballot to the cooperative in a plain, sealed envelope inside another envelope bearing the member's name or by an alternative method approved by the board.

~~e. d.~~ A properly executed ballot shall be accepted by the board and counted as the vote of the absent member at the meeting.

Sec. 24. Section 501A.810, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *Alternative voting method.* The board may also allow the members to vote by alternative voting method, provided the members receive a copy of the proposed motion, resolution, or amendment to be acted upon.

Sec. 25. Section 501A.1101, subsection 4, paragraph b, subparagraph (1), Code 2011, is amended to read as follows:

(1) A quorum of the members eligible to vote is registered as being present at the meeting or represented voting by mail vote ballot or alternative ballot at the meeting voting method.

Approved April 5, 2011

CHAPTER 24

OPERATING A MOTORBOAT OR SAILBOAT WHILE INTOXICATED

S.F. 7

AN ACT relating to a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

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

Section 1. Section 462A.2, subsection 24, Code 2011, is amended to read as follows:

24. "Operate" means to navigate or otherwise use a vessel or motorboat. For the purposes of section 462A.12, subsection 2, sections 462A.14, 462A.14A, 462A.14B, 462A.14C, 462A.14D, and 462A.14E, and section 462A.23, subsection 2, paragraph "b", "operate", when used in reference to a motorboat, means the motorboat is powered by a motor which is running, and when used in reference to a sailboat, means the sailboat is either powered by a motor which is running, or has sails hoisted and is not propelled by a motor, and is under way.

Sec. 2. Section 462A.14, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. While having an alcohol concentration of ~~.10~~ .08 or more.

Approved April 6, 2011

CHAPTER 25

NONSUBSTANTIVE CODE CORRECTIONS

S.F. 474

AN ACT relating to nonsubstantive Code corrections and including effective date and retroactive applicability provisions.

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

DIVISION I

NONSUBSTANTIVE CHANGES

Section 1. Section 8.57, subsection 6, paragraph e, subparagraph (1), subparagraph division (d), subparagraph subdivision (i), Code 2011, is amended to read as follows:

(i) The total moneys in excess of the moneys deposited in the revenue bonds debt service fund, the revenue bonds federal ~~holdback~~ subsidy holdback 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.

Sec. 2. Section 8A.311, subsection 14, paragraph b, Code 2011, is amended to read as follows:

b. The procurement by state agencies of ~~bio-based~~ biobased hydraulic fluids, greases, and other industrial lubricants manufactured from soybeans in accordance with the requirements of section 8A.316.

Sec. 3. Section 8A.316, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. Provide that when purchasing hydraulic fluids, greases, and other industrial lubricants, the department or a state agency authorized by the department to directly purchase hydraulic fluids, greases, and other industrial lubricants shall give preference to purchasing ~~bio-based~~ biobased hydraulic fluids, greases, and other industrial lubricants manufactured from soybeans.

Sec. 4. Section 8A.316, subsection 4, paragraph c, subparagraph (1), Code 2011, is amended to read as follows:

(1) "~~Bio-based~~ Biobased hydraulic fluids, greases, and other industrial lubricants" means the same as defined by the United States department of agriculture, if the department has adopted such a definition. If the United States department of agriculture has not adopted a definition, "~~bio-based~~ biobased hydraulic fluids, greases, and other industrial lubricants" means hydraulic fluids, greases, and other lubricants containing a minimum of fifty-one percent soybean oil.

Sec. 5. Section 8D.3, subsection 2, Code 2011, is amended to read as follows:

2. *Members.*

a. The commission is composed of five members appointed by the governor and subject to confirmation by the senate. Members of the commission shall not serve in any manner or be employed by an authorized user of the network or by an entity seeking to do or doing business with the network.

a. (1) The governor shall appoint a member as the chairperson of the commission from the five members appointed by the governor, subject to confirmation by the senate.

b. (2) Members of the commission shall serve six-year staggered terms as designated by the governor and appointments to the commission are subject to the requirements of sections 69.16, 69.16A, and 69.19. Vacancies shall be filled by the governor for the duration of the unexpired term.

e. (3) The salary of the members of the commission shall be twelve thousand dollars per year, except that the salary of the chairperson shall be seventeen thousand dollars per year. Members of the commission shall also be reimbursed for all actual and necessary expenses

incurred in the performance of duties as members. The benefits and salary paid to the members of the commission shall be adjusted annually equal to the average of the annual pay adjustments, expense reimbursements, and related benefits provided under collective bargaining agreements negotiated pursuant to chapter 20.

~~d. Meetings of the commission shall be held at the call of the chairperson of the commission.~~

b. In addition to the members appointed by the governor, the auditor of state or the auditor's designee shall serve as a nonvoting, ex officio member of the commission.

c. Meetings of the commission shall be held at the call of the chairperson of the commission.

Sec. 6. Section 12.87, subsection 1, Code 2011, is amended to read as follows:

1. a. 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. b. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than six hundred ninety-five million dollars, excluding any bonds issued and sold to refund outstanding bonds issued under this section, as follows:

(1) 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.

(2) 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.

Sec. 7. Section 12.89A, subsection 5, Code 2011, is amended to read as follows:

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~~ fund shall be credited to the rebuild Iowa infrastructure fund of the state.

Sec. 8. Section 29C.20B, subsection 2, paragraph f, Code 2011, is amended to read as follows:

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

Sec. 9. Section 34A.15, subsection 1, paragraph f, Code 2011, is amended to read as follows:

f. One person appointed by the Iowa ~~firemen's~~ firefighters association.

Sec. 10. Section 88.19, Code 2011, 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; 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; a 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; a 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. 11. Section 89.6, subsection 2, Code 2011, is amended to read as follows:

2. Before any power boiler is converted to a low pressure boiler, the owner or user shall give to the commissioner 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. 12. Section 97C.2, subsections 3 and 6, Code 2011, are amended to read as follows:

3. The term "*employment*" means any service performed by an employee in the employ of the state, or any political subdivision thereof, for such employer, except ~~(1)~~ service which in the absence of an agreement entered into under this chapter would constitute "*employment*" as defined in the Social Security Act; or ~~(2)~~ service which under the Social Security Act may not be included in an agreement between the state and the federal security administrator entered into under this chapter.

6. The term "*political subdivision*" includes an instrumentality ~~(a)~~ of the state of Iowa, ~~(b)~~ of one or more of its political subdivisions, or ~~(c)~~ of the state and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the state or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the state or subdivisions.

Sec. 13. Section 97C.4, Code 2011, is amended to read as follows:

97C.4 Other states — joint agreements.

Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, ~~(1)~~ to enter into an agreement with the federal security administrator whereby the benefits of the federal old-age and survivors' insurance system shall be extended to employees of such instrumentality, ~~(2)~~ to require its employees to pay ~~(and, and~~ for that purpose to deduct from their ~~wages)~~ wages, contributions equal to the amounts which they would be required to pay under section 97C.5 if they were covered by an agreement made pursuant to section 97C.3, and ~~(3)~~ to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of section 97C.3 and other provisions of this chapter.

Sec. 14. Section 100B.1, subsection 1, paragraph a, subparagraph (1), subparagraph division (a), Code 2011, is amended to read as follows:

(a) Two members from a list submitted by the Iowa ~~firemen's~~ firefighters association.

Sec. 15. Section 101C.3, subsection 3, paragraph b, Code 2011, is amended to read as follows:

b. A volunteer fire fighter designated by the Iowa ~~firemen's~~ firefighters association.

Sec. 16. Section 135.159, subsection 3, paragraph i, Code 2011, 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 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 minority and multicultural health established in section 135.12, the oral health bureau established in section 135.15, and other similar programs and services.

Sec. 17. Section 136.1, Code 2011, is amended to read as follows:

136.1 Composition of board.

1. The state board of health shall consist of the following members:

a. Two members learned in health-related disciplines, ~~three.~~

b. ~~Three~~ members who have direct experience with public health, ~~two.~~

c. Two members who have direct experience with substance abuse treatment or prevention, ~~and four.~~

d. Four members representing the general public.

2. At least one of such members shall be licensed in the practice of medicine and surgery or osteopathic medicine and surgery under chapter 148.

Sec. 18. Section 147A.2, subsection 1, Code 2011, is amended to read as follows:

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~~ firefighters association, Iowa professional firefighters, EMS education programs committee, 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.

Sec. 19. Section 159A.3, subsection 2, paragraph h, Code 2011, is amended to read as follows:

h. ~~Approve~~ Approving a renewable fuel which may be used as a flexible fuel powering a motor vehicle required to be purchased by state agencies.

Sec. 20. Section 252B.20, subsection 13, Code 2011, is amended to read as follows:

13. For the purposes of chapter 252H, subchapter II, regarding the criteria for a review ~~under subchapter II of that chapter~~ or for a cost-of-living alteration under chapter 252H, subchapter IV of that chapter, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

Sec. 21. Section 260C.19B, Code 2011, is amended to read as follows:

260C.19B Purchase of ~~bio-based~~ biobased hydraulic fluids, greases, and other industrial lubricants.

Hydraulic fluids, greases, and other industrial lubricants purchased by or used under the direction of the board of directors to provide services to a merged area shall be purchased in compliance with the preference requirements for purchasing ~~bio-based~~ biobased hydraulic fluids, greases, and other industrial lubricants as provided pursuant to section 8A.316.

Sec. 22. Section 262.25B, Code 2011, is amended to read as follows:

262.25B Purchase of ~~bio-based~~ biobased hydraulic fluids, greases, and other industrial lubricants.

The state board of regents and institutions under the control of the board purchasing hydraulic fluids, greases, and other industrial lubricants shall give preference to purchasing ~~bio-based~~ biobased hydraulic fluids, greases, and other industrial lubricants as provided in section 8A.316.

Sec. 23. Section 282.6, subsection 2, Code 2011, is amended to read as follows:

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~~ driver 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.

Sec. 24. Section 285.5, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. Contracts for school bus service with private parties shall be in writing and be for the transportation of children who attend public school and children who attend nonpublic school. Such contracts shall define the route, the length of time, service contracted for, the compensation, and the vehicle to be used. The contract shall prescribe the duties of the contractor and driver of the vehicles and shall provide that every person in charge of a vehicle conveying children to and from school shall be at all times subject to any rules said board shall adopt for the protection of the children, or to govern the conduct of the persons in charge of said conveyance. Contracts may be made for a period not to exceed three years.

Sec. 25. Section 306B.1, subsections 3 and 4, Code 2011, are amended to read as follows:

3. “*Interstate system*” means the system of highways as ~~defined~~ described in ~~Tit. 23 U.S.C. 103, subsection “e”~~ § 103(c) or amendments thereto.

4. “*National policy*” means the provisions relating to control of advertising devices adjacent to the interstate system contained in ~~Tit. 23 U.S.C. § 131~~ or amendments thereto and the national standards promulgated pursuant to such provisions.

Sec. 26. Section 306C.10, subsection 9, Code 2011, is amended to read as follows:

9. “*Information center*” means a site, either with or without structures or buildings, established and maintained at a rest area for the purpose of providing “information “specific information of specific interest to the traveling public”, as defined in subsection 18.

Sec. 27. Section 313.4, subsection 2, Code 2011, is amended to read as follows:

2. Such fund is also appropriated and shall be used for the construction, reconstruction, improvement and maintenance of state institutional roads and state park roads and bridges on such roads and roads and bridges on community college property as provided in ~~subsection 11~~ of section 307A.2, subsection 11, for restoration of secondary roads used as primary road detours and for compensation of counties for such use, for restoration of municipal streets so used and for compensation of cities for such use, and for the payments required in section 307.45.

Sec. 28. Section 321.178, subsection 2, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) A person between sixteen and eighteen years of age who has completed an approved ~~driver's driver~~ 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.

Sec. 29. Section 321.178, subsection 3, paragraph b, subparagraph (4), Code 2011, is amended to read as follows:

(4) The minor must pass the written and driving skills tests as required by the department, but is not required to have taken a ~~driver's driver~~ education class.

Sec. 30. Section 321.188, subsection 1, paragraphs a and c, Code 2011, are amended to read as follows:

a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. ~~part pt.~~ 391 as adopted by rule by the department.

c. Successfully pass knowledge tests and driving skills tests which the department shall require by rule. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. ~~part pt.~~ 383, ~~subparts~~ subpt. E, G, and H as adopted by rule by the department. Except as required under 49 C.F.R. ~~part pt.~~ 383, ~~subpart~~ subpt. E, G, or H, a commercial driver's license is renewable without a driving skills test within one year after its expiration date.

Sec. 31. Section 321J.2, subsection 5, paragraph d, Code 2011, is amended to read as follows:

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.

Sec. 32. Section 323A.2, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. The franchisee has requested and has been denied delivery of motor fuel sold or distributed under the trademark named in the franchise from a person other than the franchisor.

Sec. 33. Section 336.16, subsection 3, Code 2011, is amended to read as follows:

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 is 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.

Sec. 34. Section 360.1, Code 2011, is amended to read as follows:

360.1 Election.

1. The trustees, on a petition of a majority of the resident freeholders of any civil township, shall request the county commissioner of elections to submit the question of building or acquiring by purchase, or acquiring by a lease with purchase option, a public hall to the electors thereof. The county commissioner shall conduct the election pursuant to the applicable provisions of chapters 39 to 53 and certify the result to the trustees.

2. The form of the proposition shall be: "Shall the proposition to levy a tax of cents per thousand dollars of assessed value for the erection of a public hall be adopted?"

3. Notice of the election shall be given as provided by chapter 49.

Sec. 35. Section 364.4, subsection 4, paragraph e, subparagraph (2), subparagraph division (b), Code 2011, 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 clerk of the city in the manner provided by section 362.4, asking that the question of entering into the lease or lease-purchase contract be submitted to the registered voters of the city, the governing body 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, 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 city of enter into a lease or lease-purchase contract in amount of \$..... for the purpose of

(iii) Notice of the election and its conduct shall be in the manner provided in section 384.26, subsections 2 through 4.

Sec. 36. Section 400.2, subsection 2, paragraph a, Code 2011, is 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.

Sec. 37. Section 403.19A, subsection 3, paragraph c, subparagraph (1), Code 2011, is amended to read as follows:

(1) The pilot project city shall enter into a withholding agreement with each employer concerning the targeted jobs withholding credit. The withholding agreement shall provide for the total amount of withholding tax credits awarded. An agreement shall not provide for an amount of withholding credits that exceeds the amount of the qualifying investment made in the project. An agreement shall not be entered into by a pilot project city with a business currently located in this state unless the business either creates ten new jobs or makes a qualifying investment of at least five hundred thousand dollars within the urban renewal area. The withholding agreement may have a term of up to ten years. An employer shall not be obligated to enter into a withholding agreement. An agreement shall not be entered into with an employer not already located in a pilot project city when another Iowa community is competing for the same project and both the pilot project city and the other Iowa community are seeking assistance from the department.

Sec. 38. Section 403.19A, subsection 3, paragraph f, Code 2011, is amended to read as follows:

f. If the employer ceases to meet the requirements of the withholding agreement, the agreement shall be terminated and any withholding tax credits for the benefit of the employer shall cease. However, in regard to the number of new jobs that are to be created, if the employer has met the number of new jobs to be created pursuant to the withholding agreement and subsequently the number of new jobs falls below the required level, the employer shall not be considered as not meeting the new job requirement until eighteen months after the date of the decrease in the number of new jobs created.

Sec. 39. Section 403A.21, Code 2011, is amended to read as follows:

403A.21 Cooperation in undertaking housing projects.

1. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any state public body may upon such terms, with or without consideration, as it may determine:

1. *a.* Dedicate, sell, convey or lease any of its interest in any property or grant easements, licenses or any other rights or privileges therein to any municipality, or to the federal government.

2. *b.* Cause parks, playgrounds, recreational community, educational, water, sewer or drainage facilities or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects.

3. *c.* Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake.

4. *d.* Cause services to be furnished for housing projects of the character which such state public body is otherwise empowered to furnish.

5. *e.* Enter into agreements with respect to the exercise by such state public body of its powers relating to the repair, elimination or closing of unsafe, insanitary or unfit dwellings.

6. *f.* Do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects.

7. *g.* Incur the entire expense of any public improvements made by such state public body in exercising the powers granted in this chapter.

8. *h.* Enter into agreements (~~which, which~~ may extend over any period, notwithstanding any provision or rule of law to the ~~contrary~~) contrary, with any municipality respecting action to be taken by such state public body pursuant to any of the powers granted by this chapter. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or administration of municipal housing or slum clearance projects, including any agency or instrumentality of the United States of America, the provisions of such agreements shall inure to the benefit of and may be enforced by such public body or governmental agency.

9. *2.* Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a state public body without appraisal, public notice, advertisement, or public bidding.

Sec. 40. Section 422.32, Code 2011, is amended to read as follows:

422.32 Definitions.

1. For the purpose of this division and unless otherwise required by the context:

1. *a.* ~~The term~~ “*affiliated*” “*Affiliated group*” means a group of corporations as defined in section 1504(a) of the Internal Revenue Code.

2. *b.* “*Business income*” means income arising from transactions and activity in the regular course of the taxpayer’s trade or business; or income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer’s regular trade or business operations; or gain or loss resulting from the sale, exchange, or other disposition of real property or of tangible or intangible personal property, if the property while owned by the taxpayer was operationally related to the taxpayer’s trade or business carried on in Iowa or operationally related to sources within Iowa, or the property was operationally related to sources outside this state and to the taxpayer’s trade or business carried on in Iowa; or gain or loss resulting from the sale, exchange, or other disposition

of stock in another corporation if the activities of the other corporation were operationally related to the taxpayer's trade or business carried on in Iowa while the stock was owned by the taxpayer. A taxpayer may have more than one regular trade or business in determining whether income is business income.

(1) It is the intent of the general assembly to treat as apportionable business income all income that may be treated as apportionable business income under the Constitution of the United States.

(2) The filing of an Iowa income tax return on a combined report basis is neither allowed nor required by this ~~subsection~~ paragraph "b".

3. c. "*Commercial domicile*" means the principal place from which the trade or business of the taxpayer is directed or managed.

4. d. "*Corporation*" includes joint stock companies, and associations organized for pecuniary profit, and partnerships and limited liability companies taxed as corporations under the Internal Revenue Code.

5. e. ~~The words "domestic"~~ "*Domestic corporation*" ~~mean~~ means any corporation organized under the laws of this state.

6. f. ~~The words "foreign"~~ "*Foreign corporation*" ~~mean~~ means any corporation other than a domestic corporation.

7. g. "*Internal Revenue Code*" means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, 2008.

8. h. "*Nonbusiness income*" means all income other than business income.

9. i. "*State*" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

10. j. "*Taxable in another state*". For purposes of allocation and apportionment of income under this division, a taxpayer is ~~taxable~~ "*taxable in another state*" if:

a. (1) In that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

b. (2) That state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

11. k. ~~The term "unitary"~~ "*Unitary business*" means a business carried on partly within and partly without a state where the portion of the business carried on within the state depends on or contributes to the business outside the state.

2. The words, terms, and phrases defined in division II, section 422.4, subsections 4 to 6, 8, 9, 13, and 15 to 17, when used in this division, shall have the meanings ascribed to them in said section except where the context clearly indicates a different meaning.

Sec. 41. Section 423.3, subsection 92, paragraph a, subparagraphs (1) and (2), Code 2011, are amended to read as follows:

(1) The sales price from the sale or rental of computers and equipment that are necessary for the maintenance and operation of a web search portal and property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity used for the maintenance and operation of the web search portal, including but not limited to exterior dedicated business-owned substations, ~~back-up~~ backup power generation systems, battery systems, and related infrastructure; and racking systems, cabling, and trays, which are necessary for the maintenance and operation of the web search portal.

(2) The sales price of ~~back-up~~ backup power generation fuel, that is purchased by a web search portal business for use in the items listed in subparagraph (1).

Sec. 42. Section 423.3, subsection 93, paragraph a, subparagraphs (1) and (2), Code 2011, are amended to read as follows:

(1) The sales price from the sale or rental of computers and equipment that are necessary for the maintenance and operation of a web search portal business and property whether directly or indirectly connected to the computers, including but not limited to cooling

systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity used for the maintenance and operation of the web search portal business, including but not limited to exterior dedicated business-owned substations, ~~back-up~~ backup power generation systems, battery systems, and related infrastructure; and racking systems, cabling, and trays, which are necessary for the maintenance and operation of the web search portal business.

(2) The sales price of ~~back-up~~ backup power generation fuel, that is purchased by a web search portal business for use in the items listed in subparagraph (1).

Sec. 43. Section 423F.5, subsection 1, Code 2011, is amended to read as follows:

1. A school district shall include as part of its financial audit for the budget year beginning July 1, 2007, and for each subsequent budget year the amount received during the year pursuant to chapter 423E or ~~423F~~ this chapter, as applicable. In addition, the financial audit shall include the amount of bond levies, physical plant and equipment levy, and public educational and recreational levy reduced as a result of the moneys received under chapter 423E or ~~423F~~ this chapter, as applicable. The amount of the reductions shall be stated in terms of dollars and cents per one thousand dollars of valuation and in total amount of property tax dollars. Also included shall be an accounting of the amount of moneys received which were spent for infrastructure purposes pursuant to chapter 423E or ~~423F~~ this chapter, as applicable.

Sec. 44. Section 427.1, subsection 35, paragraph a, Code 2011, is amended to read as follows:

a. Property, other than land and buildings and other improvements, that is utilized by a web search portal business as defined in and meeting the requirements of section 423.3, subsection 92, including computers and equipment that are necessary for the maintenance and operation of a web search portal and other property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity, including but not limited to exterior dedicated business-owned substations, and power distribution systems which are not subject to assessment under chapter 437A; racking systems, cabling, and trays; and ~~back-up~~ backup power generation systems, battery systems, and related infrastructure all of which are necessary for the maintenance and operation of the web search portal site.

Sec. 45. Section 427.1, subsection 36, paragraph a, Code 2011, is amended to read as follows:

a. Property, other than land and buildings and other improvements, that is utilized by a web search portal business as defined in and meeting the requirements of section 423.3, subsection 93, including computers and equipment that are necessary for the maintenance and operation of a web search portal business and other property whether directly or indirectly connected to the computers, including but not limited to cooling systems, cooling towers, and other temperature control infrastructure; power infrastructure for transformation, distribution, or management of electricity, including but not limited to exterior dedicated business-owned substations, and power distribution systems which are not subject to assessment under chapter 437A; racking systems, cabling, and trays; and ~~back-up~~ backup power generation systems, battery systems, and related infrastructure all of which are necessary for the maintenance and operation of the web search portal business.

Sec. 46. Section 435.23, Code 2011, is amended to read as follows:

435.23 Exemptions — prorating tax.

1. The manufacturer's and 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 retailers shall be exempt from personal property tax.

2. 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. 47. Section 441.49, Code 2011, is amended to read as follows:

441.49 Adjustment by auditor.

1. *a.* The director shall keep a record of the review and adjustment proceedings and finish the proceedings on or before October 1 unless for good cause the proceedings cannot be completed by that date. The director shall notify each county auditor by mail of the final action taken at the proceedings and specify any adjustments in the valuations of any class of property to be made effective for the jurisdiction.

b. However, an assessing jurisdiction may request the director to permit the use of an alternative method of applying the equalization order to the property values in the assessing jurisdiction, provided that the final valuation shall be equivalent to the director's equalization order. The assessing jurisdiction shall notify the county auditor of the request for the use of an alternative method of applying the equalization order and the director's disposition of the request. The request to use an alternative method of applying the equalization order, including procedures for notifying affected property owners and appealing valuation adjustments, shall be made within ten days from the date the county auditor receives the equalization order and the valuation adjustments, and appeal procedures shall be completed by November 30 of the year of the equalization order. Compliance with the provisions of section 441.21 is sufficient grounds for the director to permit the use of an alternative method of applying the equalization order.

2. *a.* On or before October 15 the county auditor shall cause to be published in official newspapers of general circulation the final equalization order. The publication shall include, in type larger than the remainder of the publication, the following statement:

~~"Assessed Assessed~~ values are equalized by the department of revenue every two years. Local taxing authorities determine the final tax levies and may reduce property tax rates to compensate for any increase in valuation due to ~~equalization.~~" equalization.

b. Failure to publish the equalization order has no effect upon the validity of the orders.

3. The county auditor shall add to or deduct from the valuation of each class of property in the county the required percentage, rejecting all fractions of fifty cents or less in the result, and counting all fractions over fifty cents as one dollar. For any special charter city that levies and collects its own tax based on current year assessed values, the equalization percentage shall be applied to the following year's values, and shall be considered the equalized values for that year for purposes of this chapter.

4. The local board of review shall reconvene in special session from October 15 to November 15 for the purpose of hearing the protests of affected property owners or taxpayers within the jurisdiction of the board whose valuation of property if adjusted pursuant to the equalization order issued by the director of revenue will result in a greater value than permitted under section 441.21. The board of review shall accept protests only during the first ten days following the date the local board of review reconvenes. The board of review shall limit its review to only the timely filed protests. The board of review may adjust all or a part of the percentage increase ordered by the director of revenue by adjusting the actual value of the property under protest to one hundred percent of actual value. Any adjustment so determined by the board of review shall not exceed the percentage increase provided for in the director's equalization order. The determination of the board of review on filed protests is final, subject to appeal to the property assessment appeal board. A final decision by the local board of review, or the property assessment appeal board, if the local board's decision is appealed, is subject to review by the director of revenue for the purpose of determining whether the board's actions substantially altered the equalization order. In making the review, the director has all the powers provided in chapter 421, and in exercising the powers the director is not subject to chapter 17A. Not later than fifteen days following the adjournment of the board, the board of review shall submit to the director of revenue, on forms prescribed by the director, a report of all actions taken by the board of review during this session.

5. Not later than ten days after the date the final equalization order is issued, the city or county officials of the affected county or assessing jurisdiction may appeal the final equalization order to the state board of tax review. The appeal shall not delay the implementation of the equalization orders.

6. Tentative and final equalization orders issued by the director of revenue are not rules as defined in section 17A.2, subsection 7.

Sec. 48. Section 453A.13, subsections 3 and 4, Code 2011, are amended to read as follows:

3. *Fees — expiration.*

a. All permits provided for in this division shall expire on June 30 of each year. A permit shall not be granted or issued until the applicant has paid for the period ending June 30 next, to the department or the city or county granting the permit, the fees provided for in this division. The annual state permit fee for a distributor, cigarette vendor, and wholesaler is one hundred dollars when the permit is granted during the months of July, August, or September. However, whenever a state permit holder operates more than one place of business, a duplicate state permit shall be issued for each additional place of business on payment of five dollars for each duplicate state permit, but refunds as provided in this division do not apply to any duplicate permit issued.

b. The fee for retail permits is as follows when the permit is granted during the months of July, August, or September:

a. (1) In places outside any city, fifty dollars.

b. (2) In cities of less than fifteen thousand population, seventy-five dollars.

c. (3) In cities of fifteen thousand or more population, one hundred dollars.

d. If any permit is granted during the months of October, November, or December, the fee shall be three-fourths of the above maximum schedule; if granted during the months of January, February, or March, one-half of the maximum schedule, and if granted during the months of April, May, or June, one-fourth of the maximum schedule.

4. *Refunds.*

a. An unrevoked permit for which the holder has paid the full annual fee may be surrendered during the first nine months of said year to the officer issuing it, and the department, or the city or county granting the permit shall make refunds to the said holder as follows:

(1) Three-fourths of the annual fee if the surrender is made during July, August, or September.

(2) One-half of the annual fee if the surrender is made during October, November, or December.

(3) One-fourth of the annual fee if the surrender is made during January, February, or March.

b. An unrevoked permit for which the holder has paid three-fourths of a full annual fee may be so surrendered during the first six months of the period covered by said payment and the said department, city or county shall make refunds to the holder as follows:

(1) A sum equal to one-half of an annual fee if the surrender is made during October, November or December.

(2) A sum equal to one-fourth of an annual fee if the surrender is made during January, February or March.

c. An unrevoked permit for which the holder has paid one-half of a full annual fee may be so surrendered during the first three months of the period covered by said that payment, and the department, city or county, shall refund to the holder a sum equal to one-fourth of an annual fee.

Sec. 49. Section 455B.134, subsection 3, paragraph d, subparagraph (2), Code 2011, is amended to read as follows:

(2) In applications for conditional permits for electric power generating facilities, the applicant shall quantify the potential to emit greenhouse ~~gas-emissions~~ gases due to the proposed project.

Sec. 50. Section 455B.134, subsection 3, paragraph g, Code 2011, is amended to read as follows:

g. All applications for construction permits or prevention of significant deterioration permits shall quantify the potential to emit greenhouse ~~gas-emissions~~ gases due to the proposed project.

Sec. 51. Section 455B.172, subsection 11, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A if a building where a person resides, congregates, or is employed ~~that~~ is served by a private sewage disposal system, ~~shall have~~ the sewage disposal system serving the building ~~shall be~~ inspected prior to any transfer of ownership of the building. The requirements of this subsection shall be applied to all types of ownership transfer including at the time a seller-financed real estate contract is signed. The county recorder shall not record a deed or any other property transfer or conveyance document until either a certified inspector's report is provided which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the department or, in the event that weather or other temporary physical conditions prevent the certified inspection from being conducted, the buyer has executed and submitted a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. Any type of on-site treatment unit or private sewage disposal system must be inspected according to rules developed by the department. For the purposes of this subsection, "transfer" means the transfer or conveyance by sale, exchange, real estate contract, or any other method by which real estate and improvements are purchased, if the property includes at least one but not more than four dwelling units. However, "transfer" does not include any of the following:

Sec. 52. Section 455B.305, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. A permit may be suspended or revoked by the director if a sanitary disposal project is found not to meet the requirements of this part 1 or the rules adopted pursuant to this part 1. The suspension or revocation of a permit may be appealed to the department.

Sec. 53. Section 455E.11, subsection 2, paragraph d, subparagraph (3), Code 2011, is amended to read as follows:

(3) Each fiscal year, the department of natural resources shall enter into an agreement with the Iowa comprehensive petroleum underground storage tank fund board 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. 54. Section 455G.4, subsection 1, paragraph a, subparagraph (4), Code 2011, is amended to read as follows:

(4) Two public members appointed by the governor and confirmed by the senate to staggered four-year terms, except that, of the first members appointed, one public member shall be appointed for a term of two years and one for a term of four years. A public member shall have experience, knowledge, and expertise of the subject matter embraced within this chapter. ~~Two~~ The two public members shall ~~be appointed with~~ have experience in either, or both, financial markets or insurance.

Sec. 55. Section 456A.17, subsection 4, Code 2011, is amended to read as follows:

4. The state conservation fund, except as otherwise provided, consists of all other funds accruing to the department for the purposes embraced by this chapter.

Sec. 56. Section 456A.19, unnumbered paragraph 5, Code 2011, is amended to read as follows:

All other expenditures shall be paid from the state conservation fund.

Sec. 57. Section 462A.26, subsection 3, paragraph b, Code 2011, is amended to read as follows:

b. On all inland lakes and federal impoundments under the jurisdiction of the commission, a motorboat shall not be operated within three hundred feet of shore at a speed greater than ten miles per hour.

~~A motorboat shall not be operated within three hundred feet of shore at a speed greater~~

~~than ten miles per hour.~~

Sec. 58. Section 463C.17, Code 2011, is amended to read as follows:

463C.17 Exemption from certain laws.

The authority, the department, and their agents and contracts entered into by the authority, the department, and their agents, in carrying out its public and essential governmental functions are exempt from the laws of the state which provide for competitive bids, ~~term-length~~ term length, and hearings in connection with contracts, except as provided in section 12.30. However, the exemption from competitive bid laws in this section shall not be construed to apply to contracts for the development or construction of facilities in the park, including, but not limited to, lodges, campgrounds, cabins, and golf courses.

Sec. 59. Section 468.586, Code 2011, is amended to read as follows:

468.586 Assessment of costs of drainage improvements.

A county may assess to property within an urban drainage district the cost of a drainage improvement within the county and drainage facilities extending outside the county. A county is empowered to proceed and construct and to assess the cost of a drainage improvement within a district in the same manner as a city may proceed under ~~division IV of chapter 384,~~ division IV, and the provisions of ~~division IV of chapter 384,~~ division IV, apply to counties with respect to drainage improvements, the assessment of their costs and the issuance of bonds for the improvements. A county may contract for a drainage improvement within a district under this part pursuant to ~~part 3 of division III of chapter 331,~~ division III, part 3.

Sec. 60. Section 499B.17, Code 2011, is amended to read as follows:

499B.17 Lien against owner of unit.

All sums assessed by the council of co-owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (1) tax liens on the apartment in favor of any assessing unit and special district, and (2) all sums unpaid on a first mortgage of record. Such lien may be foreclosed by suit by the council of co-owners or the representatives thereof, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In the event of any such foreclosure, the apartment owner shall be required to pay a reasonable rental for the apartment if so provided in the bylaws, and the plaintiff in such foreclosure shall be entitled to the appointment of a receiver to collect the same. The council of co-owners or the representatives thereof, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid in the apartment at foreclosure sale, and to acquire and hold, lease, mortgage and convey the same. Suit to recover a money judgment for unpaid common expenses shall be maintainable without foreclosing or waiving the lien securing the same.

Sec. 61. Section 505.28, Code 2011, is amended to read as follows:

505.28 Consent to jurisdiction.

A person committing any act governed by chapter 502, 502A, ~~505 this chapter, chapters 505A through 523G,~~ or 523I constitutes consent by that person to the jurisdiction of the commissioner of insurance and the district courts of this state.

Sec. 62. Section 505.29, Code 2011, is amended to read as follows:

505.29 Administrative hearings.

The commissioner of insurance shall have the authority to appoint as a hearing officer a designee or an independent administrative law judge. Duties of a hearing officer shall include hearing contested cases arising from conduct governed by chapters 502, 502A, ~~505 this chapter, chapters 505A through 523G,~~ and 523I. Sections 10A.801 and 17A.11 do not apply to the appointment of a designee or an administrative law judge pursuant to this section.

Sec. 63. Section 515E.4, subsection 4, Code 2011, is amended to read as follows:

4. *Compliance with unfair ~~claims~~ claim settlement practices law.* A risk retention group, its agents, and representatives, shall comply with the unfair ~~claims~~ claim settlement practices law in section 507B.4, subsection 10.

Sec. 64. Section 533.301, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Receive payments for ownership shares, for other shares, or as deposits from any or all of the following:

Sec. 65. Section 535.2, subsection 6, paragraph a, Code 2011, is amended to read as follows:

a. Notwithstanding the provisions of ~~1980 Iowa Acts of the Sixty-eighth General Assembly~~, chapter 1156, with respect to any agreement which was executed on or after August 3, 1978, and prior to July 1, 1979, and which contained a provision for the adjustment of the rate of interest specified in the agreement, the maximum lawful rate of interest which may be imposed under that agreement shall be that rate which is two and one-half percentage points above the rate initially to be paid under the agreement, provided that the greatest interest rate adjustment which may be made at any one time shall be one-half of one percent and an interest rate adjustment may not be made until at least one year has passed since the last interest rate adjustment, and any excess charge shall be a violation of section 535.4.

Sec. 66. Section 535A.6, subsection 1, Code 2011, is amended to read as follows:

1. Any person who has been aggrieved as a result of a violation of sections 535A.1 through 535A.3, this section, or sections ~~535A.6~~ 535A.7 through 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.

Sec. 67. Section 536.19, Code 2011, is amended to read as follows:

536.19 Violations.

Any person, partnership, association, or corporation and the several members, officers, directors, agents, and employees thereof, who shall violate or participate in the violation of any of the provisions of section 536.1, 536.12, 536.13 or 536.14, which are not also violations of chapter 537, article 5, part 3, of the Iowa consumer credit code, ~~chapter 537~~, shall be guilty of a serious misdemeanor. Violations of the Iowa consumer credit code, chapter 537, shall be subject to the penalties provided therein.

Sec. 68. Section 537.3203, Code 2011, is amended to read as follows:

537.3203 Notice to consumer.

The creditor shall give to the consumer a copy of any writing evidencing a consumer credit transaction, other than one pursuant to open end credit, if the writing requires or provides for signature of the consumer. The writing evidencing the consumer's obligation to pay under a consumer credit transaction, other than one pursuant to open end credit, shall contain a clear and conspicuous notice to the consumer that the consumer should not sign it before reading it, that the consumer is entitled to a copy of it, and, except in the case of a consumer lease, that the consumer is entitled to prepay the unpaid balance at any time with such penalty and minimum charges as the agreement and section 537.2510 may permit, and may be entitled to receive a refund of unearned charges in accordance with law. The following notices if clear and conspicuous comply with this section:

1. In all transactions to which this section applies:

NOTICE TO CONSUMER:

1. Do not sign this paper before you read it.
2. You are entitled to a copy of this paper.
3. You may prepay the unpaid balance at any time without penalty and may be entitled to receive a refund of unearned charges in accordance with law.
2. In addition, in a transaction in which a minimum charge will be collected or retained, the notice to consumer shall state:
4. If you prepay the unpaid balance, you may have to pay a minimum charge not greater than seven dollars and fifty cents.

Sec. 69. Section 572.13, subsection 2, Code 2011, is amended to read as follows:

2. a. An original contractor who enters into a contract for an owner-occupied dwelling and who has contracted or will contract with a subcontractor to provide labor or furnish material

for the dwelling shall include the following notice in any written contract with the owner and shall provide the owner with a copy of the written contract:

Persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the improved property if they are not paid for their contributions, even if the parties have no direct contractual relationship with the owner.

b. If no written contract is entered into between the original contractor and the dwelling owner, the original contractor shall, within ten days of commencement of work on the dwelling, provide written notice to the dwelling owner stating the name and address of all subcontractors that the contractor intends to use for the construction and, that the subcontractors or suppliers may have lien rights in the event they are not paid for their labor or material used on this site; and the notice shall be updated as additional subcontractors and suppliers are used from the names disclosed on earlier notices.

c. An original contractor who fails to provide notice under this section is not entitled to the lien and remedy provided by this chapter.

Sec. 70. Section 617.3, subsection 3, Code 2011, is amended to read as follows:

3. Service of such process or original notice shall be made (1) by filing duplicate copies of said process or original notice with said secretary of state, together with a fee of ten dollars, and (2) by mailing to the defendant and to each of them if more than one, by registered or certified mail, a notification of said filing with the secretary of state, the same to be so mailed within ten days after such filing with the secretary of state. Such notification shall be mailed to each foreign corporation at the address of its principal office in the state or country under the laws of which it is incorporated and to each such nonresident person at an address in the state of residence. The defendant shall have sixty days from the date of such filing with the secretary of state within which to appear. Proof of service shall be made by filing in court the duplicate copy of the process or original notice with the secretary of state's certificate of filing, and the affidavit of the plaintiff or the plaintiff's attorney of compliance herewith.

Sec. 71. Section 622.62, subsection 3, Code 2011, is amended to read as follows:

3. The actions of any court of this state in taking judicial notice of the existence and content of a city ordinance in any proceeding which was commenced between the first day of July, 1973, and April 17, 1976, shall be conclusively presumed to be lawful, and to the extent required by this section, this section is retroactive.

Sec. 72. Section 631.17, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. A pattern of conduct in violation of ~~article 7~~ of chapter 537, article 7.

Sec. 73. Section 633.279, subsection 2, Code 2011, is amended to read as follows:

2. *Self-proved will.*

a. An attested will may be made self-proved at the time of its execution, or at any subsequent date, by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before a person authorized to administer oaths and take acknowledgments under the laws of this state, and evidenced by such person's certificate, under seal, attached or annexed to the will, in form and content substantially as follows:

Affidavit

State of)

County of) ss

We, the undersigned,, and, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, declare to the undersigned authority that said instrument is the testator's will and that the testator willingly signed and executed such instrument, or expressly directed another to sign the same in the presence of the witnesses, as a free and voluntary act for the purposes therein expressed; that said witnesses, and each of them, declare to the undersigned authority that such will was executed and acknowledged by the testator as the testator's will in their presence and that they, in the testator's presence, at the testator's request, and in the presence of each other, did subscribe their names thereto as attesting witnesses on the date of the date of such will; and that the testator, at the time of the

execution of such instrument, was of full age and of sound mind and that the witnesses were sixteen years of age or older and otherwise competent to be witnesses.

.....
Testator

.....
Witness

.....
Witness

Subscribed, sworn and acknowledged before me by, the testator; and subscribed and sworn before me by and, witnesses, this day of (month), (year)

.....
Notary Public, or other officer
(Seal) authorized to take and certify
acknowledgments and
administer oaths

b. A self-proved will shall constitute proof of due execution of such instrument as required by section 633.293 and may be admitted to probate without testimony of witnesses.

Sec. 74. Section 633.675, Code 2011, is amended to read as follows:

633.675 Cause for termination.

1. A guardianship shall cease, and a conservatorship shall terminate, upon the occurrence of any of the following circumstances:

- 1. *a.* If the ward is a minor, when the ward reaches full age.
- 2. *b.* The death of the ward.

3. *c.* A determination by the court that the ward is no longer a person whose decision-making capacity is so impaired as to bring the ward within the categories of section 633.552, subsection 2, paragraph “a”, or section 633.566, subsection 2, paragraph “a”. In a proceeding to terminate a guardianship or a conservatorship, the ward shall make a prima facie showing that the ward has some decision-making capacity. Once the ward has made that showing, the guardian or conservator has the burden to prove by clear and convincing evidence that the ward’s decision-making capacity is so impaired, as provided in section 633.552, subsection 2, paragraph “a”, or section 633.566, subsection 2, paragraph “a”, that the guardianship or conservatorship should not be terminated.

4. *d.* Upon determination by the court that the conservatorship or guardianship is no longer necessary for any other reason.

5. ~~2.~~ Notwithstanding ~~subsections 1~~ subsection 1, paragraphs “a” through 4 “d”, 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. 75. Section 633.707, subsection 4, Code 2011, is amended to read as follows:

4. The extent to which the respondent has ties to the state such as ~~voting~~ voter registration, state or local tax return filing, vehicle registration, driver’s license, social ~~relationship~~ relationships, and receipt of services.

Sec. 76. Section 642.5, Code 2011, is amended to read as follows:

642.5 Sheriff may take answers.

1. When the plaintiff, in writing, directs the sheriff to take the answer of the garnishee, the sheriff shall put to the garnishee the following questions:

- 1. Are you in any manner indebted to the defendant in this suit, or do you owe the defendant money or property which is not yet due? If so, state the particulars.
- 2. Have you in your possession or under your control any property, rights, or credits of the said defendants? If so, what is the value of the same? State all particulars.

3. Do you know of any debts owing the said defendant, whether due or not due, or any property, rights, or credits belonging to the defendant and now in the possession or under the control of others? If so, state the particulars.

4. Do you compensate the defendant in this suit for any personal services whether denominated as wages, salary, commission, bonus or otherwise, including periodic payments pursuant to a pension or retirement program? If so, state the amount of the compensation reasonably anticipated to be paid defendant during the calendar year.

2. The sheriff shall append the examination to the sheriff's return.

Sec. 77. Section 642.21, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The disposable earnings of an individual are exempt from garnishment to the extent provided by the federal Consumer Credit Protection Act, ~~Title~~ Tit. III, 15 U.S.C. § 1671 – 1677 (1982). The maximum amount of an employee's earnings which may be garnished during any one calendar year is two hundred fifty dollars for each judgment creditor, except as provided in chapter 252D and sections 598.22, 598.23, and 627.12, or when those earnings are reasonably expected to be in excess of twelve thousand dollars for that calendar year as determined from the answers taken by the sheriff or by the court pursuant to section 642.5, ~~subsection 4 question number four~~. When the employee's earnings are reasonably expected to be more than twelve thousand dollars the maximum amount of those earnings which may be garnished during a calendar year for each creditor is as follows:

Sec. 78. Section 692A.118, subsection 11, Code 2011, is amended to read as follows:

11. When the department has a reasonable basis to believe that a sex offender has changed residence to an unknown location, has become a fugitive from justice, or ~~who~~ has otherwise taken flight, the department shall make a reasonable effort to ascertain the whereabouts of the offender, and if such effort fails to identify the location of the offender, an appropriate notice shall be made on the sex offender registry internet site of this state and shall be transmitted to the national sex offender registry. The department shall notify other law enforcement agencies as deemed appropriate.

Sec. 79. Section 904.312B, Code 2011, is amended to read as follows:

904.312B Purchase of ~~bio-based~~ biobased hydraulic fluids, greases, and other industrial lubricants.

The department when purchasing hydraulic fluids, greases, and other industrial lubricants shall give preference to purchasing ~~bio-based~~ biobased hydraulic fluids, greases, and other industrial lubricants as provided in section 8A.316.

Sec. 80. CODE EDITOR DIRECTIVE. Section 135.80 shall be transferred to new section 135.180.

Sec. 81. 2010 Iowa Acts, chapter 1192, section 78, is amended by striking the section and inserting in lieu thereof the following:

SEC. 78. Section 135N.3, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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:

DIVISION II VOLUME IV RENUMBERINGS

Sec. 82. Section 422.60, subsection 2, Code 2011, is amended to read as follows:

2. a. In addition to all taxes imposed under this division, there is imposed upon each financial institution doing business within the state the greater of the tax determined in section 422.63 or the state alternative minimum tax equal to sixty percent of the maximum state franchise tax rate, rounded to the nearest one-tenth of one percent, of the state alternative minimum taxable income of the taxpayer computed under this subsection.

b. The state alternative minimum taxable income of a taxpayer is equal to the taxpayer's state taxable income as computed with the adjustments in section 422.61, subsection 3, and with the following adjustments:

~~α.~~ (1) Add items of tax preference included in federal alternative minimum taxable income under section 57, except subsections (a)(1) and (a)(5), of the Internal Revenue Code, make the adjustments included in federal alternative minimum taxable income under section 56, except subsections (a)(4), (c)(1), (d), and (g), of the Internal Revenue Code, and add losses as required by section 58 of the Internal Revenue Code.

b. (2) Make the adjustments provided in section 56(c)(1) of the Internal Revenue Code, except that in making the calculation under section 56(g)(1) of the Internal Revenue Code the state alternative minimum taxable income, computed without regard to the adjustments made by this ~~paragraph~~ subparagraph, the exemption provided for in ~~paragraph "d"~~ subparagraph (4), and the state alternative tax net operating loss described in ~~paragraph "e"~~ subparagraph (5), shall be substituted for the items described in section 56(g)(1)(B) of the Internal Revenue Code.

~~e.~~ (3) Apply the allocation and apportionment provisions of section 422.63.

~~α.~~ (4) Subtract an exemption amount of forty thousand dollars. This exemption amount shall be reduced, but not below zero, by an amount equal to twenty-five percent of the amount by which the alternative minimum taxable income of the taxpayer, computed without regard to the exemption amount in this ~~paragraph~~ subparagraph, exceeds one hundred fifty thousand dollars.

~~e.~~ (5) In the case of a net operating loss beginning after December 31, 1986, which is carried back or carried forward to the current taxable year, the net operating loss shall be reduced by the amount of items of tax preference and adjustments arising in the tax year which was taken into account in computing the net operating loss in section 422.35, subsection 11. The deduction for a net operating loss for a tax year beginning after December 31, 1986, which is carried back or carried forward to the current taxable year shall not exceed ninety percent of the alternative minimum taxable income determined without regard for the net operating loss deduction.

Sec. 83. Section 422D.1, subsections 1 and 2, Code 2011, are amended to read as follows:

1. a. A county board of supervisors may offer for voter approval any of the following taxes or a combination of the following taxes:

~~α.~~ (1) Local option income surtax.

b. (2) An ad valorem property tax.

b. Revenues generated from these taxes shall be used for emergency medical services as provided in section 422D.6.

2. a. The taxes for emergency medical services shall only be imposed after an election at which a majority of those voting on the question of imposing the tax or combination of taxes specified in subsection 1, ~~paragraph "a", subparagraph (1) or "b" (2)~~, vote in favor of the question. However, the tax or combination of taxes specified in subsection 1 shall not be imposed on property within or on residents of a benefited emergency medical services district under chapter 357F. The question of imposing the tax or combination of the taxes may be submitted at the regular city election, a special election, or state general election. Notice of the question shall be provided by publication at least sixty days before the time of the election and shall identify the tax or combination of taxes and the rate or rates, as applicable. If a majority of those voting on the question approve the imposition of the tax or combination of taxes, the tax or combination of taxes shall be imposed as follows:

~~α.~~ (1) A local option income surtax shall be imposed for tax years beginning on or after January 1 of the fiscal year in which the favorable election was held.

b. (2) An ad valorem property tax shall be imposed for the fiscal year in which the election was held.

b. Before a county imposes an income surtax as specified in subsection 1, ~~paragraph "a", subparagraph (1)~~, a benefited emergency medical services district in the county shall be dissolved, and the county shall be liable for the outstanding obligations of the benefited district. If the benefited district extends into more than one county, the county imposing the

income surtax shall be liable for only that portion of the obligations relating to the portion of the benefited district in the county.

Sec. 84. Section 423.1, subsections 35 and 36, Code 2011, are amended to read as follows:

35. "*Place of business*" means any warehouse, store, place, office, building, or structure where goods, wares, or merchandise are offered for sale at retail or where any taxable amusement is conducted, or each office where gas, water, heat, communication, or electric services are offered for sale at retail. When a retailer or amusement operator sells merchandise by means of vending machines or operates music or amusement devices by coin-operated machines at more than one location within the state, the office, building, or place where the books, papers, and records of the taxpayer are kept shall be deemed to be the taxpayer's place of business.

~~When a retailer or amusement operator sells merchandise by means of vending machines or operates music or amusement devices by coin-operated machines at more than one location within the state, the office, building, or place where the books, papers, and records of the taxpayer are kept shall be deemed to be the taxpayer's place of business.~~

36. "*Prewritten computer software*" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. The combining of two or more prewritten computer software programs or prewritten portions of prewritten programs does not cause the combination to be other than prewritten computer software. "*Prewritten computer software*" also means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. When a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion of the prewritten software that is modified or enhanced to any degree, when such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software. However, when there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

~~When a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion of the prewritten software that is modified or enhanced to any degree, when such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software. However, when there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.~~

Sec. 85. Section 423.3, subsection 60, unnumbered paragraphs 1 and 2, Code 2011, are amended to read as follows:

The sales price from the sale or rental of prescription drugs, durable medical equipment, mobility enhancing equipment, prosthetic devices, and other medical devices intended for human use or consumption. For the purposes of this subsection:

For the purposes of this subsection:

Sec. 86. Section 423.3, subsection 68, paragraph c, subparagraph (1), Code 2011, is amended to read as follows:

(1) "*Clothing*" means all human wearing apparel suitable for general use.

(a) "*Clothing*" includes but is not limited to the following: aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers (children and adults, including disposable diapers); earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab

coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoelaces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel.

(b) “*Clothing*” does not include the following: belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies (including but not limited to knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles); and sewing materials that become part of clothing (including but not limited to buttons, fabric, lace, thread, yarn, and zippers).

Sec. 87. Section 423.3, subsection 77, Code 2011, is amended to read as follows:

77. a. The sales price from the sale of aircraft to an aircraft dealer who in turn rents or leases the aircraft if all of the following apply:

~~a.~~ (1) The aircraft is kept in the inventory of the dealer for sale at all times.

~~b.~~ (2) The dealer reserves the right to immediately take the aircraft from the renter or lessee when a buyer is found.

~~c.~~ (3) The renter or lessee is aware that the dealer will immediately take the aircraft when a buyer is found.

b. If an aircraft exempt under this subsection is used for any purpose other than leasing or renting, or the conditions in ~~paragraphs~~ paragraph “*a*”, “*b*”, ~~and~~ “*c*” subparagraphs (1), (2), and (3), are not continuously met, the dealer claiming the exemption under this subsection is liable for the tax that would have been due except for this subsection. The tax shall be computed upon the original purchase price.

Sec. 88. Section 423.6, subsection 15, Code 2011, is amended to read as follows:

15. a. Aircraft sold to an aircraft dealer who in turn rents or leases the aircraft if all of the following apply:

~~a.~~ (1) The aircraft is kept in the inventory of the dealer for sale at all times.

~~b.~~ (2) The dealer reserves the right to immediately take the aircraft from the renter or lessee when a buyer is found.

~~c.~~ (3) The renter or lessee is aware that the dealer will immediately take the aircraft when a buyer is found.

b. If an aircraft exempt under this subsection is used for any purpose other than leasing or renting, or the conditions in ~~paragraphs~~ paragraph “*a*”, “*b*”, ~~and~~ “*c*” subparagraphs (1), (2), and (3), are not continuously met, the dealer claiming the exemption under this subsection is liable for the tax that would have been due except for this subsection. The tax shall be computed upon the original purchase price.

Sec. 89. Section 425.17, subsection 2, Code 2011, is amended to read as follows:

2. a. “*Claimant*” means either of the following:

~~a.~~ (1) A person filing a claim for credit or reimbursement under this division who has attained the age of sixty-five years on or before December 31 of the base year or who is totally disabled and was totally disabled on or before December 31 of the base year and is domiciled in this state at the time the claim is filed or at the time of the person’s death in the case of a claim filed by the executor or administrator of the claimant’s estate.

~~b.~~ (2) A person filing a claim for credit or reimbursement under this division who has attained the age of twenty-three years on or before December 31 of the base year or was a head of household on December 31 of the base year, as defined in the Internal Revenue Code, but has not attained the age or disability status described in paragraph “*a*”, subparagraph (1), and is domiciled in this state at the time the claim is filed or at the time of the person’s death in the case of a claim filed by the executor or administrator of the claimant’s estate, and was not claimed as a dependent on any other person’s tax return for the base year.

b. “*Claimant*” under paragraph “*a*”, subparagraph (1) or “*b*” (2), includes a vendee in possession under a contract for deed and may include one or more joint tenants or tenants in common. In the case of a claim for rent constituting property taxes paid, the claimant shall have rented the property during any part of the base year. In the case of a claim for property taxes due, the claimant shall have occupied the property during any part of the fiscal year beginning July 1 of the base year. If a homestead is occupied by two or more persons, and

more than one person is able to qualify as a claimant, the persons may each file a claim based upon each person's income and rent constituting property taxes paid or property taxes due.

Sec. 90. Section 435.22, Code 2011, is amended to read as follows:

435.22 Annual tax — credit.

1. The owner of each mobile home or manufactured home located within a manufactured home community or mobile home park shall pay to the county treasurer an annual tax. However, when the owner is any educational institution and the home is used solely for student housing or when the owner is the state of Iowa or a subdivision of the state, the owner shall be exempt from the tax. The annual tax shall be computed as follows:

1. a. Multiply the number of square feet of floor space each home contains when parked and in use by twenty cents. In computing floor space, the exterior measurements of the home shall be used as shown on the certificate of title, but not including any area occupied by a hitching device.

2. b. (1) If the owner of the home is an Iowa resident, has attained the age of twenty-three years on or before December 31 of the base year, and has an income when included with that of a spouse which is less than eight thousand five hundred dollars per year, the annual tax shall not be imposed on the home. If the income is eight thousand five hundred dollars or more but less than sixteen thousand five hundred dollars, the annual tax shall be computed as follows:

If the Household Income is:	Annual Tax Per Square Foot:
\$ 8,500 — 9,499.99	3.0 cents
9,500 — 10,499.99	6.0
10,500 — 12,499.99	10.0
12,500 — 14,499.99	13.0
14,500 — 16,499.99	15.0

(2) For purposes of this subsection paragraph "b", "income" means income as defined in section 425.17, subsection 7, and "base year" means the calendar year preceding the year in which the claim for a reduced rate of tax is filed. The home reduced rate of tax shall only be allowed on the home in which the claimant is residing at the time the claim for a reduced rate of tax is filed or was residing at the time of the claimant's death in the case of a claim filed on behalf of a deceased claimant by the claimant's legal guardian, spouse, or attorney, or by the executor or administrator of the claimant's estate.

(3) Beginning with the 1998 base year, the income dollar amounts set forth in this subsection paragraph "b" shall be multiplied by the cumulative adjustment factor for that base year as determined in section 425.23, subsection 4.

3. 2. The amount thus computed shall be the annual tax for all homes, except as follows:

a. For the sixth through ninth years after the year of manufacture the annual tax is ninety percent of the tax computed according to subsection 1, paragraph "a" or 2 of this section "b", whichever is applicable.

b. For all homes ten or more years after the year of manufacture the annual tax is eighty percent of the tax computed according to subsection 1, paragraph "a" or 2 of this section "b", whichever is applicable.

4. 3. The tax shall be figured to the nearest even whole dollar.

5. 4. a. A claim for credit for manufactured or mobile home tax due shall not be paid or allowed unless the claim is actually filed with the county treasurer between January 1 and June 1, both dates inclusive, immediately preceding the fiscal year during which the home taxes are due. However, in case of sickness, absence, or other disability of the claimant, or if in the judgment of the county treasurer good cause exists, the county treasurer may extend the time for filing a claim for credit through September 30 of the same calendar year. The county treasurer shall certify to the director of revenue on or before November 15 each year the total dollar amount due for claims allowed.

b. The forms for filing the claim shall be provided by the department of revenue. The forms shall require information as determined by the department.

c. In case of sickness, absence, or other disability of the claimant or if, in the judgment of the director of revenue, good cause exists and the claimant requests an extension, the director

may extend the time for filing a claim for credit or reimbursement. However, any further time granted shall not extend beyond December 31 of the year in which the claim was required to be filed. Claims filed as a result of this paragraph shall be filed with the director who shall provide for the reimbursement of the claim to the claimant.

d. The director of revenue shall certify the amount due to each county, which amount shall be the dollar amount which will not be collected due to the granting of the reduced tax rate under subsection 2 1, paragraph “*b*”.

e. The amounts due each county shall be paid by the department of revenue on December 15 of each year, drawn upon warrants payable to the respective county treasurers. The county treasurer in each county shall apportion the payment in accordance with section 435.25.

f. There is appropriated annually from the general fund of the state to the department of revenue an amount sufficient to carry out this subsection.

Sec. 91. Section 437A.3, subsection 1, Code 2011, is amended to read as follows:

1. *a.* “*Assessed value*” means the base year assessed value, as adjusted by section 437A.19, subsection 2.

(1) “*Base year assessed value*”, for a taxpayer other than an electric company, natural gas company, or electric cooperative, means the value attributable to property identified in section 427A.1, subsection 1, paragraph “*h*”, certified by the department of revenue to the county auditors for the assessment date of January 1, 1997, and the value attributable to property identified in section 427A.1 and section 427B.17, subsection 5, as certified by the local assessors to the county auditors for the assessment date of January 1, 1997, provided, that for a taxpayer subject to section 437A.17A, such value shall be the value certified by the department of revenue and local assessors to the county auditors for the assessment date of January 1, 1998.

(2) However, “*base year assessed value*”, for purposes of property of a taxpayer that is a municipal utility, if the property is not a major addition, and the property was initially assessed to the taxpayer as of January 1, 1998, and is not located in a county where the taxpayer had property that was assessed for purposes of this chapter as of January 1, 1997, means the value attributable to such property for the assessment date of January 1, 1998.

(3) For taxpayers that are electric companies, natural gas companies, and electric cooperatives, “*base year assessed value*” means the average of the total of these values for each taxpayer for the assessment dates of January 1, 1993, through January 1, 1997, allocated among taxing districts in proportion to the allocation of the taxpayer’s January 1, 1998, assessed value among taxing districts.

(4) “*Base year assessed value*” does not include value attributable to steam-operating property.

b. For new cogeneration facilities, the assessed value shall be determined as provided in section 437A.16A.

Sec. 92. Section 437A.4, subsection 8, Code 2011, is amended to read as follows:

8. *a.* If for any tax year after calendar year 1998, the total taxable kilowatt-hours of electricity required to be reported by taxpayers pursuant to section 437A.8, subsection 1, paragraphs “*a*” and “*b*”, with respect to any electric competitive service area, increases or decreases by more than the threshold percentage from the average of the base year amounts for that electric competitive service area during the immediately preceding five calendar years, the tax rate imposed under subsection 1, paragraph “*a*”, and subsection 2, for that tax year shall be recalculated by the director for that electric competitive service area so that the total of the replacement electric delivery taxes required to be reported pursuant to section 437A.8, subsection 1, paragraph “*e*”, for that electric competitive service area with respect to the tax imposed under subsection 1, paragraph “*a*”, and subsection 2, shall be as follows:

α. (1) If the number of kilowatt-hours of electricity required to be reported increased by more than the threshold percentage, one hundred two percent of such taxes required to be reported by taxpayers for that electric competitive service area for the immediately preceding tax year.

b. (2) If the number of kilowatt-hours of electricity required to be reported decreased by more than the threshold percentage, ninety-eight percent of such taxes required to

be reported by taxpayers for that electric competitive service area for the immediately preceding tax year.

b. For purposes of paragraphs “a” and “b” paragraph “a”, subparagraphs (1) and (2), in computing the tax rate under subsection 1, paragraph “a”, and subsection 2, for tax year 1999, the director shall use the electric delivery tax component computed for the electric competitive service area pursuant to subsection 3, paragraph “c”, in lieu of the taxes required to be reported for that electric competitive service area for the immediately preceding tax year.

c. The threshold percentage shall be determined annually and shall be eight percent for any electric competitive service area in which the average of the base year amounts for the preceding five calendar years does not exceed three billion kilowatt-hours, and ten percent for all other electric competitive service areas.

d. Any such recalculation of an electric delivery tax rate, if required, shall be made and the new rate shall be published in the Iowa administrative bulletin by the director by no later than May 31 following the tax year. The director shall adjust the tentative replacement tax imposed by subsection 1, paragraph “a”, and subsection 2 required to be shown on any affected taxpayer’s return pursuant to section 437A.8, subsection 1, paragraph “e”, to reflect the adjusted delivery tax rate for the tax year, and report such adjustment to the affected taxpayer on or before June 30 following the tax year. The new electric delivery tax rate shall apply prospectively, until such time as further adjustment is required.

e. For purposes of this section, “base year amount” means for calendar years prior to tax year 1999, the sum of the kilowatt-hours of electricity delivered to consumers within an electric competitive service area by the taxpayer principally serving such electric competitive service area which would have been subject to taxation under this section had this section been in effect for those years; and for tax years after calendar year 1998, the taxable kilowatt-hours of electricity required to be reported by taxpayers pursuant to section 437A.8, subsection 1, paragraphs “a” and “b”, with respect to any electric competitive service area.

Sec. 93. Section 437A.5, subsection 8, paragraph c, Code 2011, is amended to read as follows:

c. (1) For purposes of paragraphs “a” and “b”, in computing the tax rate under subsection 1, paragraph “a”, and subsection 2 for calendar year 1999, the director shall use the average centrally assessed property tax liability allocated to natural gas service computed for the natural gas competitive service area pursuant to subsection 3, paragraph “a”, in lieu of the taxes required to be reported for that natural gas competitive service area for the immediately preceding tax year.

(2) The threshold percentage shall be determined annually and shall be eight percent for any natural gas competitive service area in which the average of the base year amounts for the preceding five calendar years does not exceed two hundred fifty million therms, and ten percent for all other natural gas competitive service areas.

(3) Recalculation of a natural gas delivery tax rate, if required, shall be made and the new rate published in the Iowa administrative bulletin by the director by no later than May 31 following the tax year. The director shall adjust the tentative replacement tax imposed by subsection 1, paragraph “a”, and subsection 2 required to be shown on any affected taxpayer’s return pursuant to section 437A.8, subsection 1, paragraph “e”, to reflect the adjusted delivery tax rate for the tax year, and report such adjustment to the affected taxpayer on or before June 30 following the tax year. The new natural gas delivery tax rate shall apply prospectively, until such time as further adjustment is required.

(4) For purposes of this subsection, “base year amount” means for calendar years prior to tax year 1999, the sum of the therms of natural gas delivered to consumers within a natural gas competitive service area by the taxpayer principally serving such natural gas competitive service area which would have been subject to taxation under this section had this section been in effect for those years; and for tax years after calendar year 1998, the taxable therms of natural gas required to be reported by taxpayers pursuant to section 437A.8, subsection 1, paragraphs “a” and “b”, with respect to any natural gas competitive service area.

Sec. 94. Section 437A.14, subsection 3, Code 2011, is amended to read as follows:

3. Unless otherwise expressly permitted by a section referencing this chapter, the kilowatt-hours of electricity or therms of natural gas delivered by a taxpayer in a competitive service area shall not be divulged to any person or entity, other than the taxpayer, the department, or the internal revenue service for use in a matter unrelated to tax administration. This prohibition precludes persons or entities other than the taxpayer, the department, or the internal revenue service from obtaining such information from the department. A subpoena, order, or process which requires the department to produce such information to a person or entity, other than the taxpayer, the department, or internal revenue service, for use in a nontax proceeding is void.

~~This prohibition precludes persons or entities other than the taxpayer, the department, or the internal revenue service from obtaining such information from the department. A subpoena, order, or process which requires the department to produce such information to a person or entity, other than the taxpayer, the department, or internal revenue service, for use in a nontax proceeding is void.~~

Sec. 95. Section 441.5, Code 2011, is amended to read as follows:

441.5 Examination and certification of applicants — incumbents.

1. For the purpose of examining and certifying candidates for the positions of assessor and deputy assessor, the director of revenue shall prepare and administer a written examination. The examinations shall be administered twice each year in the city of Des Moines. Notification of the time, place and date of the examinations shall be mailed to each city and county assessor, county auditor and chairperson of each city and county conference board at least thirty days prior to the date of the examination.

2. These examinations shall be conducted by the director of revenue in the same manner as other similar examinations, including secrecy regarding questions prior to the examination and in accordance with other rules as may be prescribed by the director of revenue. The examination shall cover the following and related subjects:

1. a. Laws pertaining to the assessment of property for taxation, with emphasis on market value assessment as provided in this chapter.

2. b. Laws on tax exemption.

3. c. Assessment of real estate and personal property, including market value assessment in accordance with this chapter and including fundamental principles and practices of property appraisal and valuation which are consistent with market value assessment as provided in this chapter.

4. d. The rights of taxpayers and property owners related to the assessment of property for taxation.

5. e. The duties of the assessor.

6. f. Other items related to the position of assessor.

3. Only individuals who possess a high school diploma or its equivalent are eligible to take the examination. A person desiring to take the examination shall complete an application prior to the administration of the examination.

4. The director of revenue shall grade the examination taken. The director shall notify, in writing, each applicant of the score attained by the applicant on the examination. An individual who attains a score of seventy percent or greater on the examination is eligible to be certified by the director of revenue as a candidate for any assessor position. Any person who passes the examination and who possesses at least two years of appraisal related experience as determined by the director of revenue shall be granted regular certification and become eligible for appointment to a six-year term as assessor. Any person who passes the examination but who lacks such experience shall be granted temporary certification, and shall be eligible for a provisional appointment as assessor.

5. Any person possessing temporary certification who receives a provisional appointment as assessor shall, during the person's first eighteen months in office, be required to complete a course of study prescribed and administered by the director of revenue. Upon the successful completion of this course of study, the assessor shall be granted regular certification and shall be eligible to remain in office for the balance of the assessor's six-year term. All expenses incurred in obtaining regular certification shall be defrayed by the assessment expense fund.

6. Following the administration of the examination, the director of revenue shall establish a register containing the names, in alphabetical order, of all individuals who are eligible for appointment as assessor. The test scores of individuals on the register shall be given to a city or county conference board upon request. All eligible individuals shall remain on the register for a period of two years following the date of certification granted by the director.

7. Incumbent assessors who have served six consecutive years shall be placed on the register of individuals eligible for appointment as assessor. In order to be appointed to the position of assessor, the assessor shall comply with the continuing education requirements. The number of credits required for certification as eligible for appointment as assessor in a jurisdiction other than where the assessor is currently serving shall be prorated according to the percentage of the assessor's term which is covered by the continuing education requirements of section 441.8. The credit necessary for certification for appointment is the product of one hundred fifty multiplied by the quotient of months served of an assessor's term covered by the continuing education requirements of section 441.8 divided by seventy-two. If the number of credits necessary for certification for appointment as determined under this ~~paragraph~~ subsection results in a partial credit hour, the credit hour shall be rounded to the nearest whole number.

Sec. 96. Section 441.16, Code 2011, is amended to read as follows:

441.16 Budget.

1. All expenditures under this chapter shall be paid as hereinafter provided.
2. Not later than January 1 of each year the assessor, the examining board, and the board of review, shall each prepare a proposed budget of all expenses for the ensuing fiscal year. The assessor shall include in the proposed budget the probable expenses for defending assessment appeals. Said budgets shall be combined by the assessor and copies thereof forthwith filed by the assessor in triplicate with the chairperson of the conference board.
3. ~~Such~~ The combined budgets shall contain an itemized list of the proposed salaries of the assessor and each deputy, the amount required for field personnel and other personnel, their number and their compensation; the estimated amount needed for expenses, printing, mileage and other expenses necessary to operate the assessor's office, the estimated expenses of the examining board and the salaries and expenses of the local board of review.
4. Each fiscal year the chairperson of the conference board shall, by written notice, call a meeting of the conference board to consider the proposed budget and to comply with section 24.9.
5. At such meeting the conference board shall authorize:
 1. ~~a.~~ a. The number of deputies, field personnel, and other personnel of the assessor's office.
 2. ~~b.~~ b. The salaries and compensation of members of the board of review, the assessor, chief deputy, other deputies, field personnel, and other personnel, and determine the time and manner of payment.
 3. ~~c.~~ c. The miscellaneous expenses of the assessor's office, the board of review and the examining board, including office equipment, records, supplies, and other required items.
 4. ~~d.~~ d. The estimated expense of assessment appeals. All such expense items shall be included in the budget adopted for the ensuing year.
6. All tax levies and expenditures provided for herein shall be subject to the provisions of chapter 24 and the conference board is hereby declared to be the certifying board.
7. Any tax for the maintenance of the office of assessor and other assessment procedure shall be levied only upon the property in the area assessed by said assessor and such tax levy shall not exceed forty and one-half cents per thousand dollars of assessed value in assessing areas where the valuation upon which the tax is levied does not exceed ninety-two million, six hundred thousand dollars; thirty-three and three-fourths cents per thousand dollars of assessed value in assessing areas where the valuation upon which the tax is levied exceeds ninety-two million, six hundred thousand dollars and does not exceed one hundred eleven million, one hundred twenty thousand dollars; twenty-seven cents per thousand dollars of assessed value in assessing areas where the valuation upon which the tax is levied exceeds one hundred eleven million, one hundred twenty thousand dollars. The county treasurer shall credit the sums received from such levy to a separate fund to be known as the "assessment expense fund" and from which fund all expenses incurred under this chapter shall be paid.

In the case of a county where there is more than one assessor the treasurer shall maintain separate assessment expense funds for each assessor.

8. The county auditor shall keep a complete record of said funds and shall issue warrants thereon only on requisition of the assessor.

9. The assessor shall not issue requisitions so as to increase the total expenditures budgeted for the operation of the assessor's office. However, for purposes of promoting operational efficiency, the assessor shall have authority to transfer funds budgeted for specific items for the operation of the assessor's office from one unexpended balance to another; such transfer shall not be made so as to increase the total amount budgeted for the operation of the office of assessor, and no funds shall be used to increase the salary of the assessor or the salaries of permanent deputy assessors. The assessor shall issue requisitions for the examining board and for the board of review on order of the chairperson of each board and for costs and expenses incident to assessment appeals, only on order of the city legal department, in the case of cities and of the county attorney in the case of counties.

10. Unexpended funds remaining in the assessment expense fund at the end of a year shall be carried forward into the next year.

Sec. 97. Section 441.21, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. (1) The actual value of all property subject to assessment and taxation shall be the fair and reasonable market value of such property except as otherwise provided in this section. "Market value" is defined as the fair and reasonable exchange in the year in which the property is listed and valued between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and each being familiar with all the facts relating to the particular property. Sale prices of the property or comparable property in normal transactions reflecting market value, and the probable availability or unavailability of persons interested in purchasing the property, shall be taken into consideration in arriving at its market value. In arriving at market value, sale prices of property in abnormal transactions not reflecting market value shall not be taken into account, or shall be adjusted to eliminate the effect of factors which distort market value, including but not limited to sales to immediate family of the seller, foreclosure or other forced sales, contract sales, discounted purchase transactions or purchase of adjoining land or other land to be operated as a unit.

(2) The actual value of special purpose tooling, which is subject to assessment and taxation as real property under section 427A.1, subsection 1, paragraph "e", but which can be used only to manufacture property which is protected by one or more United States or foreign patents, shall not exceed the fair and reasonable exchange value between a willing buyer and a willing seller, assuming that the willing buyer is purchasing only the special purpose tooling and not the patent covering the property which the special purpose tooling is designed to manufacture nor the rights to manufacture the patented property. For purposes of this paragraph subparagraph, special purpose tooling includes dies, jigs, fixtures, molds, patterns, and similar property. The assessor shall not take into consideration the special value or use value to the present owner of the special purpose tooling which is designed and intended solely for the manufacture of property protected by a patent in arriving at the actual value of the special purpose tooling.

Sec. 98. Section 445.5, subsection 2, Code 2011, is amended to read as follows:

2. a. The county treasurer shall each year, upon request, deliver to the following persons or entities, or their duly authorized agents, a copy of the tax statement or tax statement information:

a. (1) Contract purchaser.

b. (2) Lessee.

c. (3) Mortgagee.

d. (4) Financial institution organized or chartered or holding an authorization certificate pursuant to chapter 524, 533, or 534.

e. (5) Federally chartered financial institution.

b. The treasurer may negotiate and charge a reasonable fee not to exceed the cost of producing the information for a requester described in paragraphs "c" through "e" paragraph

“a”, subparagraphs (3) through (5), for a tax statement or tax statement information provided by the treasurer.

Sec. 99. Section 450.94, subsection 5, Code 2011, is amended to read as follows:

5. a. The amount of tax imposed under this chapter shall be assessed according to one of the following:

α. (1) Within three years after the return is filed with respect to property reported on the final inheritance tax return.

β. (2) At any time after the tax became due with respect to property not reported on the final inheritance tax return, but not later than three years after the omitted property is reported to the department on an amended return or on the final inheritance tax return if one was not previously filed.

ε. (3) The period for examination and determination of the correct amount of tax to be reported and due under this chapter is unlimited in the case of failure to file a return or the filing of a false or fraudulent return or affidavit.

b. In addition to the applicable periods of limitations for examination and determination specified in paragraphs “a” and “b” paragraph “a”, subparagraphs (1) and (2), the department may make an examination and determination at any time within six months from the date of receipt by the department of written notice from the taxpayer of the final disposition of any matter between the taxpayer and the internal revenue service with respect to the federal estate, gift, or generation skipping transfer tax. In order to begin the running of the six months assessment period, the notice shall be in writing in form sufficient to inform the department of the final disposition of any matter with respect to the federal estate, gift, or generation skipping transfer tax, and a copy of the federal document showing the final disposition or final federal adjustments shall be attached to the notice.

Sec. 100. Section 453A.14, subsection 1, unnumbered paragraphs 1 and 2, Code 2011, are amended to read as follows:

No state or manufacturer’s permit shall be issued until the applicant files a bond, with good and sufficient surety, to be approved by the director, which bond shall be in favor of the state and conditioned upon the payment of taxes, damages, fines, penalties, and costs adjudged against the permit holder for violation of any of the provisions of this division. The bonds shall be on forms prescribed by the director and in the following amounts:

~~The bonds shall be on forms prescribed by the director and in the following amounts:~~

Sec. 101. Section 453C.1, subsections 4 and 9, Code 2011, are amended to read as follows:

4. a. “Cigarette” means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains any of the following:

α. (1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco.

β. (2) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette.

ε. (3) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in ~~paragraph “a” of this definition~~ subparagraph (1).

b. The term “cigarette” includes “roll-your-own” tobacco, meaning tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of “cigarette”, 0.09 ounces of “roll-your-own” tobacco shall constitute one individual “cigarette”.

9. a. “Tobacco product manufacturer” means an entity that on or after May 20, 1999, directly and not exclusively through any affiliate does any of the following:

α. (1) Manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer, as that term is defined in the master settlement agreement, that will be responsible for the payments under the master settlement agreement with respect to such cigarettes as a result of the

provisions of subsection II(mm) of the master settlement agreement and that pays the taxes specified in subsection II(z) of the master settlement agreement and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States).

b. (2) Is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States.

e. (3) Becomes a successor of an entity described in paragraph “a” or “b” subparagraph (1) or (2).

b. The term “*tobacco product manufacturer*” shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within any of paragraphs “a” through “e” paragraph “a”, subparagraphs (1) through (3).

Sec. 102. Section 455B.173, subsections 2 and 3, Code 2011, are amended to read as follows:

2. Establish, modify, or repeal water quality standards, pretreatment standards, and effluent standards in accordance with the provisions of this chapter.

a. The effluent standards may provide for maintaining the existing quality of the water of the state that is a navigable water of the United States under the federal Water Pollution Control Act where the quality thereof exceeds the requirements of the water quality standards.

b. If the federal environmental protection agency has promulgated an effluent standard or pretreatment standard pursuant to section 301, 306, or 307 of the federal Water Pollution Control Act, a pretreatment or effluent standard adopted pursuant to this section shall not be more stringent than the federal effluent or pretreatment standard for such source. This section may not preclude the establishment of a more restrictive effluent limitation in the permit for a particular point source if the more restrictive effluent limitation is necessary to meet water quality standards, the establishment of an effluent standard for a source or class of sources for which the federal environmental protection agency has not promulgated standards pursuant to section 301, 306, or 307 of the federal Water Pollution Control Act. Except as required by federal law or regulation, the commission shall not adopt an effluent standard more stringent with respect to any pollutant than is necessary to reduce the concentration of that pollutant in the effluent to the level due to natural causes, including the mineral and chemical characteristics of the land, existing in the water of the state to which the effluent is discharged. Notwithstanding any other provision of this part of this division or chapter 459, subchapter III, any new source, the construction of which was commenced after October 18, 1972, and which was constructed as to meet all applicable standards of performance for the new source or any more stringent effluent limitation required to meet water quality standards, shall not be subject to any more stringent effluent limitations during a ten-year period beginning on the date of completion of construction or during the period of depreciation or amortization of the pollution control equipment for the facility for the purposes of section 167 and or 169 or both sections of the Internal Revenue Code, whichever period ends first.

3. Establish, modify, or repeal rules relating to the location, construction, operation, and maintenance of disposal systems and public water supply systems and specifying the conditions, including the viability of a system pursuant to section 455B.174, under which the director shall issue, revoke, suspend, modify, or deny permits for the operation, installation, construction, addition to, or modification of any disposal system or public water supply system, or for the discharge of any pollutant.

a. The rules specifying the conditions under which the director shall issue permits for the construction of an electric power generating facility subject to chapter 476A shall provide for issuing a conditional permit upon the submission of engineering descriptions, flow diagrams and schematics that qualitatively and quantitatively identify effluent streams and alternative disposal systems that will provide compliance with effluent standards or limitations.

b. No rules shall be adopted which regulate the hiring or firing of operators of disposal systems or public water supply systems except rules which regulate the certification of operators as to their technical competency.

c. A publicly owned treatment works whose discharge meets the final effluent limitations which were contained in its discharge permit on the date that construction of the publicly owned treatment works was approved by the department shall not be required to meet more stringent effluent limitations for a period of ten years from the date the construction was completed and accepted but not longer than twelve years from the date that construction was approved by the department.

Sec. 103. Section 455B.213, subsection 4, Code 2011, is amended to read as follows:

4. *Violation.*

a. An employee of the department who willfully communicates or seeks to communicate such information, and a person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

b. A member of the commission who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a public offense which is punishable by a fine not exceeding one hundred dollars or by imprisonment in the county jail for not more than thirty days.

Sec. 104. Section 455B.312, subsection 2, unnumbered paragraph 2, Code 2011, is amended to read as follows:

3. If an acceptable plan is not prepared, the plan is not implemented, or the problem otherwise continues unabated, the attorney general shall take actions authorized by law to secure compliance.

Sec. 105. Section 455B.423, subsection 2, Code 2011, is amended to read as follows:

2. a. The director may use the fund for any of the following purposes:

a. (1) Administrative services for the identification, assessment and cleanup of hazardous waste or hazardous substance disposal sites.

b. (2) Payments to other state agencies for services consistent with the management of hazardous waste or hazardous substance disposal sites.

e. (3) Emergency response activities as provided in part 4 of this division.

d. (4) Financing the nonfederal share of the cost of cleanup and site rehabilitation activities as well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.

e. (5) Financing the cost of cleanup and site rehabilitation activities as well as postclosure operation and maintenance costs of hazardous waste or hazardous substance disposal sites that do not qualify for federal cost sharing pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.

f. (6) Through agreements or contracts with other state agencies, work with private industry to develop alternatives to land disposal of hazardous waste or hazardous substances including, but not limited to, resource recovery, recycling, neutralization, and reduction.

g. (7) For the administration of the waste tire collection or processing site permit program.

b. However, at least seventy-five percent of the fund shall be used for the purposes stated in paragraphs "d" and "e" paragraph "a", subparagraphs (4) and (5).

Sec. 106. Section 455B.471, subsection 11, Code 2011, is amended to read as follows:

11. a. "Underground storage tank" means one or a combination of tanks, including underground pipes connected to the tanks which are used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes, is ten percent or more beneath the surface of the ground. Underground storage tank does not include:

a. (1) Farm or residential tanks of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes.

b. (2) Tanks used for storing heating oil for consumptive use on the premises where stored.

e. (3) Residential septic tanks.

d. (4) Pipeline facilities regulated under the Natural Gas Pipeline Safety Act of 1968, as amended to January 1, 1985 (49, codified at 49 U.S.C. § 1671 et seq.) seq., the Hazardous Liquid Pipeline Safety Act of 1979, as amended to January 1, 1985 (49, codified at 49 U.S.C. § 2001 et seq.) seq., or an intrastate pipeline facility regulated under chapter 479.

- ~~e.~~ (5) A surface impoundment, pit, pond, or lagoon.
 - ~~f.~~ (6) A storm water or wastewater collection system.
 - ~~g.~~ (7) A flow-through process tank.
 - ~~h.~~ (8) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.
 - ~~i.~~ (9) A storage tank situated in an underground area including, but not limited to, a basement, cellar, mineworking, drift, shaft, or tunnel if the storage tank is situated upon or above the surface of the floor.
- b. Underground storage tank does not include pipes connected to a tank described in paragraphs “a” to “i” paragraph “a”, subparagraphs (1) through (9).

Sec. 107. Section 455B.474, subsection 1, Code 2011, is amended to read as follows:

1. a. Release detection, prevention, and correction as may be necessary to protect human health and the environment, applicable to all owners and operators of underground storage tanks. The rules shall include, but are not limited to, requirements for:

~~a.~~ (1) Maintaining a leak detection system, an inventory control system with a tank testing, or a comparable system or method designed to identify releases in a manner consistent with the protection of human health and the environment.

~~b.~~ (2) Maintaining records of any monitoring or leak detection system, inventory control system, tank testing or comparable system, and periodic underground storage tank facility compliance inspections conducted by inspectors certified by the department.

~~c.~~ (3) Reporting of any releases and corrective action taken in response to a release from an underground storage tank.

~~d.~~ (4) Establishing criteria for classifying sites according to the release of a regulated substance in connection with an underground storage tank.

(4) (a) The classification system shall consider the actual or potential threat to public health and safety and to the environment posed by the contaminated site and shall take into account relevant factors, including the presence of contamination in soils, groundwaters, and surface waters, and the effect of conduits, barriers, and distances on the contamination found in those areas according to the following factors:

(a) (i) Soils shall be evaluated based upon the depth of the existing contamination and its distance from the ground surface to the contamination zone and the contamination zone to the groundwater; the soil type and permeability, including whether the contamination exists in clay, till or sand and gravel; and the variability of the soils, whether the contamination exists in soils of natural variability or in a disturbed area.

(b) (ii) Groundwaters shall be evaluated based upon the depth of the contamination and its distance from the ground surface to the groundwater and from the contamination zone to the groundwater; the flow pattern of the groundwater, the direction of the flow in relation to the contamination zone and the interconnection of the groundwater with the surface or with surface water and with other groundwater sources; the nature of the groundwater, whether it is located in a high yield aquifer, an isolated, low yield aquifer, or in a transient saturation zone; and use of the groundwater, whether it is used as a drinking water source for public or private drinking water supplies, for livestock watering, or for commercial and industrial processing.

(c) (iii) Surface water shall be evaluated based upon its location, its distance in relation to the contamination zone, the groundwater system and flow, and its location in relation to surface drainage.

(d) (iv) The effect of conduits, barriers, and distances on the contamination found in soils, groundwaters, and surface waters. Consideration should be given to the following: the effect of contamination on conduits such as wells, utility lines, tile lines and drainage systems; the effect of conduits on the transport of the contamination; whether a well is active or abandoned; what function the utility line serves, whether it is a sewer line, a water distribution line, telephone line, or other line; the existence of barriers such as buildings and other structures, pavement, and natural barriers, including rock formations and ravines; and the distance which separates the contamination found in the soils, groundwaters, or surface waters from the conduits and barriers.

~~(2)~~ (b) A site shall be classified as either high risk, low risk, or no action required, as determined by a certified groundwater professional.

(a) (i) A site shall be considered high risk when 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:

(i) (A) Contamination is affecting or likely to affect groundwater which is used as a source water for public or private water supplies, to a level rendering them unsafe for human consumption.

(ii) (B) Contamination is actually affecting or is likely to affect surface water bodies to a level where surface water quality standards, under section 455B.173, will be exceeded.

(iii) (C) Harmful or explosive concentrations of petroleum substances or vapors affecting structures or utility installations exist or are likely to occur.

(b) (ii) A site shall be considered low risk when a certified groundwater professional determines that low risk conditions exist as follows:

(i) (A) Contamination is present and is affecting groundwater, but high risk conditions do not exist and are not likely to occur.

(ii) (B) Contamination is above action level standards, but high risk conditions do not exist and are not likely to occur.

(c) (iii) A site shall be considered no action required 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.

(d) (iv) For purposes of classifying a site as either low risk or no action required, the department shall rely upon the example tier one risk-based screening level look-up table of ASTM (American society for testing and materials) international's emergency standard, ES38-94, or other look-up table as determined by the department by rule.

(e) (v) 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 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 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. 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 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.

e. (5) The closure of tanks to prevent any future release of a regulated substance into the environment. If consistent with federal environmental protection agency technical standard regulations, state tank closure rules shall include, at the tank owner's election, an option to fill the tank with an inert material. Removal of a tank shall not be required if the tank is filled with an inert material pursuant to department of natural resources rules. A tank closed, or to be closed and which is actually closed, within one year of May 13, 1988, shall be required to complete monitoring or testing as required by the department to ensure that the tank did not leak prior to closure, but shall not be required to have a monitoring system installed.

f. (6) Establishing corrective action response requirements for the release of a regulated substance in connection with an underground storage tank. The corrective action response requirements shall include, but not be limited to, all of the following:

(1) (a) A requirement that the site cleanup report do all of the following:

- (a) (i) Identify the nature and level of contamination resulting from the release.
- (b) (ii) Provide supporting data and a recommendation of the degree of risk posed by the site relative to the site classification system adopted pursuant to paragraph "d" "a", subparagraph (4).
- (c) (iii) Provide supporting data and a recommendation of the need for corrective action.
- (d) (iv) Identify the corrective action options which shall address the practical feasibility of implementation, costs, expected length of time to implement, and environmental benefits.
- (2) (b) To the fullest extent practicable, allow for the use of generally available hydrological, geological, topographical, and geographical information and minimize site specific testing in preparation of the site cleanup report.
- (3) (c) Require that at a minimum the source of a release be stopped either by repairing, upgrading, or closing the tank and that free product be removed or contained on site.
- (4) (d) High risk sites shall be addressed pursuant to a corrective action design report, as submitted by a groundwater professional and as accepted by the department. The corrective action design report shall determine the most appropriate response to the high risk conditions presented. The appropriate corrective action response shall be based upon industry standards and shall take into account the following:
- (a) (i) The extent of remediation required to reclassify the site as a low risk site.
- (b) (ii) The most appropriate exposure scenarios based upon residential, commercial, or industrial use or other predefined industry accepted scenarios.
- (c) (iii) Exposure pathway characterizations including contaminant sources, transport mechanisms, and exposure pathways.
- (d) (iv) Affected human or environmental receptors and exposure scenarios based on current and projected use scenarios.
- (e) (v) Risk-based corrective action assessment principles which identify the risks presented to the public health and safety or the environment by each release in a manner that will protect the public health and safety or the environment using a tiered procedure consistent with ASTM (American society for testing and materials) international's emergency standard, ES38-94.
- (f) (vi) Other relevant site specific factors such as the feasibility of available technologies, existing background contaminant levels, current and planned future uses, ecological, aesthetic, and other relevant criteria, and the applicability and availability of engineering and institutional controls, including an environmental covenant as established by chapter 455I.
- (g) (vii) Remediation shall not be required on a site that does not present an increased cancer risk at the point of exposure of one in one million for residential areas or one in ten thousand for nonresidential areas.
- (5) (e) 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 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) (f) 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)~~ (g) 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”~~ “a”, subparagraph (6), 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)~~ division (e) shall be considered corrective action for purposes of section 455G.9.

~~(8)~~ (h) Notwithstanding other provisions to the contrary and to the extent permitted by federal law, the department shall allow for bioremediation of soils and groundwater. For purposes of this subparagraph division, “*bioremediation*” means the use of biological organisms, including microorganisms or plants, to degrade organic pollutants to common natural products.

~~(9)~~ (i) Replacement or upgrade of a tank on a site classified as a high or low risk site shall be equipped with a secondary containment system with monitoring of the space between the primary and secondary containment structures or other board approved tank system or methodology.

~~(10)~~ (j) The commission and the board shall cooperate to ensure that remedial measures required by the corrective action rules adopted pursuant to this ~~paragraph~~ subparagraph (6) are reasonably cost-effective and shall, to the fullest extent possible, avoid duplicating and conflicting requirements.

~~(11)~~ (k) The director may order an owner or operator to immediately take all corrective actions deemed reasonable and necessary by the director if the corrective action is consistent with the prioritization rules adopted under this ~~paragraph~~ subparagraph (6). Any order taken by the director pursuant to this subparagraph division shall be reviewed at the next meeting of the environmental protection commission.

~~g-~~ (7) Specifying an adequate monitoring system to detect the presence of a leaking underground storage tank and to provide for protection of the groundwater resources for regulated tanks installed prior to January 14, 1987. The effective date of the rules adopted shall be January 14, 1989. In the event that federal regulations are adopted by the United States environmental protection agency after the commission has adopted state standards pursuant to this subsection, the commission shall immediately proceed to adopt rules consistent with those federal regulations adopted. Unless the federal environmental protection agency adopts final rules to the contrary, rules adopted pursuant to this section shall not apply to hydraulic lift reservoirs, such as for automobile hoists and elevators, containing hydraulic oil.

~~h-~~ (8) Issuing a no further action certificate or a monitoring certificate to the owner or operator of an underground storage tank site.

~~(1)~~ (a) 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.

~~(2)~~ (b) A monitoring certificate shall be issued by the department for a site which does not require remediation, but does require monitoring of the site.

~~(3)~~ (c) 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”~~ “a”, subparagraph (8), or a

subsequent purchaser of the site shall not be required to perform further corrective action because action standards are changed at a later date. A certificate shall not prevent the department from ordering corrective action of a new release.

~~1.~~ (9) Establishing a certified compliance inspector program administered by the department for underground storage tank facility compliance inspections.

(4) (a) The certified compliance inspector program shall provide for, but not be limited to, all of the following:

(a) (i) Mandatory periodic underground storage tank facility compliance inspections by owners and operators using inspectors certified by the department.

(b) (ii) Compliance inspector qualifications, certification procedures, certification and renewal fees sufficient to cover administrative costs, continuing education requirements, inspector discipline standards including certification suspension and revocation for good cause, compliance inspection standards, professional liability bonding or insurance requirements, and any other requirements as the commission may deem appropriate. Certification and renewal fees received by the department are appropriated to the department for purposes of the administration of the certified compliance inspector program.

(2) (b) The department shall continue to conduct independent inspections as provided in section 455B.475 as deemed appropriate to assure effective compliance and enforcement and for the purpose of auditing the accuracy and completeness of inspections conducted by certified compliance inspectors.

(3) (c) Acts or omissions by a certified compliance inspector, the state, or the department regarding certification, renewal, oversight of the certification process, continuing education, discipline, inspection standards, or any other actions, rules, or regulations arising out of the certification, inspections, or duties imposed by this section shall not be cause for a claim against the state or the department within the meaning of chapter 669 or any other provision of the Iowa Code.

b. In adopting the rules under this subsection, the commission may distinguish between types, classes, and ages of underground storage tanks. In making the distinctions, the commission may take into consideration factors including, but not limited to, location of the tanks, compatibility of a tank material with the soil and climate conditions, uses of the tanks, history of maintenance, age of the tanks, current industry recommended practices, national consensus codes, hydrogeology, water table, size of the tanks, quantity of regulated substances periodically deposited in or dispensed from the tank, the degree of risk presented by the regulated substance, the technical and managerial capability of the owners and operators, and the compatibility of the regulated substance and the materials of which the underground storage tank is fabricated.

c. The department may issue a variance, which includes an enforceable compliance schedule, from the mandatory monitoring requirement for an owner or operator who demonstrates plans for tank removal, replacement, or filling with an inert material pursuant to a department approved variance. A variance may be renewed for just cause.

Sec. 108. Section 455D.3, subsections 1 and 3, Code 2011, are amended to read as follows:

1. *Year 1994 and 2000 goals.*

a. The goal of the state is to reduce the amount of materials in the waste stream, existing as of July 1, 1988, twenty-five percent by July 1, 1994, and fifty percent by July 1, 2000, through the practice of waste volume reduction at the source and through recycling. For the purposes of this section, "waste stream" means the disposal of solid waste as "solid waste" is defined in section 455B.301.

b. Notwithstanding section 455D.1, subsection 6, facilities which employ combustion of solid waste with energy recovery and refuse-derived fuel, which are included in an approved comprehensive plan, may include these processes in the definition of recycling for the purpose of meeting the state goal if at least thirty-five percent of the waste reduction goal, required to be met by July 1, 2000, pursuant to this section, is met through volume reduction at the source and recycling and reuse, as established pursuant to section 455B.301A, subsection 1, paragraphs "a" and "b".

3. *Departmental monitoring.*

a. By October 31, 1994, a planning area shall submit to the department a solid waste abatement table which is updated through June 30, 1994. By April 1, 1995, the department shall report to the general assembly on the progress that has been made by each planning area on attainment of the July 1, 1994, twenty-five percent goal.

(1) If at any time the department determines that a planning area has met or exceeded the twenty-five percent goal, but has not met or exceeded the fifty percent goal, a planning area shall subtract sixty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. If at any time the department determines that a planning area has met or exceeded the fifty percent goal, a planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. The reduction in tonnage fees pursuant to this ~~paragraph~~ subparagraph shall be taken from that portion of the tonnage fees which would have been allocated for funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1).

(2) If the department determines that a planning area has failed to meet the July 1, 1994, twenty-five percent goal, the planning area shall, at a minimum, implement the solid waste management techniques as listed in subsection 4. Evidence of implementation of the solid waste management techniques shall be documented in subsequent comprehensive plans submitted to the department.

b. (1) By October 31, 2000, a planning area shall submit to the department, a solid waste abatement table which is updated through June 30, 2000. By April 1, 2001, the department shall report to the general assembly on the progress that has been made by each planning area on attainment of the July 1, 2000, fifty percent goal.

(2) If at any time the department determines that a planning area has met or exceeded the fifty percent goal, the planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310. This amount shall be in addition to any amount subtracted pursuant to paragraph "a" ~~of this subsection~~. The reduction in tonnage fees pursuant to this ~~paragraph~~ subparagraph shall be taken from that portion of the tonnage fees which would have been allocated to funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1). Except for fees required under subsection 4, paragraph "a", a planning area failing to meet the fifty percent goal is not required to remit any additional tonnage fees to the department.

Sec. 109. Section 455D.10B, subsections 2 and 3, Code 2011, are amended to read as follows:

2. a. A rechargeable consumer product manufacturer may apply to the department for exemption from the requirements of subsection 1 if any of the following apply:

~~a.~~ (1) The product cannot be redesigned or manufactured to comply with the requirements prior to January 1, 1994.

~~b.~~ (2) The redesign of the product to comply with the requirements would result in significant danger to public health and safety.

~~e.~~ (3) The battery poses no unreasonable hazard to public health, safety, or the environment when placed in and processed or disposed of as part of mixed municipal solid waste, pursuant to section 455D.10A.

~~d.~~ (4) The consumer product manufacturer has in operation a program to recycle used batteries in an environmentally sound manner.

b. A manufacturer of a product that is powered by a battery that cannot be easily removed who has been granted an exemption under this subsection shall label the product as required in subsection 1, paragraph "b".

3. An exemption granted by the department under subsection 2, paragraph "a", subparagraph (1), is limited to a maximum of two years, but may be renewed.

Sec. 110. Section 455E.11, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. A household hazardous waste account.

(1) The moneys collected pursuant to section 455F.7 and moneys collected pursuant to section 29C.8A which are designated for deposit, shall be deposited in the household hazardous waste account. Two thousand dollars is appropriated annually to the Iowa

department of public health to carry out departmental duties under section 135.11, subsections 18 and 19, and section 139A.21. The remainder of the account shall be used to fund toxic cleanup days and the efforts of the department to support a collection system for household hazardous materials, including public education programs, training, and consultation of local governments in the establishment and operation of permanent collection systems, and the management of collection sites, education programs, and other activities pursuant to chapter 455F, including the administration of the household hazardous materials permit program by the department of revenue.

(2) The department shall submit to the general assembly, annually on or before January 1, an itemized report which includes but is not limited to the total amount of moneys collected and the sources of the moneys collected, the amount of moneys expended for administration of the programs funded within the account, and an itemization of any other expenditures made within the previous fiscal year.

Sec. 111. Section 455G.9, subsection 1, paragraph g, Code 2011, is amended to read as follows:

g. (1) Corrective action for the costs of a release under all of the following conditions:

(4) (a) The property upon which the tank causing the release was situated was transferred by inheritance, devise, or bequest.

(2) (b) The property upon which the tank causing the release was situated has not been used to store or dispense petroleum since December 31, 1975.

(3) (c) The person who received the property by inheritance, devise, or bequest was not the owner of the property during the period of time when the release which is the subject of the corrective action occurred.

(4) (d) The release was reported to the board by October 26, 1991.

(2) Corrective action costs and copayment amounts under this paragraph “g” shall be paid in accordance with subsection 4.

(3) A person requesting benefits under this paragraph “g” may establish that the conditions of ~~subparagraphs subparagraph~~ subparagraph (1), (2), and (3) subparagraph divisions (a), (b), and (c), are met through the use of supporting documents, including a personal affidavit.

Sec. 112. Section 455G.9, subsection 5, Code 2011, is amended to read as follows:

5. *Recovery of gain on sale of property.*

a. If an owner or operator ceases to own or operate a tank site for which remedial account benefits were received within ten years of the receipt of any account benefit and sells or transfers a property interest in the tank site for an amount which exceeds one hundred twenty percent of the precorrective action value, adjusted for equipment and capital improvements, the owner or operator shall refund to the remedial account an amount equal to ninety percent of the amount in excess of one hundred twenty percent of the precorrective action value up to a maximum of the expenses incurred by the remedial account associated with the tank site plus interest, equal to the interest for the most recent twelve-month period for the most recent bond issue for the fund, on the expenses incurred, compounded annually. An owner or operator under this subsection shall notify the board of the sale or transfer of the property interest in the tank site. Expenses incurred by the fund are a lien upon the property recordable and collectible in the same manner as the lien provided for in section 424.11 at the time of sale or transfer, subject to the terms of this section.

b. This subsection shall not apply if the sale or transfer is pursuant to a power of eminent domain, or benefits. When federal cleanup funds are recovered, the funds are to be deposited to the remedial account of the fund and used solely for the purpose of future cleanup activities.

Sec. 113. Section 455G.12A, subsections 2 and 3, Code 2011, are amended to read as follows:

2. *Contract approval.*

a. In the course of review and approval of a contract pursuant to this section, the administrator may require an owner or operator to obtain and submit three bids, provided that the administrator coordinates bid submission with the department. The administrator may require specific terms and conditions in a contract subject to approval.

b. The board shall have authority to contract for site cleanup reports. The board's responsibility for site cleanup reports is limited to those site cleanup reports subject to approval by the department of natural resources and required in connection with the remediation of a release which is eligible for benefits under section 455G.9. The site cleanup report shall address existing and available remedial technologies and the costs associated with the use of each technology. The board shall not have the authority to affect a contract which has been given written approval under this section.

3. *Exclusive contracts.*

a. The administrator may enter into a contract or an exclusive contract with the supplier of goods or services required by a class of tank owners or operators in connection with an expense payable or reimbursable from the fund, to supply a specified good or service for a gross maximum price, fixed rate, on an exclusive basis, or subject to another contract term or condition reasonably calculated to obtain goods or services for the fund or for tank owners and operators at a reasonable cost. A contract may provide for direct payment from the fund to a supplier.

b. The administrator may retain, subject to board approval, an independent person to assist in the review of work required in connection with a release or tank system for which fund benefits are sought, and to establish prevailing cost of goods and services needed. Nothing in this section is intended to preempt the regulatory authority of the department.

Sec. 114. Section 455G.13, subsections 4 and 10, Code 2011, are amended to read as follows:

4. *Treble damages for certain violations.*

a. Notwithstanding subsections 2 and 3, the owner or operator, or both, of a tank are liable to the fund for punitive damages in an amount equal to three times the amount of any cost incurred or moneys expended by the fund as a result of a release of petroleum from the tank if the owner or operator did any of the following:

α. (1) Failed, without sufficient cause, to respond to a release of petroleum from the tank upon, or in accordance with, a notice issued by the director of the department of natural resources.

β. (2) After May 5, 1989, failed to perform any of the following:

(1) (a) Failed to register the tank, which was known to exist or reasonably should have been known to exist.

(2) (b) Intentionally failed to report a known release.

b. The punitive damages imposed under this subsection are in addition to any costs or expenditures recovered from the owner or operator pursuant to this chapter and in addition to any other penalty or relief provided by this chapter or any other law.

c. However, the state, a city, county, or other political subdivision shall not be liable for punitive damages.

10. *Claims against potentially responsible parties.*

a. Upon payment by the fund for corrective action or third-party liability pursuant to this chapter, the rights of the claimant to recover payment from any potentially responsible party, are assumed by the board to the extent paid by the fund. A claimant is precluded from receiving double compensation for the same injury.

b. In an action brought pursuant to this chapter seeking damages for corrective action or third-party liability, the court shall permit evidence and argument as to the replacement or indemnification of actual economic losses incurred or to be incurred in the future by the claimant by reason of insurance benefits, governmental benefits or programs, or from any other source.

c. A claimant may elect to permit the board to pursue the claimant's cause of action for any injury not compensated by the fund against any potentially responsible party, provided the attorney general determines such representation would not be a conflict of interest. If a claimant so elects, the board's litigation expenses shall be shared on a pro rata basis with the claimant, but the claimant's share of litigation expenses is payable exclusively from any share of the settlement or judgment payable to the claimant.

Sec. 115. Section 456A.36, subsection 2, Code 2011, is amended to read as follows:

2. a. (1) A timber buyer shall file with the commission a surety bond signed by the person as principal and a corporate surety authorized to engage in the business of executing surety bonds within the state. In lieu of a corporate surety a timber buyer may, with the approval of the commission, file a bond signed by the timber buyer as principal and accompanied by a bank certificate of deposit in a form approved by the commission showing to the satisfaction of the commission that funds equal to the amount of the required bond are on deposit in a bank to be held by the bank for the period covered by the certificate. The funds shall be made payable upon demand to the director, subject to the provisions of this section, for the use and benefit of the people of the state and for the use and benefit of a timber grower from whom the timber buyer purchased and who is not paid by the timber buyer or for the use and benefit of a timber grower whose timber has been cut by the timber buyer or the timber buyer's agents, and who has not been paid.

(2) The principal amount of the bond shall be ten percent of the total amount paid to timber growers during the preceding year, plus ten percent of the total amount due or delinquent and unpaid to timber growers at the end of the preceding year, and ten percent of the market value of growers' shares of timber harvested during the previous year. However, the total amount of the bond shall be not less than three thousand dollars and not more than fifteen thousand dollars.

(3) The bond or surety shall not be canceled or altered except upon at least sixty days' notice in writing to the commission.

(4) Bonds shall be in the form approved by the director, be conditioned to secure an honest cutting and accounting for timber purchased by the timber buyer, secure payment to the timber growers, and insure the timber growers against all fraudulent acts of the timber buyer in the purchase and cutting of the timber of this state.

b. If a timber buyer fails to pay when due an amount due a timber grower for timber purchased, or fails to pay legally determined damages for timber wrongfully cut by a timber buyer or the buyer's agent, or commits a violation of this section, an action on the bond for forfeiture may be commenced. The action is not exclusive and is in addition to other legal remedies available.

c. The timber grower, the owner of timber cut, or the director may bring action on the bond for payment of the amount due from proceeds of the bond in the district court of the county in which the place of business of the timber buyer is situated or in any other lawful venue.

d. The attorney general, upon request of the commission, shall institute proceedings to have the bond of the timber buyer forfeited for violation of any of the provisions of this section or for noncompliance with a commission rule. A timber buyer whose bond has been forfeited shall not engage in the business of buying timber for one year after the forfeiture.

e. If the commission realizes more than the amount of liability from the security, after deducting expenses incurred in converting the security into money, the commission shall pay the excess to the timber buyer who furnished the security.

Sec. 116. Section 459A.103, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. (1) For purposes of determining whether two or more open feedlot operations are under common ownership, a person must hold an interest in each of the open feedlot operations as any of the following:

(1) ~~(a)~~ A sole proprietor.

(2) ~~(b)~~ A joint tenant or tenant in common.

(3) ~~(c)~~ 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.

(2) An interest in the open feedlot operation under subparagraph ~~(2) or (3)~~ (1), subparagraph division (b) or (c), which is held directly or indirectly by the person's spouse or dependent child shall be attributed to the person.

Sec. 117. Section 460.304, subsection 3, paragraph b, unnumbered paragraph 2, Code 2011, is amended to read as follows:

c. The department of natural resources shall cooperate with the division by providing information necessary to administer this subsection.

Sec. 118. Section 461A.3A, subsection 2, unnumbered paragraph 2, Code 2011, is amended to read as follows:

3. The department shall provide in its annual budget documentations to the governor and general assembly a report on the use of moneys under the program since the last report and the projected use of future moneys.

Sec. 119. Section 462A.5, subsection 4, Code 2011, is amended to read as follows:

4. a. If a person, after registering a vessel, moves from the address shown on the registration certificate, the person shall, within ten days, notify the county recorder in writing of the old and new address. If appropriate, the county recorder shall forward all past records of the vessel to the recorder of the county in which the owner resides.

b. If the name of a person, who has registered a vessel, is changed, the person shall, within ten days, notify the county recorder of the former and new name.

c. No fee shall be paid to the county recorder for making the changes mentioned in this subsection, unless the owner requests a new registration certificate showing the change, in which case a fee of one dollar plus a writing fee shall be paid to the recorder.

d. If a registration certificate is lost, mutilated or becomes illegible, the owner shall immediately make application for and obtain a duplicate registration certificate by furnishing information satisfactory to the county recorder. A fee of one dollar plus a writing fee shall be paid to the county recorder for a duplicate registration certificate.

~~A fee of one dollar plus a writing fee shall be paid to the county recorder for a duplicate registration certificate.~~

e. If a vessel, registered under this chapter, is destroyed or abandoned, the destruction or abandonment shall be reported to the county recorder and the registration certificate shall be forwarded to the office of the county recorder within ten days after the destruction or abandonment.

Sec. 120. Section 465A.1, Code 2011, is amended to read as follows:

465A.1 Statement of purpose — intent.

1. The general assembly finds that:

1. a. Iowa's most significant open space lands are essential to the well-being and quality of life for Iowans and to the economic viability of the state's recreation and tourism industry.

2. b. Many areas of high national significance in the state have not received adequate public protection to keep them free of visual blight, resource degradation, and negative impacts from inappropriate land use and surrounding development. Some of these areas include national park service and United States fish and wildlife service properties, national landmarks and trails, the Des Moines river greenbelt, the great river road, areas where interstate highways enter the state, cross major rivers, and pass by other areas of national significance, major state park and recreation areas, unique and protected water areas, and significant natural, geological, scenic, historic, and cultural properties of the state.

3. c. While state and federal funds are generally available for the acquisition and protection of fish and wildlife areas and habitats as well as boating access to public waters, funding programs for public open space acquisition and protection have not been adequate to meet needs.

4. d. Relative to other midwestern states, Iowa ranks last in the proportion of land acquired and protected for public open space.

5. 2. a. A program shall be established to:

a. (1) Educate the citizens of the state about the needs and urgency of protecting the state's open spaces.

b. (2) Plan for the protection of the state's significant open space areas.

e. (3) Acquire and protect those properties on a priority basis through a variety of appropriate means.

b. In addition to other goals for the program, it is intended that a minimum of ten percent of the state's land area be included under some form of public open space protection by the year 2000.

Sec. 121. Section 468.65, Code 2011, is amended to read as follows:

468.65 Reclassification.

1. When, after a drainage or levee district has been established, except districts established by mutual agreement in accordance with section 468.142, and the improvements thereof constructed and put in operation, there has been a material change as to lands occupied by highway or railroad right-of-way or in the character of the lands benefited by the improvement, or when a repair, improvement, or extension has become necessary, the board may consider whether the existing assessments are equitable as a basis for payment of the expense of maintaining the district and of making the repair, improvement or extension. If they find the same to be inequitable in any particular, they shall by resolution express such finding, appoint three commissioners possessing the qualifications prescribed in section 468.38 and order a reclassification as follows:

1. a. If they find the assessments to be generally inequitable they shall order a reclassification of all property subject to assessment, such as lands, highways, and railroads in said district.

2. b. If the inequity ascertained by the board is limited to the proportion paid by highways or railroads, a general reclassification of all lands shall not be necessary but the commissioners may evaluate and determine the fair proportion to be paid by such highways or railroads or both as provided in sections 468.42 and 468.43.

3. c. Any benefits of a character for which levee or drainage districts may be established and which are attributable to or enhanced by the improvement or by the repair, improvement, or extension thereof, shall be a proper subject of consideration in a reclassification notwithstanding the district may have been originally established for a limited purpose.

4. d. (1) If after a district has been reclassified, the board in its judgment concludes there were errors in the reclassification or there is an inequitable assessment of benefits, the board may on its own motion, after notice to the landowners involved as provided in sections 468.14 through 468.18 and by resolution, order the district or any portion of the district to again be reclassified as prescribed in this section and in section 468.67.

(2) The board may include in its resolution an order to the commissioners that they prepare special common outlet classifications, if needed, in conjunction with the reclassification of the district.

2. Such reclassification when finally adopted shall remain the basis for all future assessments unless revised as provided in this subchapter, parts 1 through 5.

Sec. 122. Section 468.184, subsections 1, 2, 5, 6, and 10, Code 2011, are amended to read as follows:

1. a. (1) When a levee district shall have been located and finally established; or

b. (2) When the required proceedings have been taken to enlarge, extend, strengthen, raise, relocate, reconstruct, or improve any existing levee; or

e. (3) When the required proceedings have been held to annex additional lands to said levee district or to exclude or eliminate lands from said levee district; or

d. (4) When a plan of the United States government for the construction of any levee, or a portion of a levee, in said levee district, or for the enlarging, extending, strengthening, raising, relocating, reconstructing, or improving any existing levee, or a portion thereof, in accordance with any such plan in said levee district, has been heretofore or hereafter adopted by such levee district under the provisions of sections 468.201 through 468.216; or

e. (5) When the board shall, as authorized by section 468.65, determine that the assessments of benefits of said levee district against the lands in said levee district are generally inequitable the board may by resolution, or if a petition is filed by more than one-third of the owners, including corporations, of land within said levee district and who in the aggregate own more than one-third of the value of the land and land improvements in said levee district as the value thereof is then shown by the general tax records of the county or counties in which such land and land improvements are located, requesting the board

to do so, the board shall order the lands in said levee district and the improvements on the land in said levee district classified or reclassified in accordance with the assessed taxable value of said land and land improvements as the same are then shown and as the same may be thereafter shown by the assessment roll of the county or counties in which said land and land improvements are located.

b. The assessed taxable value of any land, including land improvements exempt from general taxation but subject to assessment for levee purposes, shall be determined by the county assessor who shall make such determination in accordance with the rules of assessment applicable to adjacent lands and without any additional compensation therefor.

2. *a.* If the board orders classification or reclassification of lands as authorized in subsection 1 of this section, the board shall fix a time and place for a hearing to be held upon the action of the board in ordering such classification or reclassification, which hearing shall be held at the county seat of the county having the largest acreage in said levee district. The board shall cause notice of the time and place of such hearing to be served by the county auditor or auditors upon each person whose name appears as owner of lands or land improvements within the levee district in the transfer books of the auditor's office in the county or counties in which said levee district is located, naming that person, and also upon the person or persons in actual occupancy of any tract of land or land improvements located in said levee district, without naming that person or persons. Such notice shall be for the same time and served in the same manner as is provided for the establishment of a levee district, and such notice shall state:

a. (1) The aggregate estimated costs and expenses which the board proposes to assess under such classification or reclassification;

b. (2) The total aggregate assessed taxable value of all lands and land improvements in said levee district;

c. (3) That the said classification or reclassification of benefits will be based on the assessed taxable value of all lands and improvements to lands located in said levee district;

d. (4) That each tract of land and each land improvement in said levee district will be assessed for its pro rata share of said costs and expenses based upon the ratio that the assessed value of each tract of land and the assessed value of each land improvement bears to the total assessed taxable value of all lands and all land improvements in said district; and

e. (5) That all objections to said method of classification or reclassification shall be in writing and filed with the auditor of the county in which said land or land improvements are located before the time set for said hearing or with the board of trustees of said district at or before the time set for such hearing.

b. The notice need not show the amount of such costs and expenses to be apportioned to each such owner or to any particular tract of land or land improvement within such levee district.

5. If the board shall determine that the cost and expenses shall be assessed on the basis of assessed taxable value as hereinabove provided in subsections 1 through 4, then such basis shall be used for all future assessments made for the purposes of said levee district except if said assessed taxable value of lands and land improvements in said levee district may be changed or revised by the county assessor in the county or counties in which the same are located for general tax purposes, then any such revision made in the assessed taxable value by any such county assessor shall automatically constitute a revision of the classification of such land or land improvements for future assessments made by the board for the purpose of said levee district.

6. In lieu of the hearing provided for in the preceding subsections 1 through 5, the board may, and if the petition of owners provided for in the preceding subsections 1 through 5 so asks, the board shall call for an election for the purpose of determining the question of classification on the basis of assessed value of lands and land improvements. The question may be submitted at a regular election of the district or at a special election called for that purpose. It shall not be mandatory for the county commissioner of elections to conduct the elections, however provisions of sections 49.43 through 49.47 and of subchapter III of this chapter, insofar as the same are applicable, shall govern all such elections, and the question to be submitted shall be set forth in the notice of election. If sixty percent of the votes cast be in favor of the proposed change in assessment, it shall become effective for all future

assessments as heretofore provided in this section. If the question should fail, no new election on the subject may be called for a period of one year.

10. a. All proceedings taken prior to July 1, 1968, purporting to establish or reestablish a drainage or levee district or districts, or to enlarge or change the boundaries of any drainage or levee district, and any assessments not heretofore declared invalid by any court, are hereby legalized, validated, and confirmed.

b. The foregoing shall not be construed to affect any litigation that may be pending at the time this section becomes effective involving the establishment, reestablishment, enlargement, or change in boundaries or any assessments of drainage or levee districts.

Sec. 123. Section 468.201, subsection 2, unnumbered paragraph 2, Code 2011, is amended to read as follows:

3. If the federal program divides a project into separate phases, each phase shall be considered a separate program as described in section 468.126, subsection 4, and shall in no event be construed as an unauthorized division into separate programs to avoid the twenty-five percent limitation prescribed for making improvements under said section 468.126, subsection 4, without notice and hearing.

Sec. 124. Section 468.359, subsection 2, unnumbered paragraph 2, Code 2011, is amended to read as follows:

3. For the purpose of this section the word “*improvement*” shall include the construction, reconstruction, enlargement and relocation of levees and acquisition of rights-of-way therefor.

Sec. 125. Section 476.42, subsections 1 and 4, Code 2011, are amended to read as follows:

1. a. “*Alternate energy production facility*” means any or all of the following:

α. (1) A solar, wind turbine, waste management, resource recovery, refuse-derived fuel, agricultural crops or residues, or woodburning facility.

β. (2) Land, systems, buildings, or improvements that are located at the project site and are necessary or convenient to the construction, completion, or operation of the facility.

ε. (3) Transmission or distribution facilities necessary to conduct the energy produced by the facility to users located at or near the project site.

b. A facility which is a qualifying facility under 18 C.F.R. pt. 292, subpt. B is not precluded from being an alternate energy production facility under this division.

4. a. “*Small hydro facility*” means any or all of the following:

α. (1) A hydroelectric facility at a dam.

β. (2) Land, systems, buildings, or improvements that are located at the project site and are necessary or convenient to the construction, completion, or operation of the facility.

ε. (3) Transmission or distribution facilities necessary to conduct the energy produced by the facility to users located at or near the project site.

b. A facility which is a qualifying facility under 18 C.F.R. pt. 292, subpt. B is not precluded from being a small hydro facility under this division.

DIVISION III INTERNAL REFERENCE CHANGES

Sec. 126. Section 15.103, subsection 1, paragraph b, subparagraph (7), Code 2011, is amended to read as follows:

(7) Economics or alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph “a”, subparagraph (1).

Sec. 127. Section 15E.61, subsection 1, Code 2011, is amended to read as follows:

1. The general assembly finds the following: Fundamental changes have occurred in national and international financial markets and in the financial markets of this state. A critical shortage of seed and venture capital resources exists in the state, and such shortage is impairing the growth of commerce in the state. A need exists to increase the availability of venture equity capital for emerging, expanding, and restructuring enterprises in Iowa,

including, without limitation, enterprises in the life sciences, advanced manufacturing, information technology, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph "a", subparagraph (1), and value-added agriculture areas. Such investments will create jobs for Iowans and will help to diversify the state's economic base.

Sec. 128. Section 15E.351, subsection 1, Code 2011, is amended to read as follows:

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

Sec. 129. Section 135.177, subsection 2, paragraph e, Code 2011, is amended to read as follows:

e. A student participating in the program shall be eligible for a stipend of not more than fifty thousand dollars for the twelve months of the fellowship plus related fringe benefits. In addition, a student who completes the program and practices in Iowa in a mental health professional shortage area, as defined in section ~~135.80~~ 135.180, shall be eligible for up to twenty thousand dollars in loan forgiveness. The stipend and loan forgiveness provisions shall be determined by the department and the college student aid commission, in consultation with the clinical partners.

Sec. 130. Section 260C.18A, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Moneys deposited in the funds and disbursed to community colleges for a fiscal year shall be expended for the following purposes, provided seventy percent of the moneys shall be used on projects in the areas of advanced manufacturing, information technology and insurance, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph "a", subparagraph (1), and life sciences which include the areas of biotechnology, health care technology, and nursing care technology:

Sec. 131. Section 425.23, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. The tentative credit or reimbursement for a claimant described in section 425.17, subsection 2, paragraph "a" ~~and paragraph "b"~~, subparagraphs (1) and (2), if no appropriation is made to the fund created in section 425.40 shall be determined in accordance with the following schedule:

If the household income is:	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
\$ 0 — 8,499.99	100%
8,500 — 9,499.99	85
9,500 — 10,499.99	70
10,500 — 12,499.99	50
12,500 — 14,499.99	35
14,500 — 16,499.99	25

Sec. 132. Section 425.23, subsection 1, paragraph b, unnumbered paragraph 1, Code 2011, is amended to read as follows:

If moneys have been appropriated to the fund created in section 425.40, the tentative credit or reimbursement for a claimant described in section 425.17, subsection 2, paragraph “b”, “a”, subparagraph (2), shall be determined as follows:

Sec. 133. Section 425.23, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. A person who is eligible to file a claim for credit for property taxes due and who has a household income of eight thousand five hundred dollars or less and who has an unpaid special assessment levied against the homestead may file a claim for a special assessment credit with the county treasurer. The department shall provide to the respective treasurers the forms necessary for the administration of this subsection. The claim shall be filed not later than September 30 of each year. Upon the filing of the claim, interest for late payment shall not accrue against the amount of the unpaid special assessment due and payable. The claim filed by the claimant constitutes a claim for credit of an amount equal to the actual amount due upon the unpaid special assessment, plus interest, payable during the fiscal year for which the claim is filed against the homestead of the claimant. However, where the claimant is an individual described in section 425.17, subsection 2, paragraph “b”, “a”, subparagraph (2), and the tentative credit is determined according to the schedule in subsection 1, paragraph “b”, subparagraph (2), of this section, the claim filed constitutes a claim for credit of an amount equal to one-half of the actual amount due and payable during the fiscal year. The treasurer shall certify to the director of revenue not later than October 15 of each year the total amount of dollars due for claims allowed. The amount of reimbursement due each county shall be certified by the director of revenue and paid by the director of the department of administrative services by November 15 of each year, drawn upon warrants payable to the respective treasurer. There is appropriated annually from the general fund of the state to the department of revenue an amount sufficient to carry out the provisions of this subsection. The treasurer shall credit any moneys received from the department against the amount of the unpaid special assessment due and payable on the homestead of the claimant.

Sec. 134. Section 425.39, Code 2011, is amended to read as follows:

425.39 Fund created — appropriation — priority.

The elderly and disabled property tax credit and reimbursement fund is created. There is appropriated annually from the general fund of the state to the department of revenue to be credited to the elderly and disabled property tax credit and reimbursement fund, from funds not otherwise appropriated, an amount sufficient to implement this division for claimants described in section 425.17, subsection 2, paragraph “a”, subparagraph (1).

Sec. 135. Section 435.27, subsection 1, Code 2011, is amended to read as follows:

1. A mobile home or manufactured home converted to real estate under section 435.26 may be reconverted to a home as provided in this section when it is moved to a manufactured home community or mobile home park or a manufactured or mobile home retailer’s inventory. When the home is located within a manufactured home community or mobile home park, the home shall be taxed pursuant to section 435.22, subsection 1, paragraph “a”.

Sec. 136. Section 455B.473, subsection 4, Code 2011, is amended to read as follows:

4. An owner or operator of a storage tank described in section 455B.471, subsection 11, paragraph “a”, subparagraph (1), which brings the tank into use after July 1, 1987, shall notify the department of the existence of the tank within thirty days. The registration of the tank shall be accompanied by a fee of ten dollars to be deposited in the storage tank management account. A tank which is existing before July 1, 1987, shall be reported to the department by July 1, 1989. Tanks under this section installed on or following July 1, 1987, shall comply with underground storage tank regulations adopted by rule by the department.

Sec. 137. Section 455B.474, subsection 8, paragraph c, Code 2011, is amended to read as follows:

c. The commission shall adopt rules applicable to secondary containment requirements consistent with and sufficient to comply with the provisions of Pub. L. No. 109-58, Tit. XV, § 1530(a), as codified at 42 U.S.C. § 6991b(i)(1), and guidance adopted by the administrator

of the United States environmental protection agency pursuant to that provision. Each new underground storage tank or piping connected to any such new tank installed after July 1, 2007, or any existing underground storage tank or existing piping connected to such existing underground storage tank that is replaced after August 1, 2007, shall be secondarily contained if the installation is within one thousand feet of any existing community water system or any existing potable drinking water well as provided in Pub. L. No. 109-58, Tit. XV, § 1530(a), as codified at 42 U.S.C. § 6991b(i)(1), and in guidance adopted by the United States environmental protection agency pursuant to that provision. Rules adopted under this paragraph shall not amend or modify the secondary containment requirements in subsection 1, paragraph ~~“f”~~ “a”, subparagraph ~~(9)~~ (6), subparagraph division (i).

Sec. 138. Section 455B.474, subsection 9, paragraph h, Code 2011, is amended to read as follows:

h. Notwithstanding the certification requirements of this subsection, a site cleanup report or corrective action design report submitted by a certified groundwater professional shall be accepted by the department in accordance with subsection 1, paragraph ~~“d”~~ “a”, subparagraph ~~(2)~~ (4), subparagraph division ~~(e)~~ (b), subparagraph subdivision (v), and paragraph ~~“f”~~ “a”, subparagraph ~~(5)~~ (6), subparagraph division (e).

Sec. 139. Section 455B.474A, Code 2011, is amended to read as follows:

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”~~ “a”, subparagraph (6), 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”~~ “a”, subparagraph (6), 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. 140. Section 455D.10A, subsection 3, paragraph a, subparagraphs (2) and (3), Code 2011, are amended to read as follows:

(2) Establishment of a comprehensive recycling program for each type of battery listed in subparagraph (1) that is sold, distributed, or offered for sale in this state. An institutional generator shall provide for the on-site source separation and collection of used mercuric oxide batteries, nickel-cadmium rechargeable batteries, and sealed lead acid rechargeable batteries. All participants in the stream of commerce relating to the batteries, which are listed in subparagraph (1) and which are not designated as exempt pursuant to section 455D.10B, subsection 2, paragraph ~~“e” or “d”~~ “a”, subparagraph (3) or (4), shall, individually or collectively, be responsible for developing and operating a system for collecting and transporting used batteries to the appropriate dry cell battery manufacturer or to a site or facility designated by a manufacturer. Additionally, dry cell battery manufacturers shall be responsible for the recycling of used batteries in an environmentally sound manner.

(3) Provision for collection, transporting, and proper disposal of used household batteries of the types listed in subparagraph (1) which are distributed, sold, or offered for retail sale in the state. For the purposes of this paragraph, *“proper disposal”* means disposal which complies with all applicable state and federal laws. All participants in the stream of commerce relating to the batteries, which are listed in subparagraph (1) and which are not designated as exempt pursuant to section 455D.10B, subsection 2, paragraph ~~“e” or “d”~~ “a”, subparagraph (3) or (4), shall, individually or collectively, be responsible for developing and operating a system for collecting and transporting used batteries to the appropriate dry cell battery manufacturer or to a site or facility designated by a manufacturer. Additionally, dry cell battery manufacturers shall be responsible for proper disposal of the used batteries.

Sec. 141. Section 455G.9, subsection 1, paragraph a, subparagraphs (5) and (6), Code 2011, are amended to read as follows:

(5) For the purposes of calculating corrective action costs under this paragraph, corrective action shall include the cost of a tank system upgrade required by section 455B.474,

subsection 1, paragraph “~~f~~” “a”, subparagraph (9) (6), subparagraph division (i). Payments under this subparagraph shall be limited to a maximum of ten thousand dollars for any one site.

(6) For the purposes of calculating corrective action costs under this paragraph, corrective action shall include the costs associated with monitoring required by the rules adopted under section 455B.474, subsection 1, paragraph “~~f~~” “a”, subparagraph (6), but corrective action shall exclude monitoring used for leak detection required by rules adopted under section 455B.474, subsection 1, paragraph “a”, subparagraph (1).

Sec. 142. Section 455G.9, subsection 1, paragraph f, Code 2011, is amended to read as follows:

f. One hundred percent of the costs up to twenty thousand dollars incurred by the board under section 455G.12A, subsection 2, ~~unnumbered~~ paragraph 2 “b”, for site cleanup reports. Costs of a site cleanup report which exceed twenty thousand dollars shall be considered a cost of corrective action and the amount shall be included in the calculations for corrective action cost copayments under subsection 4. The board shall have the discretion to authorize a site cleanup report payment in excess of twenty thousand dollars if the site is participating in community remediation.

DIVISION IV DIRECTIVES

Sec. 143. CODE EDITOR DIRECTIVES.

1. The Code editor is directed to number, renumber, designate, or redesignate to eliminate unnumbered paragraphs within sections 231.4, 261A.42, 423A.2, 423D.1, 425.26, 425.33, 427.12, 441.26, 441.35, 441.45, 450B.2, 452A.19, 452A.21, 452A.62, 455B.193, 455B.243, 455B.444, 455G.12, 456.1, 456B.7, 456B.12, 459.502, 459A.206, 462A.71, 468.12, 468.57, 468.567, and 558A.4, Code 2011, 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 390.12, subsection 3; 421.1, subsections 1 and 5; 421.17B, subsection 3, paragraph “a”; 421.17B, subsection 9; 421.47, subsection 2; 421.60, subsection 2, paragraphs “a” and “c”; 421.60, subsection 2, paragraph “m”, subparagraph (2); 422.8, subsection 5; 422.11N, subsection 4, paragraph “b”, subparagraph (3); 422.60, subsection 3; 422.73, subsection 1; 422.89, subsection 3; 423.2, subsection 6; 423.3, subsections 8, 31, and 86; 423.4, subsection 6, paragraph “c”; 423A.7, subsection 4, paragraphs “d” and “f”; 423B.9, subsection 4, paragraph “a”; 424.6, subsection 1; 424.10, subsection 2; 425.1, subsection 1; 425.7, subsection 3; 435.26A, subsection 2; 435.27, subsection 2; 437A.5, subsection 1, paragraph “c”; 437A.5, subsections 6 and 7; 437A.7, subsection 1; 437A.14, subsection 1, paragraph “b”; 437A.15, subsection 3, paragraph “a”; 437A.15, subsection 4; 441.17, subsection 5; 441.21, subsection 1, paragraph “i”; 441.37, subsections 1 and 2; 446.9, subsection 3; 446.20, subsections 1 and 2; 447.8, subsections 1 and 5; 450.3, subsection 7; 450.22, subsection 3; 452A.15, subsection 1; 453A.2, subsection 8; 453A.8, subsection 3; 453A.44, subsection 4; 453A.45, subsections 1 and 5; 453A.46, subsections 1 and 2; 453B.1, subsection 3; 453D.3, subsection 1, paragraphs “b” and “d”; 455A.18, subsection 3; 455A.19, subsection 1, paragraph “a”; 455A.19, subsection 2; 455B.113, subsection 2; 455B.263, subsection 6; 455B.275, subsection 3; 455B.305A, subsections 1, 3, 4, and 6; 455B.416, subsection 1; 455B.443, subsection 2; 455B.473, subsection 8; 455B.474, subsection 2, paragraph “a”; 455E.11, subsection 1; 455E.11, subsection 2, paragraph “b”, subparagraph (3), subparagraph division (b); 455H.201, subsection 1; 455H.204, subsection 4, paragraph “a”; 455H.301, subsection 2; 456A.33B, subsection 1; 459.310, subsection 4, paragraph “b”; 459.312, subsection 4; 459.604, subsection 1; 460.202, subsection 1; 460.302, subsection 3, paragraph “a”; 460.304, subsection 2, paragraph “a”; 462A.5, subsections 1 and 3; 462A.9, subsections 1 and 8; 476.1D, subsection 1, paragraph “c”; 476.1D, subsection 10; 476.3, subsection 2; 476.18, subsection 3; 476.20, subsections 3 and 5; 476.27, subsection 6; 476.55, subsection 2; 476.97, subsection 3, paragraph “a”, subparagraph (4); 476.97, subsection 11, paragraphs

“h” and “j”; 476C.4, subsection 4, paragraphs “b” and “c”; 476C.6, subsection 1; 478.3, subsection 2; 479.46, subsections 2 and 3; 479B.30, subsection 3; 481A.38, subsection 1; 481A.56, subsection 1; 481A.62, subsection 3; and 483A.24, subsection 2, paragraph “a”, subparagraph (3), Code 2011, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts as necessary.

DIVISION V
EFFECTIVE DATE AND
APPLICABILITY PROVISIONS

Sec. 144. EFFECTIVE DATE. The section of this Act amending 2010 Iowa Acts, chapter 1192, section 78, being deemed of immediate importance, takes effect upon enactment.

Sec. 145. RETROACTIVE APPLICABILITY. The section of this Act amending 2010 Iowa Acts, chapter 1192, section 78, applies retroactively to July 1, 2010.

Approved April 6, 2011

CHAPTER 26

DEATH CERTIFICATES — PHYSICIAN ASSISTANTS OR ADVANCED REGISTERED
NURSE PRACTITIONERS

H.F. 393

AN ACT allowing a physician assistant or an advanced registered nurse practitioner to sign a death certificate.

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

Section 1. Section 142C.8, subsection 10, Code 2011, is amended to read as follows:

10. The physician, physician assistant, or advanced registered nurse practitioner who attends the decedent at death and the physician, physician assistant, or advanced registered nurse practitioner who determines the time of death shall not participate in the procedures for removing or transplanting a part from the decedent.

Sec. 2. Section 144.26, subsection 1, Code 2011, is amended to read as follows:

1. a. A death certificate for each death which occurs in this state shall be filed as directed by the state registrar within three days after the death and prior to final disposition, and shall be registered by the county registrar if it has been completed and filed in accordance with this chapter. A death certificate shall include the social security number, if provided, of the deceased person. All information including the certifying physician's, physician assistant's, or advanced registered nurse practitioner's name shall be typewritten.

b. A physician assistant or an advanced registered nurse practitioner authorized to sign a death certificate shall be licensed in this state and shall have been in charge of the deceased patient's care.

Sec. 3. Section 144.28, subsection 1, paragraphs b and e, Code 2011, are amended to read as follows:

b. Unless there is a nonnatural cause of death, the medical certification shall be completed and signed by the physician, physician assistant, or advanced registered nurse practitioner in charge of the patient's care for the illness or condition which resulted in death within seventy-two hours after receipt of the death certificate from the funeral director or individual who initially assumes custody of the body.

e. If upon inquiry into a death, the county or state medical examiner determines that a preexisting natural disease or condition was the likely cause of death and that the death does not affect the public interest as described in section 331.802, subsection 3, the medical examiner may elect to defer to the physician, physician assistant, or advanced registered nurse practitioner in charge of the patient's preexisting condition the certification of the cause of death.

Approved April 6, 2011

CHAPTER 27

COOPERATIVE ASSOCIATIONS — PREFERRED STOCK DIVIDENDS

H.F. 468

AN ACT relating to preferred stock issued by cooperative associations.

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

Section 1. Section 499.24, Code 2011, is amended to read as follows:

499.24 Preferred stock.

Preferred stock shall bear cumulative or noncumulative dividends as fixed by the articles, ~~not exceeding eight percent per annum.~~ It shall have no vote. It shall be issued and be transferable without regard to eligibility or membership, and be redeemable on terms specified in the articles and as provided for in this chapter. The directors shall determine the time and amount of its issue.

Approved April 6, 2011

CHAPTER 28

CHILD ABUSE ASSESSMENT AND REGISTRY CHANGES

H.F. 562

AN ACT relating to the child abuse registry administered by the department of human services.

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

Section 1. Section 232.68, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. (1) The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so.

(2) For the purposes of subparagraph (1), failure to provide for the adequate supervision of a child means the person failed to provide proper supervision of a child that a reasonable and prudent person would exercise under similar facts and circumstances and the failure resulted in direct harm or created a risk of harm to the child.

(3) A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing

the child, however this provision shall not preclude a court from ordering that medical service be provided to the child where the child's health requires it.

Sec. 2. Section 232.68, subsection 2, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Child abuse" or "abuse" shall not be construed to hold a victim responsible for failing to prevent a crime against the victim.

Sec. 3. Section 232.71D, subsections 2 and 3, Code 2011, are amended to read as follows:

2. ~~If Except as otherwise provided in subsections 3 and 3A, if the department issues a finding that the alleged child abuse meets the definition of child abuse under section 232.68, subsection 2, paragraph "a" or "d", and the department determines the injury or risk of harm to the child was minor and isolated and is unlikely to reoccur,~~ the names of the child and the alleged perpetrator of the alleged child abuse and any other child abuse information shall ~~not~~ be placed in the central registry as a case of founded child abuse.

3. a. Unless any of the circumstances listed in paragraph "b" are applicable, cases to which any of the following circumstances apply shall not be placed on¹ the central registry:

(1) A finding of physical abuse in which the department has determined the injury resulting from the abuse was minor, isolated, and unlikely to reoccur.

(2) A finding of abuse by failure to provide adequate supervision or by failure to provide adequate clothing, in which the department has determined the risk from the abuse to the child's health and welfare was minor, isolated, and unlikely to reoccur.

b. Except as otherwise provided in section 232.68, subsection 2, paragraph "d", regarding parents legitimately practicing religious beliefs, If any of the following circumstances apply in addition to those listed in paragraph "a", the names of the child and the alleged perpetrator of the alleged child abuse and the report data and disposition data any other child abuse information shall be placed in the central registry as a case of founded child abuse under any of the following circumstances:

a. (1) The case was referred for juvenile or criminal court action as a result of the acts or omissions of the alleged perpetrator or a criminal or juvenile court action was initiated by the county attorney or juvenile court within twelve months of the date of the department's report concerning the case, in which the alleged perpetrator was convicted of a crime involving the child or there was a delinquency or child in need of assistance adjudication.

b. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse under section 232.68, subsection 2, paragraph "a", involving nonaccidental physical injury suffered by the child and the injury was not minor or was not isolated or is likely to reoccur.

c. (2) The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse and the department has previously determined within the eighteen-month period preceding the issuance of the department's report that the acts or omissions of the alleged perpetrator in a prior case met the definition of child abuse.

d. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse under section 232.68, subsection 2, paragraph "b", involving mental injury.

e. The department determines the acts or omissions meet the definition of child abuse under section 232.68, subsection 2, paragraph "c", and the alleged perpetrator of the acts or omissions is age fourteen or older. However, the juvenile court may order the removal from the central registry of the name of an alleged perpetrator placed in the registry pursuant to this paragraph who is age fourteen through seventeen upon a finding of good cause. The name of an alleged perpetrator who is less than age fourteen shall not be placed in the central registry pursuant to this paragraph.

f. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse under section 232.68, subsection 2, paragraph "d", involving failure to provide care necessary for the child's health and welfare, and any injury to the child or risk

¹ See chapter 131, §57, 158 herein

~~to the child's health and welfare was not minor or was not isolated or is likely to reoccur, in any of the following ways:~~

- ~~(1) Failure to provide adequate food and nutrition.~~
- ~~(2) Failure to provide adequate shelter.~~
- ~~(3) Failure to provide adequate health care.~~
- ~~(4) Failure to provide adequate mental health care.~~
- ~~(5) Gross failure to meet emotional needs.~~
- ~~(6) Failure to respond to an infant's life-threatening condition.~~

~~g. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse under section 232.68, subsection 2, paragraph "e", involving prostitution.~~

~~h. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse under section 232.68, subsection 2, paragraph "f", involving the presence of an illegal drug.~~

~~i. (3) The department determines the alleged perpetrator of the child abuse will continue to pose a danger to the child who is the subject of the report of child abuse or to another child with whom the alleged perpetrator may come into contact.~~

Sec. 4. Section 232.71D, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Cases of alleged child abuse to which any of the following circumstances apply shall be placed in the central registry as follows:

a. A finding of sexual abuse in which the alleged perpetrator of the abuse is age thirteen or younger. However, the name of the alleged perpetrator shall be withheld from the registry.

b. A finding of sexual abuse in which the alleged perpetrator of the abuse is age fourteen through seventeen and the court has found there is good cause for the name of the alleged perpetrator to be removed from the central registry. Only the name of the alleged perpetrator shall be removed from the registry.

Sec. 5. Section 235A.18, subsection 3, Code 2011, is amended by striking the subsection.

Sec. 6. Section 235A.19, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. A subject of a child abuse report may file with the department within ~~six months~~ ninety days of the date of the notice of the results of an assessment performed in accordance with section 232.71B, a written statement to the effect that report data and disposition data referring to the subject is in whole or in part erroneous, and may request a correction of that data or of the findings of the assessment report. The department shall provide the subject with an opportunity for an ~~evidentiary~~ contested case hearing pursuant to chapter 17A to correct the data or the findings, unless the department corrects the data or findings as requested. The department may defer the hearing until the conclusion of the adjudicatory phase of a pending juvenile or district court case relating to the data or findings.

Sec. 7. **CHILD PROTECTION SYSTEM IMPROVEMENTS.**

1. The department of human services shall continue working with the office of the attorney general, department of inspections and appeals, office of the citizens' aide, prevent child abuse Iowa, Iowa civil liberties union, and other stakeholders to develop and implement improvements in the child abuse assessment and registry processes and other child protection system provisions as outlined in this section in order to ensure the due process rights of persons alleged to have committed child abuse are addressed in a more timely manner while also ensuring that children are protected from abuse.

2. The department shall implement near-term solutions that can be initiated without legislation, which may include but are not limited to all of the following:

a. Shifting financial resources to expand the positions in the office of the attorney general involved with child abuse appeals.

b. Improving the training of child protection workers regarding evidence standards, confirmed child abuse, and founded child abuse.

c. Expediting process for the director of human services' review and response to administrative law judge decisions.

3. The department shall propose options to address long-term issues with the child protection system, including but not limited to all of the following:

a. Considering changes to registry placement provisions to verify that registry placement applies to the persons who have posed a consequential risk to the health and safety of the child found to have been abused and unwarranted placement is limited or eliminated.

b. Providing a differential response to child abuse allegations based upon the severity of the allegation.

c. Allowing for reconsideration of founded abuse findings or registry placement status based upon the rehabilitation of the alleged perpetrator.

d. Providing a differential approach as to the duration of registry placement based upon the severity of the child abuse finding.

4. The department shall report to the members of the general assembly's standing committees on human resources and the legislative services agency providing statistics and other information concerning improvements implemented, improvements planned, and improvements recommended. The report shall be submitted on or before December 15, 2011.

Approved April 6, 2011

CHAPTER 29

MEDICAID — BEHAVIORAL HEALTH SERVICES — LICENSED MENTAL HEALTH COUNSELORS AND CERTIFIED ALCOHOL AND DRUG COUNSELORS

S.F. 233

AN ACT relating to payment for behavioral health services provided by licensed mental health counselors and certified alcohol and drug counselors under the Medicaid program.

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

Section 1. Section 249A.15A, Code 2011, is amended to read as follows:

249A.15A Licensed marital and family therapists and, licensed master social workers, licensed mental health counselors, and certified alcohol and drug counselors.

1. The department shall adopt rules pursuant to chapter 17A entitling marital and family therapists who are licensed pursuant to chapter 154D to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

2. The department shall adopt rules pursuant to chapter 17A entitling master social workers who hold a master's degree approved by the board of social work, are licensed as a master social worker pursuant to section 154C.3, subsection 1, paragraph "b", and provide treatment services under the supervision of an independent social worker licensed pursuant to section 154C.3, subsection 1, paragraph "c", to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

3. The department shall adopt rules pursuant to chapter 17A entitling mental health counselors who are licensed pursuant to chapter 154D to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

4. The department shall adopt rules pursuant to chapter 17A entitling alcohol and drug counselors who are certified by the nongovernmental Iowa board of substance abuse certification to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

Sec. 2. MEDICAL ASSISTANCE STATE PLAN — MENTAL HEALTH COUNSELORS. The department of human services shall amend the medical assistance state plan to allow mental health counselors licensed in the state and alcohol and drug counselors certified in the state to be participating behavioral health providers under the medical assistance program.

Approved April 7, 2011

CHAPTER 30

ALCOHOLIC BEVERAGES REGULATION — ADDITIONAL MISCELLANEOUS CHANGES

S.F. 240

AN ACT relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

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

Section 1. Section 22.7, subsection 24, Code 2011, is amended by striking the subsection.

Sec. 2. Section 123.3, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 014A. “*Grape brandy*” means brandy produced by the distillation of fermented grapes or grape juice.

Sec. 3. Section 123.41, Code 2011, is amended to read as follows:

123.41 Manufacturer’s license.

1. Upon application in the prescribed form and accompanied by a fee of three hundred fifty dollars, the administrator may in accordance with this chapter grant and issue a license, valid for a one-year period after date of issuance, to a manufacturer which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the division and to customers outside of the state.

2. As a condition precedent to the approval and granting of a manufacturer’s license, an applicant shall file a statement under oath with the division that the applicant is a bona fide manufacturer of alcoholic liquors, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

~~2. 3. A person who holds an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms alcohol and tobacco tax and trade bureau of the United States department of the treasury may produce alcohol for use as fuel without obtaining a manufacturer’s license from the division.~~

4. A violation of the requirements of this section shall subject the licensee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the license after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

Sec. 4. Section 123.43A, subsection 8, Code 2011, is amended to read as follows:

~~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.~~

Sec. 5. **NEW SECTION. 123.46A Delivery of alcoholic beverages by retailers.**

1. Licensees and permittees authorized to sell alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises may deliver alcoholic liquor, wine, or beer to a home or other designated location in this state. Deliveries shall be limited to alcoholic beverages authorized by the licensee’s or permittee’s license or permit.

2. All deliveries of alcoholic liquor, wine, or beer shall be subject to the following requirements and restrictions:

a. Payment for the alcoholic liquor, wine, or beer shall be received on the licensed premises at the time of order.

b. Alcoholic liquor, wine, or beer delivered to a person shall be for personal use and not for resale.

c. Deliveries shall only be made to persons in this state who are twenty-one years of age or older.

d. Deliveries shall not be made to a person who is intoxicated or is simulating intoxication.

e. Deliveries shall occur between 6:00 a.m. and 10:00 p.m. Monday through Saturday, and between 8:00 a.m. and 10:00 p.m. Sunday.

f. Delivery of alcoholic liquor, wine, or beer shall be made by the licensee or permittee, or the licensee's or permittee's employee, and not by a third party.

g. Delivery personnel shall be twenty-one years of age or older.

h. Deliveries shall be made in a vehicle owned, leased, or under the control of the licensee or permittee.

i. Valid proof of the recipient's identity and age shall be obtained at the time of delivery, and the signature of a person twenty-one years of age or older shall be obtained as a condition of delivery.

j. Licensees and permittees shall maintain records of deliveries which include the quantity delivered, the recipient's name and address, and the signature of the recipient of the alcoholic liquor, wine, or beer. The records shall be maintained on the licensed premises for a period of three years.

3. A violation of this section or any other provision of this chapter shall subject the licensee or permittee to the penalty provisions of section 123.39.

4. Nothing in this section shall impact the direct shipment of wine as regulated by section 123.187.

Sec. 6. Section 123.50, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. If an employee of a licensee or permittee violates section 123.49, subsection 2, paragraph "h", the licensee or permittee shall not be assessed a penalty under subsection 3, and the violation shall be deemed not to be a violation of section 123.49, subsection 2, paragraph "h", for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 3, if the employee holds a valid certificate of completion of the alcohol compliance employee training program pursuant to section 123.50A at the time of the violation, and if the violation involves selling, giving, or otherwise supplying any alcoholic beverage, wine, or beer to a person between the ages of eighteen and twenty years of age. A violation involving a person under the age of eighteen years of age shall not qualify for the bar against assessment of a penalty pursuant to subsection 3, for a violation of subsection 123.49, subsection 2, paragraph "h". A licensee or permittee may assert only once in a four-year period the bar under this subsection against assessment of a penalty pursuant to subsection 3, for a violation of subsection 123.49, subsection 2, paragraph "h", that takes place at the same place of business location.

Sec. 7. **NEW SECTION. 123.50A Alcohol compliance employee training program.**

1. If sufficient funding is appropriated, the division shall develop an alcohol compliance employee training program, not to exceed two hours in length for employees and prospective employees of licensees and permittees, to inform the employees about state and federal liquor laws and regulations regarding the sale of alcoholic liquor, wine, or beer to persons under legal age, and compliance with and the importance of laws regarding the sale of alcoholic liquor, wine, or beer to persons under legal age. In developing the alcohol compliance employee training program, the division may consult with stakeholders who have expertise in the laws and regulations regarding the sale of alcoholic liquor, wine, or beer to persons under legal age.

2. The alcohol compliance employee training program shall be made available to employees and prospective employees of licensees and permittees at no cost to the employee, the prospective employee, or the licensee or permittee, and in a manner which is as

convenient and accessible to the extent practicable throughout the state so as to encourage attendance. Contingent upon the availability of specified funds for provision of the program, the division shall schedule the program on at least a monthly basis and the program shall be available at a location in at least a majority of counties.

3. Upon completion of the alcohol compliance employee training program, an employee or prospective employee shall receive a certificate of completion, which shall be valid for a period of two years, unless the employee or prospective employee is convicted of a violation of section 123.49, subsection 2, paragraph "h", in which case the certificate shall be void.

4. The division shall also offer periodic continuing employee training and recertification for employees who have completed initial training and received an initial certificate of completion as part of the alcohol compliance employee training program.

Sec. 8. Section 123.56, subsections 1, 2, and 3, Code 2011, are amended to read as follows:

1. Subject to rules of the division, manufacturers of native wines from grapes, cherries, other fruits or other fruit juices, vegetables, vegetable juices, dandelions, clover, honey, or any combination of these ingredients, holding a class "A" wine permit as required by this chapter, may sell, keep, or offer for sale and deliver the wine. ~~Sales may be made at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class "A" or retail wine permittees or liquor control licensees as authorized by the class "A" wine permit. Notwithstanding any other provision of this chapter, manufacturers of native wine may purchase and possess grape brandy from the division for the sole purpose of manufacturing wine.~~

2. Native wine may be sold at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class "A" or retail wine permittees or liquor control licensees as authorized by the class "A" wine permit. A manufacturer of native wines shall not sell the wines other than as permitted in this chapter and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale native wines may be sampled on the premises where made, when no charge is made for the sampling. A person may manufacture native wine for consumption on the manufacturer's premises, when the wine or any part of it is not manufactured for sale.

3. A manufacturer of native wines may ship wine in closed containers to individual purchasers inside and outside this state by obtaining a wine direct shipper license pursuant to section 123.187. The manufacturer shall label the package containing the wine with the words "deliver to adults only".

Sec. 9. Section 123.57, Code 2011, is amended to read as follows:

123.57 Examination of accounts.

The financial condition and transactions of all offices, departments, warehouses, and depots of the division shall be examined at least once each year by the state auditor and at shorter periods if requested by the administrator, governor, commission, or executive council the general assembly's standing committees on government oversight.

Sec. 10. REPEAL. Section 123.43, Code 2011, is repealed.

Approved April 7, 2011

CHAPTER 31**ON-FARM FOOD COMMODITY PROCESSING OPERATIONS — WASTEWATER DISPOSAL****S.F. 321**

AN ACT relating to wastewater discharges by on-farm processing operations.

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

Section 1. Section 455B.171, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. “*Food commodity*” means any commodity that is derived from an agricultural animal or crop, both as defined in section 717A.1, which is intended for human consumption in its raw or processed state.

a. A food commodity in its raw state for processing includes but is not limited to milk, eggs, vegetables, fruits, nuts, syrup, and honey.

b. A food commodity in its processed state includes but is not limited to dairy products, pastries, pies, and meat or poultry products.

NEW SUBSECTION. 14A. “*On-farm processing operation*” means any place located on a farm where the form or condition of a food commodity originating from that farm or another farm is changed or packaged for human consumption, including but not limited to a dairy, creamery, winery, distillery, cannery, bakery, or meat or poultry processor.

Sec. 2. **NEW SECTION. 455B.172A On-farm processing operations.**

1. The department shall adopt by rule standards for the disposal of wastewater from an on-farm processing operation. These standards shall provide for but are not limited to disposal by all of the following:

a. By land application if all of the following apply:

(1) The volume of wastewater produced by the on-farm processing operation is less than one thousand five hundred gallons per day.

(2) The wastewater is land-applied by a person licensed by the department under section 455B.172.

(3) The application rate does not exceed thirty thousand gallons per acre per year.

(4) The application rate does not exceed one thousand five hundred gallons per acre per day.

(5) The standards for land application are consistent with the rules for land application of septage that implement section 455B.172.

b. At a publicly owned treatment works or other wastewater treatment system with the permission of the owner of the treatment works.

c. Through a subsurface absorption system in conformance with applicable regulations of the United States environmental protection agency.

d. Through a disposal system that meets all of the following:

(1) The disposal system is located on the same site as the on-farm processing operation.

(2) The disposal system is constructed in conformance with a permit issued by the department.

(3) For a disposal system that discharges wastewater to a water of the United States, the system must be operated in conformance with a national pollutant discharge elimination system permit issued by the department under section 455B.197.

2. The department shall adopt by rule standards for the disposal of septage from an on-farm processing operation. The rules shall provide that the septage may be discharged to a permitted septage lagoon or septage drying bed with the permission of the owner of the septage system.

Sec. 3. Section 455B.197, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 5. The owner of an on-farm processing operation that produces less than one thousand five hundred gallons per day of wastewater shall not be assessed a fee by the department under this section.

Approved April 7, 2011

CHAPTER 32

EXTRACURRICULAR INTERSCHOLASTIC ACTIVITIES — CONCUSSION AND BRAIN INJURY POLICIES

S.F. 367

AN ACT concerning the protection of students from concussions and other brain injuries.

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

Section 1. NEW SECTION. **280.13C Brain injury policies.**

1. *a.* The Iowa high school athletic association and the Iowa girls high school athletic union shall work together to distribute the guidelines of the centers for disease control and prevention of the United States department of health and human services and other pertinent information to inform and educate coaches, students, and the parents and guardians of students of the risks, signs, symptoms, and behaviors consistent with a concussion or brain injury, including the danger of continuing to participate in extracurricular interscholastic activities after suffering a concussion or brain injury and their responsibility to report such signs, symptoms, and behaviors if they occur.

b. Annually, each school district and nonpublic school shall provide to the parent or guardian of each student a concussion and brain injury information sheet, as provided by the Iowa high school athletic association and the Iowa girls high school athletic union. The student and the student's parent or guardian shall sign and return the concussion and brain injury information sheet to the student's school prior to the student's participation in any extracurricular interscholastic activity for grades seven through twelve.

2. If a student's coach or contest official observes signs, symptoms, or behaviors consistent with a concussion or brain injury in an extracurricular interscholastic activity, the student shall be immediately removed from participation.

3. *a.* A student who has been removed from participation shall not recommence such participation until the student has been evaluated by a licensed health care provider trained in the evaluation and management of concussions and other brain injuries and the student has received written clearance to return to participation from the health care provider.

b. For the purposes of this section, a "licensed health care provider" means a physician, physician assistant, chiropractor, advanced registered nurse practitioner, nurse, physical therapist, or athletic trainer licensed by a board designated under section 147.13.

c. For the purposes of this section, an "extracurricular interscholastic activity" means any extracurricular interscholastic activity, contest, or practice, including sports, dance, or cheerleading.

Approved April 7, 2011

CHAPTER 33**CONSTRUCTION CONTRACTS — INDEMNITY PROVISIONS**

S.F. 396

AN ACT relating to the regulation of indemnification provisions in construction contracts.

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

Section 1. NEW SECTION. **537A.5 Indemnity agreements — construction contracts.**

1. As used in this section, “*construction contract*” means an agreement relating to the construction, alteration, improvement, development, demolition, excavation, rehabilitation, maintenance, or repair of buildings, highways, roads, streets, bridges, tunnels, transportation facilities, airports,¹ water or sewage treatment plants, power plants, or any other improvements to real property in this state, including shafts, wells, and structures, whether on ground, above ground, or underground, and includes agreements for architectural services, design services, engineering services, construction services, construction management services, development services, maintenance services, material purchases, equipment rental, and labor. “*Construction contract*” includes all public, private, foreign, or domestic agreements as described in this subsection other than such public agreements relating to highways, roads, and streets.

2. Except as excluded under subsection 3, a provision in a construction contract that requires one party to the construction contract to indemnify, hold harmless, or defend any other party to the construction contract, including the indemnitee’s employees, consultants, agents, or others for whom the indemnitee is responsible, against liability, claims, damages, losses, or expenses, including attorney fees, to the extent caused by or resulting from the negligent act or omission of the indemnitee or of the indemnitee’s employees, consultants, agents, or others for whom the indemnitee is responsible, is void and unenforceable as contrary to public policy.

3. This section does not apply to the indemnification of a surety by a principal on any surety bond, an insurer’s obligation to its insureds under any insurance policy or agreement, a borrower’s obligations to its lender, or any obligation of strict liability otherwise imposed by law.

Approved April 7, 2011

CHAPTER 34**SUBSTANTIVE CODE CORRECTIONS**

S.F. 475

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 retroactive applicability provisions.

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

¹ See chapter 131, §99, 158 herein

DIVISION I
STATUTORY CORRECTIONS

Section 1. Section 8.9, subsection 1, Code 2011, 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.~~

Sec. 2. Section 8A.207, subsection 5, paragraph c, Code 2011, 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 an existing competitively procured contract let by another 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 other than a contract associated with the state board of regents or an institution under the control of the state board of regents.~~

Sec. 3. Section 15.104, subsection 6, Code 2011, is amended to read as follows:

6. Review grants or contracts awarded by the department, with respect to the department's adherence to the guidelines and procedures ~~and the impact on the three-year strategic plan for economic growth.~~

Sec. 4. Section 15.117A, subsection 2, paragraph a, subparagraph (5), Code 2011, is amended to read as follows:

(5) The person ~~designated~~ appointed as the chief information officer pursuant to section ~~8A.104, subsection 12~~ 8A.201A, or if no person has been so ~~designated~~ appointed, the director of the department of administrative services, or the director's designee.

Sec. 5. Section 15.119, subsection 2, paragraph e, Code 2011, is amended to read as follows:

e. The assistive device tax credit program administered pursuant to ~~section 422.11E and~~ section 422.33, subsection 9.

Sec. 6. Section 15.333, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 7. Section 16.131A, unnumbered paragraph 1, Code 2011, is amended to read as follows:

As used in section 16.131, this section, and sections 16.132 through ~~16.134~~ 16.135, unless the context otherwise requires:

Sec. 8. Section 16.135, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The financial ability of the users to support the existing wastewater treatment system, improvements to the wastewater treatment system, and the long-term maintenance of the wastewater treatment system.

Sec. 9. Section 16.192, subsections 4 and 5, Code 2011, are amended to read as follows:

4. Award financial assistance, including financial assistance in the form of grants under the Iowa jobs program and Iowa jobs II program pursuant to sections 16.194, 16.194A, and 16.195.

5. Enter into and enforce grant agreements as necessary or convenient to implement the Iowa jobs program and Iowa jobs II program.

Sec. 10. Section 16.193, subsections 1 and 2, Code 2011, are amended to read as follows:

1. The Iowa finance authority, subject to approval by the Iowa jobs board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the Iowa jobs program and Iowa jobs II program. The authority shall provide the board with assistance in implementing administrative functions, providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow up. The authority, in cooperation with the board, may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the program.

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 and Iowa jobs II program, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 11. Section 16.193, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. During the term of the Iowa jobs program and Iowa jobs II program, the Iowa finance authority shall collect data on all of the projects approved for the program.¹ 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.

Sec. 12. Section 16.195, subsection 1, Code 2011, is amended to read as follows:

1. Applications for assistance under the Iowa jobs program and Iowa jobs II program shall be submitted to the Iowa finance authority. The authority shall provide a staff review and evaluation of applications to the Iowa jobs program review committee referred to in subsection 2 and to the Iowa jobs board.

Sec. 13. Section 28H.1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For purposes of this chapter, a council of governments includes the following areas established by executive order number 11, ~~1969~~ 1968 or a chapter 28E agreement:

Sec. 14. Section 29A.43, subsection 1, Code 2011, is amended to read as follows:

1. A person shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol because of that membership. An employer, or agent of an employer, shall not discharge a person from employment because of being an officer or enlisted person of the military forces of the state or member of the civil air patrol, or hinder or prevent the officer or enlisted person or member of the civil air patrol from performing any military service or civil air patrol duty the person is called upon to perform by proper authority. A member of the national guard or organized reserves of the armed forces of the United States ordered to temporary duty or service, as defined in section 29A.1, subsection 3, 11, or 12, or a member of the civil air patrol performing duty pursuant to section 29A.3A, for any purpose is entitled to a leave of absence during the period of the duty or service, from the member's private employment unless the employment is of a temporary nature. Upon completion of the duty or service, the employer shall restore the person to the position held prior to the leave of absence or employ the person in a position of like seniority, status, and pay. However, the person shall give evidence to the employer of satisfactory completion of the duty or service, and that the person is still qualified to perform the duties of the position. The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's

¹ See chapter 131, §52, 158 herein

rights to vacation, sick leave, bonus, or other employment benefits relating to the employee's particular employment.

Sec. 15. Section 50.39, Code 2011, is amended to read as follows:

50.39 Abstract.

It ~~The~~ state board of canvassers shall make an abstract stating the number of ballots cast for each office, the names of all the persons voted for, for what office, the number of votes each received, and whom ~~it~~ the state board of canvassers declares to be elected, and if a public question has been submitted to the voters of the state, the number of ballots cast for and against the question and a declaration of the result as determined by the canvassers; which abstract shall be signed by the canvassers in their official capacity and as state canvassers, and have the seal of the state affixed.

Sec. 16. Section 52.2, Code 2011, is amended to read as follows:

52.2 Purchase Optical scan voting system required.

1. ~~Except as otherwise provided in subsection 2, the board of supervisors of a county may, by a majority vote, authorize, purchase, and order the use of voting machines or an optical scan voting system in any one or more voting precincts within the county until otherwise ordered by the board of supervisors. Voting machines and an optical scan voting system may be used concurrently at the same precinct.~~

2. Notwithstanding any provision to the contrary, for elections held on or after November 4, 2008, a county shall use an optical scan voting system only. The requirements of the federal Help America Vote Act relating to disabled voters shall be met by a county through the use of electronic ballot marking devices that are compatible with an optical scan voting system.

Sec. 17. Section 68A.401, subsection 4, Code 2011, is amended to read as follows:

4. Political committees expressly advocating the nomination, election, or defeat of candidates for both federal office and any elected office created by law or the Constitution of the State of Iowa shall file statements and reports with the board in addition to any federal reports required to be filed with the board. However, a political committee that is registered and filing full disclosure reports of all financial activities with the federal election commission may file verified statements as provided in section ~~68A.201~~ 68B.201A.²

Sec. 18. Section 88.5, subsection 11, Code 2011, is amended to read as follows:

11. *Railway sanitation and shelter.* A railway corporation within the state shall provide adequate sanitation and shelter for all railway employees. The commissioner shall adopt rules requiring railway corporations within the state to provide a safe and healthy workplace. The commissioner shall enforce the requirements of this ~~section~~ subsection upon the receipt of a written complaint.

Sec. 19. Section 89.3, subsection 5, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

An object that meets all of the following criteria shall be inspected at least once each year externally while under pressure and at least once every four years internally while not under pressure, unless the commissioner determines an earlier inspection is warranted:;

Sec. 20. Section 89.5, subsection 3, unnumbered paragraph 1, Code 2011, 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 ~~2B.5A~~ 17A.6, subsection 4 2, if the following conditions exist:

Sec. 21. Section 89A.3, subsection 5, unnumbered paragraph 1, Code 2011, 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 ~~2B.5A~~ 17A.6, subsection 4 2, if

² See chapter 131, §53, 158 herein

the following conditions exist:

Sec. 22. Section 90A.11, subsection 3, paragraph e, Code 2011, is amended to read as follows:

e. Civil penalties recovered pursuant to this section ~~subsection~~ shall be remitted by the commissioner to the treasurer of state for deposit in the general fund of the state.

Sec. 23. Section 91.4, Code 2011, is amended to read as follows:

91.4 Duties and powers.

~~1.~~ 1. The duties of said commissioner shall be:

~~1.~~ a. To safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into the commissioner's hands by virtue of the office, and deliver the same to the commissioner's successor, except as otherwise provided.

~~2.~~ b. To collect, assort, and systematize statistical details relating to programs of the division of labor services.

~~3.~~ c. To issue from time to time bulletins containing information of importance to the industries of the state and to the safety of wage earners.

~~4.~~ d. To conduct and to cooperate with other interested persons and organizations in conducting educational programs and projects on employment safety.

~~e.~~ e. To serve as an ex officio member of the state fire service and emergency response council, or appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.

~~5.~~ 2. 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.

~~6.~~ 3. The commissioner, with the assistance of the office of the attorney general if requested by the commissioner, may commence a civil action in any court of competent jurisdiction to enforce the statutes under the commissioner's jurisdiction.

~~7.~~ 4. The division of labor services may sell documents printed by the division at cost according to rules established by the labor commissioner pursuant to chapter 17A. Receipts from the sale shall be deposited to the credit of the division and may be used by the division for administrative expenses.

~~8.~~ 5. Except as provided in chapter 91A, the commissioner may recover interest, court costs, and any attorney fees incurred in recovering any amounts due. The recovery shall only take place after final agency action is taken under chapter 17A, or upon judicial review, after final disposition of the case by the court. Attorney fees recovered in an action brought under the jurisdiction of the commissioner shall be deposited in the general fund of the state. The commissioner is exempt from the payment of any filing fee or other court costs including but not limited to fees paid to county sheriffs.

~~9.~~ 6. The commissioner may establish rules pursuant to chapter 17A to assess and collect interest on fees, penalties, and other amounts due the division. The commissioner may delay or, following written notice, deny the issuance of a license, commission, registration, certificate, or permit authorized under chapter 88A, 89, 89A, 90A, 91C, or 94A if the applicant for the license, commission, registration, certificate, or permit owes a liquidated debt to the commissioner.

~~10.~~ Serve as an ex officio member of the state fire service and emergency response council, or appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.

Sec. 24. Section 97B.49A, subsection 3, Code 2011, 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~~ who is vested by service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to the applicable percentage of the 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. 25. Section 97C.3, subsections 1, 2, and 3, Code 2011, are amended to read as follows:

1. Benefits will be provided for employees whose services are covered by the agreement ~~(and, and their dependents and survivors)~~ survivors, on the same basis as though such services constituted employment within the meaning of Tit. II of said Social Security Act.

2. The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the Social Security Act, Tit. II, contributions with respect to wages ~~(as as defined in section 97C.2 of this chapter)~~, equal to the sum of taxes which would be imposed by sections 1400 and 1410 of the federal Insurance Contributions Act, if the services covered by the agreement constituted employment within the meaning of that Act.

3. Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein, but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services is entered into, provided that in the case of an agreement or modification made after ~~the effective date of this chapter~~ [May May 3, 1953] 1953, and prior to January 1, 1954, such agreement or modification of the agreement shall be made effective with respect to any such services performed on or after January 1, 1951.

Sec. 26. Section 99B.5A, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Bingo may lawfully be conducted at a fair, ~~as defined in section 174.1~~, or a community festival if all the following conditions are met:

Sec. 27. Section 100C.6, subsection 4, Code 2011, is amended to read as follows:

4. Relieve any person engaged in fire protection system installation, maintenance, repair, service, or inspection as ~~defined~~ provided in section 100D.1 from obtaining a fire protection system installer and maintenance worker license as required pursuant to chapter 100D.

Sec. 28. Section 101.1, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. "Petroleum" means petroleum as defined in section 455B.471.

Sec. 29. Section 101.2, Code 2011, is amended to read as follows:

101.2 Scope of rules.

Except as otherwise provided in this chapter, the rules shall be in substantial compliance with the standards of the national fire protection association relating to flammable and combustible liquids, and liquefied petroleum gases, and liquefied natural gases.

Sec. 30. Section 101.3, Code 2011, is amended to read as follows:

101.3 Separate rules for liquids and gas.

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

Sec. 31. Section 101.21, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 32. Section 101.22, subsection 8, paragraph b, Code 2011, is amended to read as follows:

b. A person who conveys or deposits flammable or combustible liquid shall inspect the aboveground 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 flammable or combustible liquid storage tank fill pipe, the person conveying or depositing the flammable or combustible liquid may deposit the flammable or combustible liquid in the unregistered tank. However, the only one deposit is allowed only in the single instance into the unregistered tank, that the person provides making the deposit shall provide the owner or operator of the tank with another notice as required by subsection 5, and that the person provides shall provide the owner or operator with an aboveground flammable or combustible liquid storage tank registration form.

Sec. 33. Section 103.25, subsection 1, Code 2011, is amended to read as follows:

1. At or before commencement of any installation required to be inspected by the board, the licensee or property owner making such installation shall submit to the state fire marshal's office a request for inspection. The board shall prescribe the methods by which the request may be submitted, which may include electronic submission or through a form prescribed by the board that can be submitted either through the mail or by a fax transmission. The board shall also prescribe methods by which inspection fees can be paid, which may include electronic methods of payment. If the board or the state fire marshal's office becomes aware that a person has failed to file a necessary request for inspection, the board shall send a written notification by certified mail that the request must be filed within fourteen days. Any person filing a late request for inspection shall pay a delinquency fee in an amount to be determined by the board. A person who fails to file a late request within fourteen days from receipt of the notification shall be subject to a civil penalty to be determined by the board by rule.

Sec. 34. Section 103.33, subsection 3, Code 2011, is amended to read as follows:

3. Upon receipt of notice of appeal from a condemnation or disconnection order because the electrical installation is not in compliance with accepted standards of construction for health safety to health and property safety, except as provided in subsection 2, the order appealed from shall be stayed until final decision of the board and the board shall notify the property owner and the electrical contractor, class A master electrician, class B master electrician, fire alarm installer, special electrician, or if established by the board the residential master electrician, making the installation. The power supplier shall also be notified in those instances in which the order has been served on such supplier.

Sec. 35. Section 123.53, subsection 4, Code 2011, is amended to read as follows:

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 and the revenue bonds federal subsidy holdback 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. 36. Section 135B.19, Code 2011, is amended to read as follows:

135B.19 Title of division.

This law division may be cited as the "*Pathology and Radiology Services in Hospitals Law*".

Sec. 37. Section 163.30, subsection 5, paragraph a, Code 2011, is amended to read as follows:

a. However, swine may be moved intrastate directly to an approved state, federal, or auction market without identification or certification, if the swine are to be identified and certificated at the state, federal, or auction market.

Sec. 38. Section 185C.29, subsection 1, Code 2011, is amended to read as follows:

1. After the direct and indirect costs incurred by the secretary and the costs of elections, referendums, necessary board expenses, and administrative costs have been paid, at least seventy-five percent of the remaining moneys from a state assessment deposited in the corn promotion fund shall be used to carry out the purposes of ~~this chapter~~ the board as provided in section 185C.11.

Sec. 39. Section 203D.1, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 40. Section 207.1, subsection 2, Code 2011, is amended to read as follows:

2. The general assembly finds and declares that because the federal Surface Mining Control and Reclamation Act of 1977, Pub. L. No. 95-87, codified at 30 U.S.C. ch. 25, subch. IV, provides for a permit system to regulate the mining of coal and reclamation of the mining sites and provides that permits may be issued by states which are authorized to implement the provisions of that Act, it is in the interest of the people of Iowa to enact the provisions of this chapter in order to authorize the state to implement the provisions of the federal Surface Mining Control and Reclamation Act of 1977 and federal regulations and guidelines issued pursuant to that Act.

Sec. 41. Section 207.3, subsections 2 and 3, Code 2011, are amended to read as follows:

2. The division may, after notification to the committee, commence proceedings to suspend, revoke, or refuse to renew a license of a licensee for repeated or willful violation of any of the provisions of this chapter or of the federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 801 et seq.

3. The hearing shall be held pursuant to chapter 17A not less than fifteen nor more than thirty days after the mailing or service of the notice. If the licensee is found to have willfully or repeatedly violated any of the provisions of this chapter or of the federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 801 et seq., the committee may affirm or modify the proposed suspension, revocation, or refusal to renew the license.

Sec. 42. Section 207.16, subsection 1, Code 2011, is amended to read as follows:

1. Each operator upon completion of any reclamation work required by this chapter shall apply to the division in writing for approval of the work. The division shall promulgate rules consistent with Pub. L. No. 95-87, ~~section § 519~~, codified at 30 U.S.C. § 1269, regarding procedures and requirements to release performance bonds or deposits.

Sec. 43. Section 207.19, Code 2011, is amended to read as follows:

207.19 Surface effects of underground coal mining operations.

1. The provisions of this chapter shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate the distinct difference between surface and underground coal mining. The division shall promulgate such modifications in its rules to allow for such distinct differences and still fulfill the purposes of this chapter and be consistent with the requirements ~~in section 516~~ of Pub. L. No. 95-87, § 516, codified at 30 U.S.C. § 1266, and the permanent regulations issued pursuant to that Act.

2. In order to protect the stability of the land, the division shall suspend underground coal mining under urbanized areas, cities, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if the administrator finds imminent danger to inhabitants of the urbanized areas, cities, and communities.

Sec. 44. Section 207.21, subsection 1, Code 2011, is amended to read as follows:

1. The division shall participate in the abandoned mine reclamation program under ~~Tit. IV~~, Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV. There is established an abandoned mine reclamation fund under the control of the division.

Sec. 45. Section 207.21, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. The division shall submit to the secretary a state reclamation plan and annual projects to carry out the purposes of this program. The plan shall generally identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the proposed reclamation to surrounding areas, the specific criteria for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform such work in conformance with the provisions of ~~Tit. IV~~ of Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV.

Sec. 46. Section 207.21, subsection 5, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The division in participating in the abandoned mine reclamation program under ~~Tit. IV~~ of Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV, shall have the following additional powers:

Sec. 47. Section 207.22, subsection 3, paragraph b, Code 2011, is amended to read as follows:

b. Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of ~~Tit. IV~~ of ³ Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV, or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effect of past coal mining practices.

Sec. 48. Section 216A.6, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. Department, or division, or office evaluations of information about a person seeking or receiving advocacy services.

Sec. 49. Section 216A.96, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A community action agency ~~or delegate agency~~ shall:

Sec. 50. Section 216A.97, Code 2011, 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.

Sec. 51. Section 216A.133A, subsection 5, Code 2011, is amended to read as follows:

5. The board shall report to the legislative general assembly's standing committees on government oversight committee all sources of funding by December 1 of each year.

Sec. 52. Section 217.6, Code 2011, is amended to read as follows:

217.6 Rules and regulations — organization of department.

1. The director is hereby authorized to recommend to the council for adoption such rules and regulations as are necessary to carry into practice the programs of the various divisions and to establish such divisions and to assign or reassign duties, powers, and responsibilities within the department, all with the approval of the council on human services, within the department as the director deems necessary and appropriate for the proper administration of the duties, functions and programs with which the department is charged. Any action taken, decision made, or administrative rule adopted by any administrator of a division may be reviewed by the director. The director, upon such review, may affirm, modify, or reverse any such action, decision, or rule. ~~The director shall organize the department of human services into divisions to carry out in efficient manner the intent of this chapter.~~

³ See chapter 131, §56, 158 herein

2. The director shall organize the department of human services into divisions to carry out in efficient manner the intent of this chapter. The department of human services may be initially divided into the following divisions of responsibility: the division of child and family services, the division of mental health and disability services, the division of administration, and the division of planning, research and statistics.

3. 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. 53. Section 225C.5, subsection 1, paragraph k, Code 2011, is amended to read as follows:

k. One member ~~who is~~ shall be a military veteran ~~and~~ who is knowledgeable concerning the behavioral and mental health issues of veterans.

Sec. 54. Section 225C.6, subsection 1, paragraph k, Code 2011, is amended to read as follows:

k. Coordinate activities with the governor's developmental disabilities council and the mental health planning council, created pursuant to federal law. ~~Work~~ The commission shall work with other state agencies on coordinating, collaborating, and communicating concerning activities involving persons with disabilities.

Sec. 55. Section 229.22, subsection 2, paragraph a, Code 2011, is amended to read as follows:

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 facility or 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.

Sec. 56. Section 229.39, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. The filing after July 1, 1978, of any report relative to that person's status which would have been required to be filed prior to said date if that person had initially been hospitalized

under this chapter as amended by 1975 Iowa Acts of the Sixty-sixth General Assembly, 1975 Session, ch. 139, sections 1 to 30.

Sec. 57. Section 231.62, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department shall adopt rules ~~in consultation with the direct care worker task force established pursuant to 2005 Iowa Acts, ch. 88, and in coordination with the recommendations made by the task force~~, to implement all of the following training and education provisions:

Sec. 58. Section 232.172, subsection 2, Code 2011, is amended to read as follows:

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 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 the delinquent juvenile in a compact institution within another party state.

Sec. 59. Section 232C.4, Code 2011, is amended to read as follows:

232C.4 Effect of emancipation order.

1. An emancipation order shall have the same effect as a ~~child~~ minor reaching the age of majority with respect to but not limited to the following:

- a. The ability to sue or be sued in the ~~child's~~ minor's own name.
- b. The right to enter into a binding contract.
- c. The right to establish a legal residence.
- d. The right to incur debts.
- e. The right to consent to medical, dental, or psychiatric care.

2. An emancipation order shall have the same effect as the ~~child~~ minor reaching the age of majority and the parents are exempt from the following:

- a. Future child support obligations for the emancipated ~~child~~ minor.
- b. An obligation to provide medical support for the emancipated ~~child~~ minor, unless deemed necessary by the court.
- c. A right to the income or property of the emancipated ~~child~~ minor.
- d. A responsibility for the debts of the emancipated ~~child~~ minor.

3. An emancipated minor shall remain subject to voting restrictions under chapter 48A, gambling restrictions under chapter 99B, 99D, 99F, 99G, or 725, alcohol restrictions under chapter 123, compulsory attendance requirements under chapter 299, and cigarette tobacco restrictions under chapter 453A.

4. An emancipated ~~child~~ minor shall not be considered an adult for prosecution except as provided in section 232.8.

5. Notwithstanding sections 232.147 through 232.151, the emancipation order shall be released by the juvenile court subject to rules prescribed by the supreme court.

6. A parent who is absolved of child support obligations pursuant to an emancipation order shall notify the child support recovery unit of the department of human services of the emancipation.

Sec. 60. Section 234.7, subsection 2, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department of health and human services shall submit a waiver request to the United States department of health and human services as necessary to provide coverage under the medical assistance program for ~~not more than three hundred children at any one time~~ who are described by both of the following:

Sec. 61. Section 234.35, subsection 3, paragraph c, Code 2011, is amended to read as follows:

c. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a ~~graduate equivalency~~ general education development diploma,

if the services are in the child's best interests, funding is available for the services, and an appropriate alternative service is unavailable.

Sec. 62. Section 235B.1, subsection 4, paragraph b, subparagraph (1), Code 2011, is amended to read as follows:

(1) The advisory council shall consist of ~~fourteen~~ twelve members. ~~Six~~ Eight 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. 63. Section 249M.3, subsection 5, Code 2011, is amended to read as follows:

5. Net patient revenue as reported on each participating hospital's fiscal year 2008 Medicare cost report, ~~or as reported under subsection 4 if applicable~~, shall be the sole basis for the health care access assessment for the duration of the program.

Sec. 64. Section 256B.3, subsection 9, Code 2011, is amended to read as follows:

9. To cooperate with existing agencies such as the department of human services, the Iowa department of public health, the state school for the deaf, the Iowa braille and sight saving school, ~~the state tuberculosis sanatorium~~, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children.

Sec. 65. Section 256F.5, subsection 10, Code 2011, is amended to read as follows:

10. The organization of the charter 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.

Sec. 66. Section 256H.1, subsection 8, paragraph a, Code 2011, is amended to read as follows:

a. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: the director of the department of education, ~~a~~ superintendent of a school district with a high concentration of military children, ~~a~~ representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

Sec. 67. Section 260C.69, subsection 1, Code 2011, is amended to read as follows:

1. Each community college which completes a project, as defined under section 260C.56, subsection 4, shall set aside a percentage of available dormitory space for the purposes of meeting the needs of the following students:

- a. Students, with families, who are participating in specialized or intensive programs.
- b. Students who are participating in specialized or intensive programs.
- c. Child care arrangements for students, faculty, or staff.
- d. Students whose residence is located too far from the community college to permit commuting to and from school, as determined by the board of directors of the merged area.

e. Students whose disabilities require special housing adaptations.

Sec. 68. Section 260G.6, subsection 4, Code 2011, is amended to read as follows:

4. In order to receive moneys pursuant to this section, a program agreement approved by the community college board of directors shall be in place, program capital cost requests shall be approved by the Iowa economic development board created in section 15.103, ~~program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the department of economic development,~~ and employer contributions toward program capital costs shall be certified and agreed to in the agreement. Program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the department of economic development.

Sec. 69. Section 262.30, Code 2011, is amended to read as follows:

262.30 Contracts for ~~training teachers practitioner preparation.~~

The board of directors of any school district in the state of Iowa may enter into contract with the state board of regents for furnishing instruction to pupils of such school district, and for training teachers practitioner preparation for the schools of the state in such particular lines of demonstration and instruction as are deemed necessary for the efficiency of the university of northern Iowa, state university of Iowa, and Iowa state university of science and technology as training schools for teachers practitioners.

Sec. 70. Section 263.1, Code 2011, is amended to read as follows:

263.1 Objects — departments.

The university of Iowa shall never be under the control of any religious denomination. Its object shall be to provide the best and most efficient means of imparting to men and women, upon equal terms, a liberal education and thorough knowledge of the different branches of literature and the arts and sciences, with their varied applications. It shall include colleges of liberal arts, law, medicine, and such other colleges and departments, with such courses of instruction and elective studies as the state board of regents may determine from time to time. If a teachers training course practitioner preparation program as defined in section 272.1 is established by the board, it shall include the subject of physical education. Instruction in the liberal arts college shall begin, so far as practicable, at the points where the same is completed in high schools.

Sec. 71. Section 266.2, Code 2011, is amended to read as follows:

266.2 Courses of study.

There shall be adopted and taught at said university of science and technology practical courses of study, embracing in their leading branches such as relate to agriculture and mechanic arts, mines and mining, and ceramics, and such other branches as are best calculated to educate thoroughly the agricultural and industrial classes in the several pursuits and professions of life, including military tactics. If a teachers training course practitioner preparation program as defined in section 272.1 is established, it shall include the subject of physical education.

Sec. 72. Section 273.11, subsection 1, Code 2011, is amended to read as follows:

1. The state board of education shall develop standards and rules for the accreditation of area education agencies ~~by July 1, 1997.~~ Standards shall be general in nature, but at a minimum shall identify requirements addressing the services provided by each division, as well as identifying indicators of quality that will permit area education agencies, school districts, the department of education, and the general public to judge accurately the effectiveness of area education agency services.

Sec. 73. Section 284.1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A student achievement and teacher quality program is established to promote high student achievement. The program shall consist of the following ~~five~~ four major elements:

Sec. 74. Section 284.6, subsection 9, Code 2011, is amended to read as follows:

9. Moneys received pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, shall be maintained as a separate listing within its a school district's or area education agency's budget for funds received and expenditures made pursuant to this subsection. A school district shall certify to the department of education how the school district allocated the funds and that moneys received under this subsection were used to supplement, not supplant, the professional development opportunities the school district would otherwise make available.

Sec. 75. Section 301.1, subsection 3, paragraph c, Code 2011, is amended to read as follows:

c. Laptop computers or other portable personal computing devices which are used for nonreligious instructional use purposes only.

Sec. 76. Section 309.37, subsection 2, Code 2011, is amended to read as follows:

2. An accurate plan and profile of the roads surveyed, showing ~~(a) cuts~~ all of the following:
a. Cuts and fills, (b) outline,
b. Outline of grades, (c) all,
c. All existing permanent bridges, culverts and grades, and (d) proper,
d. Proper bench marks on each bridge and culvert.

Sec. 77. Section 312.4, subsection 2, Code 2011, is amended to read as follows:

2. The amount of the road use tax fund which the treasurer has credited to ~~(a) the~~ following:
a. The primary road fund, (b) the,
b. The secondary road fund of the counties, (c) the,
c. The farm-to-market road fund, and (d) the,
d. The street fund of the cities.

Sec. 78. Section 314.28, Code 2011, is amended to read as follows:

314.28 Keep Iowa beautiful fund.

1. A keep Iowa beautiful fund is created in the office of the treasurer of state. 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 422.12A. The fund shall also include moneys transferred to the fund as provided in section 422.12G.~~ 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.

2. Moneys in the fund that are authorized by the department for expenditure are appropriated, and shall be used, to educate and encourage Iowans to take greater responsibility for improving their community environment and enhancing the beauty of the state through litter prevention, improving waste management and recycling efforts, and beautification projects.

3. The department may authorize payment of moneys from the fund upon approval of an application from a private or public organization. The applicant shall submit a plan for litter prevention, improving waste management and recycling efforts, or a beautification project along with its application. The department shall establish standards relating to the type of projects available for assistance.

Sec. 79. Section 317.1A, subsection 1, paragraphs a and b, Code 2011, are amended to read as follows:

a. Primary noxious weeds, which shall include:

- (1) Quack grass (~~Agropyron~~ Elymus repens).
- (2) Perennial sow thistle (*Sonchus arvensis*).
- (3) Canada thistle (*Cirsium arvense*).
- (4) Bull thistle (~~Cirsium lanceolatum~~ vulgare).
- (5) European morning glory or field bindweed (*Convolvulus arvensis*).
- (6) Horse nettle (*Solanum carolinense*).
- (7) Leafy spurge (*Euphorbia esula*).
- (8) Perennial pepper-grass (~~Lepidium~~ Cardaria draba).

- (9) Russian knapweed (~~Centaurea~~ (Acroptilon repens)).
- (10) Buckthorn (Rhamnus spp., not to include Frangula alnus, syn. Rhamnus frangula).
- (11) All other species of thistles belonging in the genera of Cirsium and Carduus.
- b. Secondary noxious weeds, which shall include:
- (1) Butterprint (Abutilon theophrasti) annual.
- (2) Cocklebur (~~Xanthium commune~~ (strumarium) annual.
- (3) Wild mustard (~~Brassica~~ (Sinapis arvensis) annual.
- (4) Wild carrot (Daucus carota) biennial.
- (5) Buckhorn (Plantago lanceolata) perennial.
- (6) Sheep sorrel (Rumex acetosella) perennial.
- (7) Sour dock (Rumex crispus) perennial.
- (8) Smooth dock (Rumex altissimus) perennial.
- (9) Poison hemlock (Conium maculatum).
- (10) Multiflora rose (Rosa multiflora).
- (11) Wild sunflower (wild strain of Helianthus annuus annuus L.) annual.
- (12) Puncture vine (Tribulus terrestris) annual.
- (13) Teasel (~~Dipsacus~~) (Dipsacus spp.) biennial.
- (14) Shattercane (Sorghum bicolor) annual.

Sec. 80. Section 321.190, subsection 1, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 81. Section 321G.29, subsection 1, Code 2011, is amended to read as follows:

1. The owner of a snowmobile acquired on or after January 1, 1998, other than a snowmobile used exclusively as a farm implement or a snowmobile more than thirty years old registered as provided in section 321G.4, subsection 5 4, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile. The owner of a snowmobile used exclusively as a farm implement may obtain a certificate of title. A person who owns a snowmobile that is not required to have a certificate of title may apply for and receive a certificate of title for the snowmobile and, subsequently, the snowmobile shall be subject to the requirements of this chapter as if the snowmobile were required to be titled. All snowmobiles that are titled shall be registered.

Sec. 82. Section 327H.20A, subsection 3, Code 2011, 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 fund from which ~~it was the moneys were~~ appropriated but shall remain available indefinitely for expenditure under this section.

Sec. 83. Section 330.20, Code 2011, is amended to read as follows:

330.20 Appointment of commission — terms.

When a majority of the voters favors airport control and management by a commission, the governing body shall, within ten days, appoint an airport commission of three or five members, each of whom shall be a resident of the city or county establishing the commission or a resident of a city or county in this state served by the airport. At least two of the members of a three-member commission and at least three of the members of a five-member commission shall be residents of the city or county establishing the commission. The governing body shall by ordinance set the commencement dates of office and the length of the terms of office which shall be no more than six and no less than three years. The terms of the first appointees of a newly created commission shall be staggered by length of term and all subsequent appointments shall be for full terms. Vacancies shall be filled in the same manner as original appointments are made. Members of the airport commission shall serve without compensation. Each commissioner shall execute and furnish a bond in an amount fixed by the governing body and filed with the city clerk of the city, or county auditor of the county, establishing the commission. The commission shall elect from its own members a

chairperson and a secretary who shall serve for a term as the commission shall determine.

Sec. 84. Section 330A.10, subsection 1, Code 2011, is amended to read as follows:

1. Moneys of an authority shall be paid to the treasurer of the authority who shall not commingle said moneys with any other moneys, but shall deposit them in a separate account or accounts. The moneys in said accounts shall be paid out ~~on~~ by check of the treasurer on requisition of the chairperson of the authority, or of such other person, or persons, as the authority may authorize to make such requisition.

Sec. 85. Section 331.402, subsection 3, paragraph f, Code 2011, is amended to read as follows:

f. A loan agreement to which a county is a party or in which a county has a participatory interest is an obligation of a political subdivision of this state for the purpose of chapters 502 and 636, and is a lawful investment for banks, trust companies, ~~building and loan associations~~, savings and loan associations, investment companies, insurance companies, insurance associations, executors, guardians, trustees, and any other fiduciaries responsible for the investment of funds.

Sec. 86. Section 331.449, Code 2011, is amended to read as follows:

331.449 Prior projects preserved.

Projects and proceedings for the issuance of general obligation bonds commenced before July 1, 1981, may be consummated and completed as required or permitted by any statute amended or repealed by ~~this Act~~ 1981 Iowa Acts, chapter 117, as though the repeal or amendment had not occurred, and the rights, duties, and interests following from such projects and proceedings remain valid and enforceable. Projects commenced prior to July 1, 1981, may be financed by the issuance of general obligation bonds under any such amended or repealed law or by the issuance of general obligation bonds under this part. For the purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for a hearing in connection with any part of the project, and commencement of proceedings for the issuance of general obligation bonds includes but is not limited to action taken by the board to fix a date for either a hearing or a sale in connection with any part of the general obligation bonds, or to order any part thereof to be issued.

Sec. 87. Section 331.470, Code 2011, is amended to read as follows:

331.470 Prior projects preserved.

Projects and proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations, commenced before July 1, 1981 may be completed as required or permitted by any statute amended or repealed by ~~this Act~~ 1981 Iowa Acts, chapter 117, as though the amendment or repeal had not occurred, and the rights, duties, and interests resulting from the projects and proceedings remain valid and enforceable. Projects commenced prior to July 1, 1981, may be financed by the issuance of revenue bonds, pledge orders, and other temporary obligations under any such amended or repealed law or by the issuance of revenue bonds and pledge orders under this part. For purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for either a hearing or an election in connection with any part of the project, and commencement of proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations includes, but is not limited to, action taken by the board to fix a date for either a hearing or a sale in connection with any part of such revenue bonds, pledge orders, or other temporary obligations or to order any part thereof to be issued.

Sec. 88. Section 357I.2, subsection 3, Code 2011, is amended to read as follows:

3. If part or all of the proposed district lies within two miles of the boundaries of a city, the board shall send a copy of the petition to each such city before scheduling the public hearing on the petition. A city that receives a copy of the petition may require that any road or street improvements and associated drainage improvements constructed within the district after establishment of the district be constructed in compliance with requirements

for such improvements then in effect within the city. The city shall notify the board of the city's response to the petition within thirty days of receiving the petition. If the city wants requirements for road or street improvements and associated drainage improvements then in effect within the city to apply within the district, the requirements shall be included in the resolution of the board establishing the district and shall be incorporated into the plans and specifications for the improvements prepared by the district engineer or county engineer. The plans and specifications shall be subject to approval by the board and by the city council of each affected city, which approval must occur before commencement of construction. If costs for construction of improvements according to a city's standards exceed the costs for such construction according to county standards, the ~~petitioner~~ petitioners shall pay the difference in the costs.

Sec. 89. Section 360.9, subsection 5, Code 2011, is amended to read as follows:

5. Subject to the right of reversion to the present owner as ~~above provided in this section~~, 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. 90. Section 403.11, Code 2011, is amended to read as follows:

403.11 Exemptions from legal process.

1. All property of a municipality, including funds, owned or held by it for the purposes of this chapter shall be exempt from levy and sale by virtue of an execution; ~~and no execution. Execution~~ or other judicial process shall not issue against the ~~same; nor shall property and a judgment against a municipality shall not~~ be a charge or lien upon such property: ~~Provided, however, that. However,~~ the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by a municipality on its rents, fees, grants or revenues from urban renewal projects.

2. The property of a municipality, acquired or held for the purposes of this chapter, is declared to be public property used for essential public and governmental purposes, and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof: ~~Provided, that. However,~~ such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

Sec. 91. Section 403A.2, subsection 8, Code 2011, is amended to read as follows:

8. a. "Housing project" or "project" means any work or undertaking: ~~(a) to do any of the following:~~

(1) To demolish, clear or remove buildings from any slum areas; or (b) to.

(2) To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for families of low income, lower-income families, or very low-income families; or (c) to.

(3) To accomplish a combination of the foregoing.

b. Such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, utilities, parks, site preparation, landscaping, administrative, community, health, recreational, welfare or other purposes.

c. The term "housing project" or "project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration or repair of the improvements and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

Sec. 92. Section 404A.4, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. For the fiscal year beginning July 1, 2012, and for each fiscal year thereafter, the ~~department~~ office shall reserve not more than forty-five million dollars worth of tax credits for any one taxable year.

Sec. 93. Section 411.38, subsection 3, Code 2011, is amended to read as follows:

3. As used in this section, unless the context otherwise requires, “*alternative assumptions*” means that the interest rate earned on investments of moneys in the fire and police retirement fund would be seven percent and that the state would not contribute to the fund under ~~sections~~ section 411.8 and section 411.20, Code 2009, after January 1, 1992, and “*proposed assumptions*” means that the interest rate earned on investments of moneys in the fire and police retirement fund would be seven and one-half percent and the state will pay contributions as provided pursuant to ~~sections~~ section 411.8 and section 411.20, Code 2009, after January 1, 1992. These assumptions are to be used solely for the purposes of this section, and shall not impact upon decisions of the board of trustees concerning the assumption of the interest rate earned on investments, or the contributions by the state as provided for in ~~sections~~ section 411.8 and section 411.20, Code 2009.

Sec. 94. Section 419.11, Code 2011, is amended to read as follows:

419.11 Tax equivalent to be paid — assessment procedure — appeal.

1. *a.* 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.

b. 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 “a”, subparagraph (2).

2. If and to the extent the proceedings under which the bonds authorized to be issued under the provisions of this chapter so provide, the municipality may agree to cooperate with the lessee of a project in connection with any administrative or judicial proceedings for determining the validity or amount of any such payments and may agree to appoint or designate and reserve the right in and for such lessee to take all action which the municipality may lawfully take in respect of such payments and all matters relating thereto, provided, however, that such lessee shall bear and pay all costs and expenses of the municipality thereby incurred at the request of such lessee or by reason of any such action taken by such lessee in behalf of the municipality. Any lessee of a project which has paid, as rentals additional to those required to be paid pursuant to section 419.5, the amounts required by ~~the first sentence of this section~~ subsection 1, paragraph “a”, to be paid by the municipality shall not be required to pay any such taxes to the state or to any such county, city, school district or other political subdivision, any other statute to the contrary notwithstanding. To the extent that any lessee or contracting party pays taxes on a project or part thereof, the municipality shall not be required to pay the tax equivalent herein provided, and to such extent the lessee or contracting party shall not be required to pay amounts to the municipality for such purpose.

3. This section shall not be applicable to any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any buildings for the purpose of establishing, maintaining, or assisting any private or state of Iowa college or university, nor

to any municipality in connection with any project for the benefit of a voluntary nonprofit hospital, clinic, or health care facility, the property of which is otherwise exempt under the provisions of chapter 427. The payment, collection, and apportionment of the tax equivalent shall be subject to the provisions of chapters 445, 446 and 447.

Sec. 95. Section 420.207, Code 2011, is amended to read as follows:

420.207 Taxation in general.

Sections 426A.11 through 426A.15, 427.1, 427.8 to 427.11, 428.4, 428.20, 428.22, 428.23, 437.1, 437.3, 441.21, 443.1 to 443.3, 444.2 to ~~444.5~~ through 444.4, and 447.9 to 447.13, so far as applicable, apply to cities acting under special charters.

Sec. 96. Section 420.241, Code 2011, is amended to read as follows:

420.241 Deed — when executed.

Immediately after the expiration of ninety days from the date of service of the notice, as prescribed by sections 447.9 to through 447.14 and section 448.1, the treasurer, collector, or person authorized to act as collector of taxes, shall make out a deed for each lot or parcel of land sold and remaining unredeemed and deliver the same to the purchaser upon the return of the certificate of purchase.

Sec. 97. Section 422.1, Code 2011, is amended to read as follows:

422.1 Classification of chapter.

The provisions of this chapter are herein classified and designated as follows:

- | | |
|-------------------------|--|
| <u>1.</u> Division I | Introductory provisions. |
| <u>2.</u> Division II | Personal net income tax. |
| <u>3.</u> Division III | Business tax on corporations. |
| <u>4.</u> Division IV | Repealed by 2003 Acts,
1st Ex., ch. 2, § 151, 205;
see chapter 423. |
| <u>5.</u> Division V | Taxation of financial
institutions. |
| <u>6.</u> Division VI | Administration. |
| <u>7.</u> Division VII | Estimated taxes by
corporations and
financial institutions. |
| <u>8.</u> Division VIII | Allocation of revenues. |
| <u>9.</u> Division IX | Fuel tax credit. |
| <u>10.</u> Division X | Livestock production
tax credit
<u>Repealed by 2009 Acts,
ch. 179, § 152, 153.</u> |

Sec. 98. Section 422.33, subsection 9, paragraph b, Code 2011, is amended to read as follows:

b. To receive the assistive device tax credit, the eligible small business must submit an application to the department of economic development. If the taxpayer meets the criteria for eligibility, the department of economic development shall issue to the taxpayer a certification of entitlement for the assistive device tax credit. However, the combined amount of tax credits that may be approved for a fiscal year under this subsection ~~and section 422.11E~~ shall not exceed five hundred thousand dollars. Tax credit certificates shall be issued on an earliest filed basis. The certification shall contain the taxpayer's name, address, tax identification number, the amount of the credit, and tax year for which the certificate applies. The taxpayer must file the tax credit certificate with the taxpayer's corporate income tax return in order to claim the tax credit. The departments of economic development and revenue shall each adopt rules to jointly administer this subsection and shall provide by rule for the method to be used to determine for which fiscal year the tax credits are approved.

Sec. 99. Section 424.2, subsections 6, 10, and 13, Code 2011, are amended to read as follows:

6. “*Depositor*” means the person who deposits petroleum into an underground storage tank subject to regulation under chapter 455G or an aboveground ~~petroleum flammable or combustible liquid~~ storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor vehicle fuel outlet on a retail basis.

10. “*Owner or operator*” means “*owner or operator*” of an underground storage tank as used in chapter 455G or the “*owner*” or “*operator*” of an aboveground ~~petroleum flammable or combustible liquid~~ storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor vehicle fuel outlet on a retail basis.

13. “*Tank*” means an underground storage tank subject to regulation under chapter 455G or an aboveground ~~petroleum flammable or combustible liquid~~ storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor vehicle fuel outlet on a retail basis.

Sec. 100. Section 441.8, Code 2011, is amended to read as follows:

441.8 Term — continuing education — filling vacancy.

1. The term of office of an assessor appointed under this chapter shall be for six years. Appointments for each succeeding term shall be made in the same manner as the original appointment except that not less than ninety days before the expiration of the term of the assessor the conference board shall hold a meeting to determine whether or not it desires to reappoint the incumbent assessor to a new term. The conference board shall have the power to reappoint the incumbent assessor only if the incumbent assessor has satisfactorily completed the continuing education program provided for in this section. If the decision is made not to reappoint the assessor, the assessor shall be notified, in writing, of such decision not less than ninety days prior to the expiration of the assessor’s term of office. Failure of the conference board to provide timely notification of the decision not to reappoint the assessor shall result in the assessor being reappointed.

~~Effective January 1, 1980, the conference board shall have the power to reappoint the incumbent assessor only if the incumbent assessor has satisfactorily completed the continuing education program provided for in this section.~~

2. *a.* The director of revenue shall develop and administer a program of continuing education which shall emphasize assessment and appraisal procedures, and the assessment laws of this state, and which shall include the subject matter specified in section 441.5.

b. The director of revenue shall establish, designate, or approve courses, workshops, seminars, or symposiums to be offered as part of the continuing education program, the content of these courses, workshops, seminars, or symposiums and the number of hours of classroom instruction for each. The director of revenue may provide that no more than thirty hours of tested credit may be received for the submission of a narrative appraisal approved by a professional appraisal society designated by the director. At least once each year the director of revenue shall evaluate the continuing education program and make necessary changes in the program.

3. Upon the successful completion of courses, workshops, seminars, a narrative appraisal or symposiums contained in the program of continuing education, as demonstrated by attendance at sessions of the courses, workshops, seminars or symposiums and, in the case of a course designated by the director of revenue, attaining a grade of at least seventy percent on an examination administered at the conclusion of the course, or the submission of proof that a narrative appraisal has been approved by a professional appraisal society designated by the director of revenue the assessor or deputy assessor shall receive credit equal to the number of hours of classroom instruction contained in those courses, workshops, seminars, or symposiums or the number of hours of credit specified by the director of revenue for a narrative appraisal. An assessor or deputy assessor shall not be allowed to obtain credit for a course, workshop, seminar, or symposium for which the assessor or deputy assessor has previously received credit during the current term or appointment except for those courses,

workshops, seminars, or symposiums designated by the director of revenue. Only one narrative appraisal may be approved for credit during the assessor's or deputy assessor's current term or appointment and credit shall not be allowed for a narrative appraisal approved by a professional appraisal society prior to the beginning of the assessor's or deputy assessor's current term or appointment. The examinations shall be confidential, except that the director of revenue and persons designated by the director may have access to the examinations.

4. Upon receiving credit equal to one hundred fifty hours of classroom instruction during the assessor's current term of office of which at least ninety of the one hundred fifty hours are from courses requiring an examination upon conclusion of the course, the director of revenue shall certify to the assessor's conference board that the assessor is eligible to be reappointed to the position. For persons appointed to complete an unexpired term, the number of credits required to be certified as eligible for reappointment shall be prorated according to the amount of time remaining in the present term of the assessor. If the person was an assessor in another jurisdiction, the assessor may carry forward any credit hours received in the previous position in excess of the number that would be necessary to be considered current in that position. Upon written request by the person seeking a waiver of the continuing education requirements, the director may waive the continuing education requirements if the director determines good cause exists for the waiver.

5. Within each six-year period following the appointment of a deputy assessor, the deputy assessor shall comply with this section except that upon the successful completion of ninety hours of classroom instruction of which at least sixty of the ninety hours are from courses requiring an examination upon conclusion of the course, the deputy assessor shall be certified by the director of revenue as being eligible to remain in the position. If a deputy assessor fails to comply with this section, the deputy assessor shall be removed from the position until successful completion of the required hours of credit. If a deputy is appointed to the office of assessor, the hours of credit obtained as deputy pursuant to this section shall be credited to that individual as assessor and for the individual to be reappointed at the expiration of the term as assessor, that individual must obtain the credits which are necessary to total the number of hours for reappointment. Upon written request by the person seeking a waiver of the continuing education requirements, the director may waive the continuing education requirements if the director determines good cause exists for the waiver.

6. Each conference board shall include in the budget for the operation of the assessor's office funds sufficient to enable the assessor and any deputy assessor to obtain certification as provided in this section. The conference board shall also allow the assessor and any deputy assessor sufficient time off from their regular duties to obtain certification. The director of revenue shall adopt rules pursuant to chapter 17A to implement and administer this section.

7. If the incumbent assessor is not reappointed as ~~above~~ provided in this section, then not less than sixty days before the expiration of the term of said assessor, a new assessor shall be selected as provided in section 441.6.

8. In the event of the removal, resignation, death, or removal from the county of the said assessor, the conference board shall proceed to fill the vacancy by appointing an assessor to serve the unexpired term in the manner provided in section 441.6. Until the vacancy is filled, the chief deputy shall act as assessor, and in the event there be no deputy, in the case of counties the auditor shall act as assessor and in the case of cities having an assessor the city clerk shall act as assessor.

Sec. 101. Section 450.10, subsections 1, 2, 3, and 4, Code 2011, are amended to read as follows:

1. When the property or any interest in property, or income from property, taxable under the provisions of this chapter, passes to the brother or sister, son-in-law, or daughter-in-law, the rate of tax imposed on the individual share so passing shall be as follows:

a. Five percent on any amount up to twelve thousand five hundred dollars.

b. Six percent on any amount in excess of twelve thousand five hundred dollars and up to twenty-five thousand dollars.

c. Seven percent on any amount in excess of twenty-five thousand dollars and up to seventy-five thousand dollars.

d. Eight percent on any amount in excess of seventy-five thousand dollars and up to one hundred thousand dollars.

e. Nine percent on any amount in excess of one hundred thousand dollars and up to one hundred fifty thousand dollars.

f. Ten percent on all sums in excess of one hundred fifty thousand dollars.

2. When the property or interest in property or income from property, taxable under this chapter, passes to a person not included in subsections 1 and 6, the rate of tax imposed on the individual share so passing shall be as follows:

a. Ten percent on any amount up to fifty thousand dollars.

b. Twelve percent on any amount in excess of fifty thousand dollars and up to one hundred thousand dollars.

c. Fifteen percent on all sums in excess of one hundred thousand dollars.

3. When the property or any interest ~~therein~~ in property or income ~~therefrom~~ from property, taxable under the provisions of this chapter, passes in any manner to societies, institutions or associations incorporated or organized under the laws of any other state, territory, province or country than this state, for charitable, educational or religious purposes, or to cemetery associations, including humane societies not organized under the laws of this state, or to resident trustees for uses without this state, the rate of tax imposed shall be ~~as follows: ten percent on the entire amount so passing.~~

~~Ten percent on the entire amount so passing.~~

4. When the property or any interest in property or income from property, taxable under this chapter, passes to any firm, corporation, or society organized for profit, including fraternal and social organizations which do not qualify for exemption under sections 170(c) and 2055 of the Internal Revenue Code, the rate of tax imposed shall be ~~as follows: fifteen percent on the entire amount so passing.~~

~~Fifteen percent on the entire amount so passing.~~

Sec. 102. Section 452A.74, Code 2011, is amended to read as follows:

452A.74 Unlawful acts — penalty.

1. It shall be unlawful:

1. a. For any person to knowingly fail, neglect, or refuse to make any required return or statement or pay over fuel taxes required under this chapter.

2. b. For any person to knowingly make any false, incorrect, or materially incomplete record required to be kept or made under this chapter, to refuse to offer required books and records to the department of revenue or the state department of transportation for inspection on demand or to refuse to permit the department of revenue or the state department of transportation to examine the person's motor fuel or undyed special fuel storage tanks and handling or dispensing equipment.

3. c. For any seller to issue or any purchaser to receive and retain any incorrect or false invoice or sales ticket in connection with the sale or purchase of motor fuel or undyed special fuel.

4. d. For any claimant to alter any invoice or sales ticket, whether the invoice or sales ticket is to be used to support a claim for refund or income tax credit or not, provided, however, if a claimant's refund permit has been revoked for cause as provided in section 452A.19, the revocation shall serve as a bar to prosecution for violation of this ~~subsection~~ paragraph.

5. e. For any person to act as a supplier, restrictive supplier, importer, exporter, blender, or compressed natural gas or liquefied petroleum gas dealer or user without the required license.

6. f. For any person to use motor fuel, undyed special fuel, or dyed special fuel in the fuel supply tank of a vehicle with respect to which the person knowingly has not paid or had charged to the person's account with a distributor or dealer, or with respect to which the person does not, within the time required in this chapter, report and pay the applicable fuel tax.

7. g. For any licensed compressed natural gas or liquefied petroleum gas dealer or user to dispense compressed natural gas or liquefied petroleum gas into the fuel supply tank of any motor vehicle without collecting the fuel tax.

8. 2. Any delivery of compressed natural gas or liquefied petroleum gas to a compressed natural gas or liquefied petroleum gas dealer or user for the purpose of evading the state tax on compressed natural gas or liquefied petroleum gas, into facilities other than those licensed above knowing that the fuel will be used for highway use shall constitute a violation of this section. Any compressed natural gas or liquefied petroleum gas dealer or user for purposes of evading the state tax on compressed natural gas or liquefied petroleum gas, who allows a distributor to place compressed natural gas or liquefied petroleum gas for highway use in facilities other than those licensed above, shall also be deemed in violation of this section.

3. A person found guilty of an offense specified in this section is guilty of a fraudulent practice. Prosecution for an offense specified in this section shall be commenced within six years following ~~its~~ the date of commission of the offense.

Sec. 103. Section 455D.11C, subsection 1, Code 2011, is amended to read as follows:

1. A waste tire management fund is created within the state treasury. ~~For the fiscal year beginning July 1, 2002, through the fiscal year beginning July 1, 2006, moneys received from each five dollar surcharge on the issuance of a certificate of title shall be deposited as provided in section 321.52A, Code 2007.~~ Notwithstanding section 8.33, any unexpended balance in the fund at the end of each fiscal year shall be retained in the fund. Notwithstanding section 12C.7, any interest or earnings on investments from moneys in the fund shall be credited to the fund. Moneys from the fund that are expended by the department in closing or bringing into compliance a waste tire collection site pursuant to section 455D.11A and later recouped by the department shall be credited to the fund.

Sec. 104. Section 455G.31, subsection 1, Code 2011, is amended to read as follows:

1. a. As used in this section, unless the context otherwise requires:

~~a.~~ (1) “Dispenser” includes a motor fuel pump, including but not limited to a motor fuel blender pump.

~~b.~~ (2) “E-85 gasoline”, “ethanol blended gasoline”, and “retail dealer” mean the same as defined in section 214A.1.

~~c.~~ (3) “Gasoline storage and dispensing infrastructure” means any storage tank located below ground or above ground and any associated equipment including but not limited to a pipe, hose, connection, fitting seal, or motor fuel pump, which is used to store, measure, and dispense gasoline by a retail dealer.

~~d.~~ Ethanol blended gasoline shall be designated in the same manner as provided in section 214A.2.

~~e.~~ (4) “Motor fuel pump” means the same as defined in section 214.1.

b. Ethanol blended gasoline shall be designated in the same manner as provided in section 214A.2.

Sec. 105. Section 455J.6, subsection 4, Code 2011, is amended to read as follows:

4. A majority of voting members shall not include any member who has a conflict of interest. A statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not ~~impair~~ prevent the council from performing the duties of the council.

Sec. 106. Section 461A.76, Code 2011, is amended to read as follows:

461A.76 Contracts with local authorities.

1. ~~Anything~~ Notwithstanding anything in chapter 468, subchapter I, parts 1 through 5, to the contrary, county boards of supervisors and trustees having control of any levee or drainage district established thereunder, including joint levee or drainage districts, may enter into contracts and agreements with municipalities or corporations authorized to establish water recreational areas under the provisions of this division. Such contracts or agreements shall be in writing and may be made prior to or after the establishment of a water recreational area. If made prior to the establishment of a water recreational area they may be made conditional upon the final establishment of such area and if conditional upon such final establishment may be entered into prior to the hearing provided for in section 461A.63.

2. Such contracts or agreements may embrace any of the following subjects:

1. a. For the impoundment of drainage waters to create artificial lakes or ponds.

2. b. For compensation to drainage districts for drainage improvements destroyed or rendered useless by the establishment of water recreational areas and the structures, waters or works thereof.

3. c. For the diversion of waters from established drainage ditches or tile drains to other channels.

4. d. For sanitary measures and precautions.

5. e. For the control of water levels in lakes, ponds or impoundments of water to avoid damage to or malfunction of drainage facilities.

6. f. For the construction of additional drainage facilities promoting the interests of either or both of the contracting parties.

7. g. For the granting of easements or licenses by one party to the other.

8. h. For the payment of money by one contracting party to the other in consideration of acts or performance of the other party required by such contract or agreement.

3. When any expenditure of levee or drainage district funds is proposed by the authority contained in this section and where the estimated expenditure will exceed fifty percent of the original total cost of the district and subsequent improvements therein as defined by section 468.126, the same procedure respecting notice and hearing shall be followed as is provided in said section 468.126, for repair proposals where the estimated cost of the repair exceeds fifty percent of the original total cost of the district and subsequent improvements therein.

Sec. 107. Section 465B.2, Code 2011, is amended to read as follows:

465B.2 Statewide trails development program.

1. The state department of transportation shall undertake the following ~~programs~~ actions to establish a program to meet the objective stated in section 465B.1:

1. a. Prepare a long-range plan for the acquisition, development, promotion, and management of recreation trails throughout the state. The plan shall identify needs and opportunities for recreation trails of different kinds having national, statewide, regional, and multicounty importance. Recommendations in the plan shall include but not be limited to:

a. (1) Specific acquisition needs and opportunities for different types of trails.

b. (2) Development needs including trail surfacing, restrooms, shelters, parking, and other needed facilities.

c. (3) Promotional programs which will encourage Iowans and state visitors to increase use of trails.

d. (4) Management activities including maintenance, enforcement of rules, and replacement needs.

e. (5) Funding levels needed to accomplish the statewide trails objectives.

f. (6) Ways in which trails can be more fully incorporated with parks, cultural sites, and natural resource sites.

2. b. ~~The Include, within the plan shall recommend, recommendations for~~ standards for establishing functional classifications for all types of recreation trails as well as a system for determining jurisdictional control over trails. Levels of jurisdiction may be vested in the state, counties, cities, and private organizations.

3. 2. a. The state department of transportation may enter into contracts for the preparation of the trails plan. The department shall involve the department of natural resources, the Iowa department of economic development, and the department of cultural affairs in the preparation of the plan. The recommendations and comments of organizations representing different types of trail users and others with interests in this program shall also be incorporated in the preparation of the trails plan and shall be submitted with the plan to the general assembly. The plan shall be submitted to the general assembly no later than January 15, 1988. Existing trail projects involving acquisition or development may receive funding prior to the completion of the trails plan.

b. The department shall give priority to funding the acquisition and development of trail portions which will complete segments of existing trails. The department shall give preference to the acquisition of trail routes which use existing or abandoned railroad right-of-ways, river valleys, and natural greenbelts. Multiple recreational use of routes for trails, other forms of transportation, utilities, and other uses compatible with trails shall be given priority.

c. The department may acquire property by negotiated purchase and hold title to property for development of trails. The department may enter into agreements with other state agencies, political subdivisions of the state, and private organizations for the planning, acquisition, development, promotion, management, operations, and maintenance of recreation trails.

3. The department may adopt rules under chapter 17A to carry out a trails program.

Sec. 108. Section 481A.19, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. Any person licensed by the authority of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to take fish, game, mussels, or fur-bearing animals from or in the waters forming the boundary between such state and Iowa, may take such fish, game, mussels, or fur-bearing animals from that portion of said waters lying within the territorial jurisdiction of this state, without having procured a license for it from the director of this state, in the same manner that persons holding Iowa licenses may do, if the laws of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota, respectively, extend a similar privilege to persons so licensed under the laws of Iowa.

Sec. 109. Section 481C.2A, subsection 6, Code 2011, is amended to read as follows:

6. The department shall make educational materials that explain the deer depredation management program available to the general public, and available specifically to farmers and farm and commodity organizations, in both electronic and brochure formats by June 30, 2008.

Sec. 110. Section 482.9, subsection 4, Code 2011, is amended to read as follows:

4. For a person to lift or to fish licensed commercial gear of another person, except when under the direct supervision of the licensee as provided in section 482.7.

Sec. 111. Section 482.10, subsection 2, Code 2011, is amended to read as follows:

2. All intrastate and interstate shipments of commercial fish, turtles, turtle eggs, or roe or roe species, must be accompanied by a receipt which shows the name and address of the seller, date of sale, and the species, numbers, and pounds of the fish, roe species, roe, turtles, or turtle eggs being sold.

Sec. 112. Section 483A.1A, subsection 10, paragraph c, Code 2011, is amended to read as follows:

c. Is a student who qualifies as a resident pursuant to paragraph "b" only for the purpose of purchasing any resident license specified in section 483A.1 ~~or 484A.2.~~

Sec. 113. Section 483A.12, Code 2011, is amended to read as follows:

483A.12 Fees.

1. The license agent shall be responsible for all fees for the issuance of hunting, fishing, and fur harvester licenses, and combination packages of licenses sold by the license agent. All unused license blanks shall be surrendered to the department upon the department's demand.

2. A license agent shall retain a writing fee of fifty cents from the sale of each license or combination package of licenses except that the writing fee for a free deer or wild turkey hunting license as authorized under section 483A.24, subsection 2, shall be one dollar. If a county recorder is a license agent, the writing fees retained by the county recorder shall be deposited in the general fund of the county.

Sec. 114. Section 483A.31, subsection 3, Code 2011, is amended to read as follows:

3. When another state confers upon fishing, hunting, or trapping licensees of this state reciprocal rights, privileges, and immunities, a fishing, hunting, or trapping license issued by that state entitles the licensee to all rights, privileges, and immunities in the public waters or public lands of this state enjoyed by the holders of equivalent licenses issued by this state, subject to duties, responsibilities, and liabilities imposed on ~~its own~~ licensees of this state by the laws of this state.

Sec. 115. Section 499.2, Code 2011, is amended to read as follows:

499.2 Definitions.

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

1. "*Agricultural associations*" are those formed to produce, grade, blend, preserve, process, store, warehouse, market, sell, or handle an agricultural product, or a by-product of an agricultural product; to produce ethanol; to purchase, produce, sell, or supply machinery, petroleum products, equipment, fertilizer, supplies, business services, or educational service to or for those engaged as bona fide producers of agricultural products; to finance any such activities; or to engage in any cooperative activity connected with or for any number of these purposes.

2. "*Agricultural products*" include horticultural, viticultural, forestry, dairy, livestock, poultry, bee and any other farm products.

3. "*Association*" means a corporation formed under this chapter.

4. A "*cooperative association*" is one which deals with or functions for its members at least to the extent required by section 499.3; and which distributes its net earnings among its members in proportion to their dealings with it, except for limited dividends or other items permitted in this chapter; and in which each voting member has one vote and no more.

5. "*Local deferred patronage dividends*" of an association means that portion of each member's deferred patronage dividends described in section 499.30 which the board of directors of the association has determined arise from earnings of the association other than earnings which have been allocated to the association but which have not been paid in cash to the association by other cooperative organizations of which the association is a member. However, if the board of directors fails to make a determination with respect to a deceased member's deferred patronage dividends prior to the member's death, then "local deferred patronage dividends" means that portion of the member's deferred patronage dividends which is proportional to the deferred patronage dividends described in section 499.30 less the amount of undistributed net earnings which have been allocated to the association by other cooperative organizations of which the association is a member, compared to all deferred patronage dividends of the association.

6. "*Local deferred patronage preferred stock*" of an association means preferred stock, if any, of an association which has been issued in exchange for local deferred patronage dividends. If preferred stock has been issued in exchange for deferred patronage dividends prior to the time the board of directors of the association has determined the portion of each member's deferred patronage dividend which represents local deferred patronage dividends, then the board of directors may reasonably determine what portion of the preferred stock was issued in exchange for local deferred patronage dividends and the portion which was issued for other deferred patronage dividends.

7. "*Member*" refers not only to members of nonstock associations but also to common stockholders of stock associations, unless the context of a particular provision otherwise indicates.

Sec. 116. Section 508.33, Code 2011, is amended to read as follows:

508.33 Subsidiary companies acquired.

Any life insurance company incorporated in this state may organize, or acquire by purchase, in whole or in part subsidiary insurance and investment companies in which it owns not less than fifty-one percent of the common stock, and notwithstanding any other provisions of this subtitle inconsistent herewith may ~~(1) invest~~ do all of the following:

1. Invest funds from surplus for such purpose, ~~(2) make.~~

2. Make loans to such subsidiaries, ~~and (3) permit.~~

3. Permit all or part of its officers and directors to serve as officers or directors of such subsidiary companies.

Sec. 117. Section 514G.105, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. Provide coverage for skilled nursing care only, or provide significantly more coverage for skilled nursing care in a facility than coverage for lower levels of care.

Sec. 118. Section 514G.110, subsection 6, paragraph c, Code 2011, is amended to read as follows:

c. An insured may object to the independent review entity selected by the insurer or to the licensed health care professional designated by the independent review entity to conduct the review by filing a notice of objection along with reasons for the objection, with the commissioner within ten days of receipt of a notice sent by the independent review entity pursuant to paragraph “b”. The commissioner shall consider the insured’s objection and shall notify the insured, the insurer, and the independent review entity of its the commissioner’s decision to sustain or deny the objection within two business days of receipt of the objection.

Sec. 119. Section 514I.5, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A hawk-i board for the hawk-i program is established. The board shall meet not less than six and not more than twelve times annually, for the purposes of establishing policy for, directing the department on, and adopting rules for the program. The board shall consist of seven voting members and four ex officio, nonvoting members, including all of the following:

Sec. 120. Section 524.310, subsection 5, paragraph b, Code 2011, is amended to read as follows:

b. A corporate or company name reserved, registered, or protected as provided in section 490.402, 490.403, 490A.402, 504.402, or 504.403. ⁴

Sec. 121. Section 524.1406, subsection 3, paragraph a, Code 2011, 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 state 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. 122. Section 533.111, subsection 4, paragraph b, Code 2011, is amended to read as follows:

b. Funds appropriated to the credit union division shall be subject at all times to the warrant of the director of ~~revenue~~ the department of administrative services, drawn upon written requisition of the superintendent or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the credit union division.

Sec. 123. Section 533.204, subsection 5, Code 2011, is amended to read as follows:

5. a. A state credit union wishing to maintain a board of directors of less than nine members may apply to the superintendent for permission to reduce the required number of directors. An application to reduce the required number of directors under this subsection must demonstrate both of the following:

a. (1) The application is necessitated by a hardship or other special circumstance.

b. (2) A lesser number of directors is in the best interest of the state credit union and its members.

b. In no event ~~may shall~~ the superintendent allow a state credit union to maintain fewer than seven directors on a state credit union board.

⁴ See chapter 131, §73, 158 herein

Sec. 124. Section 533.205, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. The board may appoint an executive committee to act on ~~its~~ the board's behalf.

Sec. 125. Section 533.207, subsection 4, Code 2011, is amended to read as follows:

4. The credit committee shall meet as often as may be necessary after due notice to each committee member.

Sec. 126. Section 533.315, subsection 9, paragraph a, Code 2011, is amended to read as follows:

a. The provisions of the Iowa consumer credit code, chapter 537, shall apply to consumer loans made by a state credit union, and a provision of ~~that code~~ that chapter shall supersede any conflicting provision of this chapter with respect to a consumer loan.

Sec. 127. Section 533.404, subsection 2, Code 2011, is amended to read as follows:

2. All amounts due members who are unknown, or who are under a disability and no person is legally competent to receive the amounts, or who cannot be found after the exercise of reasonable diligence, shall be transmitted to the treasurer of state who shall hold the amounts in the manner prescribed by chapter 556. All amounts due creditors as described in section 490.1440 shall be transmitted to the treasurer of state in accordance with that section ~~and~~, shall be retained by the treasurer of state, ~~and~~ are subject to claim as provided for in that section.

Sec. 128. Section 533.505, subsection 4, Code 2011, is amended to read as follows:

4. The refusal of any person to obey an order of the district court issued pursuant to subsection ~~4~~ 3, without reasonable cause, shall be considered a contempt of court.

Sec. 129. Section 534.202, subsection 1, Code 2011, is amended to read as follows:

1. *Power to purchase and to lend upon loans.* The power to make loans shall include ~~(a) the all of the following:~~

- a. The power to purchase loans of any type that the association may make, ~~(b) the~~
- b. The power to make loans upon the security of loans of any type that the association may make, and ~~(c) the~~
- c. The power to sell any loans of the type the association is authorized to make.

Sec. 130. Section 535B.1, subsection 8, Code 2011, is amended to read as follows:

8. "*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.

Sec. 131. Section 546.10, subsection 10, Code 2011, is amended to read as follows:

10. Notwithstanding section 17A.6, subsection 4 ~~2~~, 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.

Sec. 132. Section 582.1, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 133. Section 600.11, subsection 2, Code 2011, is amended to read as follows:

2. a. At least twenty days before the adoption hearing, a copy of the petition and its attachments and a notice of the adoption hearing shall be given by the adoption petitioner to:

~~a. (1)~~ A guardian, guardian ad litem if appointed for the adoption proceedings, and custodian of, and a parent in a parent-child relationship with the person to be adopted. This ~~paragraph~~ ~~subparagraph~~ does not require notice to be given to a person whose parental rights have been terminated with regard to the person to be adopted.

~~b. (2)~~ The person to be adopted who is an adult.

~~c. (3)~~ Any person who is designated to make an investigation and report under section 600.8.

~~d. (4)~~ Any other person who is required to consent under section 600.7.

~~e. (5)~~ A person who has been granted visitation rights with the child to be adopted pursuant to section 600C.1.

~~Nothing in this subsection shall require the petitioner to give notice to self or to petitioner's spouse. A duplicate copy of the petition and its attachments shall be mailed to the department by the clerk of court at the time the petition is filed.~~

~~f. (6)~~ A person who is ordered to pay support or a postsecondary education subsidy pursuant to section 598.21F, or chapter 234, 252A, 252C, 252F, 598, 600B, or any other chapter of the Code, for a person eighteen years of age or older who is being adopted by a stepparent, and the support order or order requires payment of support or postsecondary education subsidy for any period of time after the child reaches eighteen years of age.

~~b. Nothing in this subsection shall require the petitioner to give notice to self or to petitioner's spouse. A duplicate copy of the petition and its attachments shall be mailed to the department by the clerk of court at the time the petition is filed.~~

Sec. 134. Section 600C.1, subsection 5, Code 2011, is amended to read as follows:

5. For the purposes of this ~~subsection~~ section, "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.

Sec. 135. Section 602.8105, subsection 2, paragraph e, Code 2011, is amended to read as follows:

e. For filing a praecipe to issue execution under chapter 626, twenty-five dollars. The fee shall be recoverable by the creditor ~~from the debtor~~ against whom the execution is issued. A fee payable by a political subdivision of the state under this paragraph shall be collected by the clerk of the district court as provided in section 602.8109. However, the fee shall be waived and shall not be collected from a political subdivision of the state if a county attorney or county attorney's designee is collecting a delinquent judgment pursuant to section 602.8107, subsection 4.

Sec. 136. Section 602.8109, subsection 6, Code 2011, is amended to read as follows:

6. If the amount owed by the city under subsection 5, paragraph "a", for a calendar month is greater than the amount due to the city under subsection 5, paragraph "b", for that month, the city shall remit the difference to the clerk of the district court no later than the last day of the month in which the statement under subsection 5 is received.

Sec. 137. Section 626D.5, subsection 4, Code 2011, is amended to read as follows:

4. The court may ~~recognize and enforce~~ or decline to recognize and enforce a tribal judgment on equitable grounds for any of the following reasons:

a. The tribal judgment was obtained by extrinsic fraud.

b. The tribal judgment conflicts with another filed judgment that is entitled to recognition in this state.

c. The tribal judgment is inconsistent with the parties' contractual choice of forum provided the contractual choice of forum issue was timely raised in the tribal court.

d. The tribal court does not recognize and enforce judgments of the courts of this state under standards similar to those provided in this chapter.

e. The cause of action or defense upon which the tribal judgment is based is repugnant to the fundamental public policy of the United States or this state.

Sec. 138. Section 633.3, subsection 4, Code 2011, is amended to read as follows:

4. *Charges* — includes costs of administration, funeral expenses, cost of monument, and federal and state estate taxes.

Sec. 139. Section 633.231, subsection 2, Code 2011, is amended to read as follows:

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 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~~ administrator 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

Sec. 140. Section 633.717, subsection 8, Code 2011, is amended to read as follows:

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, or 633.566, if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

Sec. 141. Section 633A.3112, subsection 1, Code 2011, is amended to read as follows:

1. “Charges” includes costs of administration, funeral expenses, costs of monuments, and federal and state estate taxes.

Sec. 142. Section 636.45, subsection 2, Code 2011, is amended to read as follows:

2. It shall be lawful for 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, 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 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 38 U.S.C. § 3701 et seq.

Sec. 143. Section 654.6, Code 2011, is amended to read as follows:

654.6 Deficiency — general execution.

If the mortgaged property does not sell for an amount which is sufficient to satisfy the execution, a general execution may be issued against the mortgagor, unless the parties have stipulated otherwise.

Sec. 144. Section 692A.113, subsection 1, paragraph h, Code 2011, is amended to read as follows:

h. Loiter on or within three hundred feet of the premises of any place intended primarily for the use of minors including but not limited to a playground available to the public, a children’s play area available to the public, a recreational or sport-related activity area when in use by a minor, a swimming or wading pool available to the public when in use by a minor, or a beach available to the public when in use by a minor.

Sec. 145. Section 707.6A, subsection 4, Code 2011, is amended to read as follows:

4. A person commits a class “D” felony when the person unintentionally causes a serious injury, as defined in section ~~321J.1~~ 702.18, by any of the means described in subsection 1 or 2.

Sec. 146. Section 714.8, subsection 14, paragraph a, Code 2011, is amended to read as follows:

a. Makes payment pursuant to an agreement with a dealer or market agency for livestock held by the dealer or market agency by use of a financial instrument which is a check, share draft, draft, or written order on any financial institution, as defined in section ~~203C.1~~ 203.1, if after seven days from the date that possession of the livestock is transferred pursuant to the purchase, the financial institution refuses payment on the instrument because of insufficient funds in the maker’s account.

Sec. 147. Section 717F.1, subsection 10, paragraph c, Code 2011, is amended to read as follows:

c. A research facility which ~~is certified~~ has been issued a certificate of registration by the department of agriculture and land stewardship as provided in ~~section 162.10~~ sections 162.2A and 162.4A.

Sec. 148. Section 728.8, Code 2011, is amended to read as follows:

728.8 Suspension of licenses or permits.

Any person who knowingly permits a violation of section 728.2, 728.3, or 728.5, subsection

§ 1, paragraph “f”, to occur on premises under the person’s control shall have all permits and licenses issued to the person under state or local law as a prerequisite for doing business on such premises revoked for a period of six months. The county attorney shall notify all agencies responsible for issuing licenses and permits of any conviction under section 728.2, 728.3, or 728.5, subsection § 1, paragraph “f”.

Sec. 149. Section 731.8, Code 2011, is amended to read as follows:

731.8 Exception.

The provisions of this chapter shall not apply to employers or employees covered by the federal Railroad Railway Labor Act, 45 U.S.C. § 151 et seq.

Sec. 150. Section 805.8A, subsection 4, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For driver’s license violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 151. Section 805.8A, subsection 6, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For operating violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 152. Section 805.8A, subsection 7, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For failure to yield or obey violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 153. Section 805.8A, subsection 8, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For traffic sign or signal violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 154. Section 805.8A, subsection 14, paragraph c, subparagraph (2), Code 2011, is amended to read as follows:

(2) For a violation under section 321.446, the scheduled ~~violation~~ fine is one hundred dollars.

Sec. 155. Section 907.3, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility to be followed by a ~~term~~ period of probation as specified in section 907.7, or commitment of the defendant to the judicial district department of correctional services for supervision or services under section 901B.1 at the level of sanctions which the district department determines to be appropriate and the payment of fees imposed under section 905.14. A person so committed who has probation revoked shall be given credit for such time served. However, the court shall not suspend any of the following sentences:

Sec. 156. Section 908.11, subsection 4, Code 2011, 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~~ period 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. 157. Section 915.86, subsection 14, Code 2011, is amended to read as follows:

14. Reasonable expenses incurred by a victim, the victim's parent or caretaker, or the survivor of a homicide victim as described in subsection 10 to replace locks, windows, and other residential security items at the victim's residence or at the residential scene of a crime, not to exceed five hundred dollars per residence.

Sec. 158. 2010 Iowa Acts, chapter 1031, section 255, is amended by striking the section and inserting in lieu thereof the following:

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~~ March 10, 2010.

Sec. 159. Section 203C.37, subsection 1, paragraph a, as amended by 2010 Iowa Acts, chapter 1082, section 4, is amended to read as follows:

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~~ 203C.7. 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.

Sec. 160. 2010 Iowa Acts, chapter 1193, section 141, is amended to read as follows:

SEC. 141. EFFECTIVE DATE. The provision of this division of this Act amending section ~~421.3~~ 421C.3, if enacted by 2010 Iowa Acts, Senate File 2383,⁵ takes effect on the effective date of section 421C.3.

Sec. 161. 2010 Iowa Acts, chapter 1193, section 203, is amended to read as follows:

SEC. 203. 2010 Iowa Acts, Senate File 2356,⁶ section ~~2~~ 1, amending section 249J.7, if enacted, is repealed.

Sec. 162. REPEAL. Section 80D.15, Code 2011, is repealed.

Sec. 163. REPEAL. Section 103A.27, Code 2011, is repealed.

Sec. 164. REPEAL. Section 455B.473A, Code 2011, is repealed.

DIVISION II RESTRUCTURING

Sec. 165. Section 421B.2, subsections 1 and 6, Code 2011, are amended to read as follows:

1. "*Basic cost of cigarettes*" shall mean whichever of one of the two following amounts is lower:—(a) the, less, in either case, all trade discounts and customary discounts for cash, plus one-half of the full face value of any stamps which may be required by any cigarette tax act of this state;

a. The true invoice cost of cigarettes to the wholesaler or retailer, as the case may be, or
(b) the.

b. The lowest replacement cost of cigarettes to the wholesaler or retailer in the quantity last purchased, less, in either case, all trade discounts and customary discounts for cash, plus one-half of the full face value of any stamps which may be required by any cigarette tax act of this state.

⁵ 2010 Iowa Acts, chapter 1146

⁶ 2010 Iowa Acts, chapter 1134

6. "Retailer" means any person who is engaged in this state in the business of selling, or offering to sell, cigarettes at retail. For purposes of this chapter, a person who does not meet the definition of retailer or wholesaler but who is engaged in the business of selling cigarettes in this state to a retailer or final consumer shall be considered a retailer and subject to the minimum pricing requirements of this chapter.

~~For purposes of this chapter, a person who does not meet the definition of retailer or wholesaler but who is engaged in the business of selling cigarettes in this state to a retailer or final consumer shall be considered a retailer and subject to the minimum pricing requirements of this chapter.~~

Sec. 166. Section 425.11, Code 2011, is amended to read as follows:

425.11 Definitions.

1. For the purpose of this chapter and wherever used in this chapter:

1. a. The words "assessed" "Assessed valuation" shall mean means the taxable valuation of the homestead as fixed by the assessor, or by the board of review, under the provisions of section 441.21, without deducting therefrom the exemptions authorized in section 426A.11.

2. b. Unless the context otherwise requires, "book" "Book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer, unless the context otherwise requires, means the county system as defined in section 445.1.

c. " Dwelling house" shall embrace any building occupied wholly or in part by the claimant as a home.

3. d. The word "homestead" "Homestead" shall have the following meaning:

a. (1) The homestead includes the dwelling house which the owner, in good faith, is occupying as a home on July 1 of the year for which the credit is claimed and occupies as a home for at least six months during the calendar year in which the fiscal year begins, except as otherwise provided.

(a) When any person is inducted into active service under the Selective Training and Service Act of the United States or whose voluntary entry into active service results in a credit on the quota of persons required for service under the Selective Training and Service Act, or who, being a member of any component part of the military, naval, or air forces or nurse corps of this state or nation, is called or ordered into active service, such person shall be considered as occupying or living on the homestead during such service and, where equitable or legal title of the homestead is in the spouse of the person who is a member of or is inducted into the armed services of the United States, the spouse shall be considered as occupying or living on the homestead during such service.

(b) When any person is confined in a nursing home, extended-care facility, or hospital, such person shall be considered as occupying or living on a homestead where such person is the owner of such homestead and such person maintains such homestead and does not lease, rent, or otherwise receive profits from other persons for the use thereof.

b. (2) It may contain one or more contiguous lots or tracts of land with the buildings or other appurtenances thereon habitually, and in good faith, used as a part of the homestead.

e. (3) It must not embrace more than one dwelling house, but where a homestead has more than one dwelling house situated thereon, the credit provided for in this chapter shall apply to the home and buildings used by the owner, but shall not apply to any other dwelling house and buildings appurtenant.

d. The words "dwelling house" shall embrace any building occupied wholly or in part by the claimant as a home.

4. e. The word "owner" shall mean "Owner" means the person who holds the fee simple title to the homestead, and in addition shall mean the person occupying as a surviving spouse or the person occupying under a contract of purchase which contract has been recorded in the office of the county recorder of the county in which the property is located; or the person occupying the homestead under devise or by operation of the inheritance laws where the whole interest passes or where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption; or the person occupying the homestead is a shareholder of a family farm corporation that owns the property; or the person occupying the homestead under a deed which conveys a divided interest where the divided interest is shared only by persons related or formerly related to each other by blood,

marriage or adoption; or where the person occupying the homestead holds a life estate with the reversion interest held by a nonprofit corporation organized under chapter 504, provided that the holder of the life estate is liable for and pays property tax on the homestead; or where the person occupying the homestead holds an interest in a horizontal property regime under chapter 499B, regardless of whether the underlying land committed to the horizontal property regime is in fee or as a leasehold interest, provided that the holder of the interest in the horizontal property regime is liable for and pays property tax on the homestead; or where the person occupying the homestead is a member of a community land trust as defined in 42 U.S.C. § 12773, regardless of whether the underlying land is in fee or as a leasehold interest, provided that the member of the community land trust is occupying the homestead and is liable for and pays property tax on the homestead. For the purpose of this chapter the word “owner” shall be construed to mean a bona fide owner and not one for the purpose only of availing the person of the benefits of this chapter. In order to qualify for the homestead tax credit, evidence of ownership shall be on file in the office of the clerk of the district court or recorded in the office of the county recorder at the time the owner files with the assessor a verified statement of the homestead claimed by the owner as provided in section 425.2.

2. Where not in conflict with the terms of the definitions above set out in subsection 1, the provisions of chapter 561 shall control.

Sec. 167. Section 427B.3, Code 2011, is amended to read as follows:

427B.3 Period of partial exemption.

1. “Actual value added”, as used in this chapter, means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1 of each year for which the exemption is received.

2. The actual value added to industrial real estate for the reasons specified in section 427B.1 is eligible to receive a partial exemption from taxation for a period of five years. However, if property ceases to be classified as industrial real estate or ceases to be used as a warehouse or distribution center, the partial exemption for the value added shall not be allowed for subsequent assessment years. ~~“Actual value added” as used in this chapter means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1 of each year for which the exemption is received.~~

3. a. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. (1) For the first year, seventy-five percent.
2. (2) For the second year, sixty percent.
3. (3) For the third year, forty-five percent.
4. (4) For the fourth year, thirty percent.
5. (5) For the fifth year, fifteen percent.

b. This schedule shall be followed unless an alternative schedule is adopted by the city council of a city or the board of supervisors of a county in accordance with section 427B.1.

4. However, the granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

DIVISION III
INTERNAL REFERENCE CORRECTIONS

Sec. 168. Section 47.10, Code 2011, is amended to read as follows:

47.10 Optical scan voting system fund.

An optical scan voting system fund is established in the office of the treasurer of state under the control of the secretary of state. Moneys in the fund are appropriated to the office of the secretary of state for purchase and distribution of optical scan voting system equipment to counties to assist county compliance with section 52.2, ~~subsection 2~~. The secretary of state, in consultation with the department of administrative services, shall establish a procedure

for purchasing and distributing the equipment.

Sec. 169. Section 80D.5, Code 2011, is amended to read as follows:

80D.5 No exemptions.

There shall be no exemptions from the personal and training standards provided for in this chapter except as provided in ~~sections~~ section 80D.7 and 80D.15.

DIVISION IV
EFFECTIVE AND APPLICABILITY
PROVISIONS

Sec. 170. 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 on the dates specified:

1. The section of this Act amending 2010 Iowa Acts, chapter 1031, section 255, applies retroactively to March 10, 2010.

2. The section of this Act amending 2010 Iowa Acts, chapter 1082, section 4, applies retroactively to July 1, 2010.

3. The section of this Act amending 2010 Iowa Acts, chapter 1193, section 141, applies retroactively to January 1, 2011.

4. The section of this Act amending 2010 Iowa Acts, chapter 1193, section 203, applies retroactively to July 1, 2010.

Approved April 7, 2011

CHAPTER 35

EDUCATIONAL EXAMINERS BOARD — LICENSE REVOCATION OR DISQUALIFICATION STANDARDS

S.F. 120

AN ACT relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

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

Section 1. Section 272.2, subsection 14, paragraph b, subparagraph (1), unnumbered paragraph 1, Code 2011, is amended to read as follows:

The person entered a plea of guilty to, or has been found guilty of, any of the following offenses ~~established pursuant to Iowa law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not a sentence is imposed:~~

Sec. 2. Section 272.2, subsection 14, paragraph b, subparagraph (1), Code 2011, is amended by adding the following new subparagraph divisions:

NEW SUBPARAGRAPH DIVISION. (0c) Enticing a minor under section 710.10.

NEW SUBPARAGRAPH DIVISION. (00c) Human trafficking under section 710A.2.

NEW SUBPARAGRAPH DIVISION. (f) Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in this subparagraph (1).

NEW SUBPARAGRAPH DIVISION. (g) Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in this subparagraph (1).

Approved April 12, 2011

CHAPTER 36

POSTSECONDARY EDUCATION INSTITUTIONS AND STUDENT FINANCIAL AID

S.F. 122

AN ACT relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

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

Section 1. Section 261.2, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 11. Ensure that students receiving state-funded scholarships and grants are attending institutions of higher education that meet all of the following conditions:

a. The institutions are not required to register under chapter 261B.

b. The institutions are eligible to participate in a federal student aid program authorized under Tit. IV of the federal Higher Education Act of 1965, as amended.

NEW SUBSECTION. 12. Require any postsecondary institution whose students are eligible for or who receive financial assistance under programs administered by the commission to transmit annually to the commission information about the numbers of minority students enrolled in and minority faculty members employed at the institution. The commission shall compile and report the information collected to the general assembly, the governor, and the legislative services agency by March 1 annually.

Sec. 2. Section 261.6, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 3. Section 261.9, subsection 1, paragraph d, Code 2011, is amended to read as follows:

d. Promotes equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel at the institution and provides information regarding such efforts to the commission upon request. ~~In carrying out this responsibility the institution shall do all of the following:~~

~~(1) Designate a position as the affirmative action coordinator.~~

~~(2) Adopt affirmative action standards.~~

~~(3) Gather data necessary to maintain an ongoing assessment of affirmative action efforts.~~

~~(4) Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.~~

~~(5) Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.~~

~~(6) Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.~~

~~(7) Address equal opportunity and affirmative action training needs by:~~

~~(a) Providing appropriate training for managers and supervisors.~~

~~(b) Insuring that training is available for all staff members whose duties relate to personnel administration.~~

~~(c) Investigating means for training in the area of career development.~~

~~(8) Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of reports required by the federal equal employment opportunity commission.~~

~~(9) Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.~~

~~(10) File annual reports with the college aid commission of activities under this paragraph.~~

Sec. 4. Section 261.25, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 5. Section 261.92, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. Promotes equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel at the institution and provides information regarding such efforts to the commission upon request. ~~In carrying out this responsibility the institution shall do all of the following:~~

~~(1) Designate a position as the affirmative action coordinator.~~

~~(2) Adopt affirmative action standards.~~

~~(3) Gather data necessary to maintain an ongoing assessment of affirmative action efforts.~~

~~(4) Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.~~

~~(5) Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.~~

~~(6) Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.~~

~~(7) Address equal opportunity and affirmative action training needs by doing all of the following:~~

~~(a) Providing appropriate training for managers and supervisors.~~

~~(b) Insuring that training is available for all staff members whose duties relate to personnel administration.~~

~~(c) Investigating means for training in the area of career development.~~

~~(8) Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of reports required by the federal equal employment opportunity commission.~~

~~(9) Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.~~

~~(10) File annual reports with the college student aid commission of activities under this paragraph.~~

Sec. 6. Section 261.112, subsection 4, Code 2011, is amended to read as follows:

4. The annual amount of teacher shortage loan forgiveness shall not exceed the resident tuition rate established for institutions of higher learning governed by the state board of regents for the first year following the teacher's graduation from an approved practitioner preparation program, or twenty percent of the teacher's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, including principal and interest, whichever amount is less. A teacher shall be eligible for the loan forgiveness program for not more than five consecutive years. However, practice by an eligible teacher in a teacher shortage area pursuant to subsection 1 must be completed within ten years following graduation from the approved practitioner preparation program.

CHAPTER 37**EDUCATIONAL EXAMINERS BOARD — CIVIL LIABILITY IMMUNITY***S.F. 123*

AN ACT providing for immunity from civil liability for members and employees of the board of educational examiners.

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

Section 1. NEW SECTION. 272.6 Immunities.

1. A person shall not be civilly liable as a result of the person's acts, omissions, or decisions that are reasonable and in good faith as a member of the board or as an employee or agent in connection with the person's duties.

2. A person shall not be civilly liable as a result of filing a report or complaint with the board or for the disclosure to the board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony, or other forms of information in connection with proceedings of the board. However, such immunity from civil liability shall not apply if such an act is done with malice.

3. A person shall not be dismissed from employment or discriminated against by an employer for doing any of the following:

- a. Filing a complaint with the board.
- b. Participating as a member, agent, or employee of the board.
- c. Presenting testimony or other evidence to the board.

4. An employer who violates this section shall be liable to a person aggrieved by such violation for actual and punitive damages plus reasonable attorney fees.

Approved April 12, 2011

CHAPTER 38**TRANSPORTATION — VEHICLES, MOTOR VEHICLE OPERATORS, MOTOR CARRIERS, AND PUBLIC TRANSIT***S.F. 205*

AN ACT relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

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

DIVISION I
MOTOR VEHICLE

Section 1. Section 307.27, subsection 8, Code 2011, is amended to read as follows:

8. Administer the registration of interstate authority of motor carriers pursuant to chapter 327B as provided in 49 U.S.C. § ~~14504~~ 14504a and United States department of transportation regulations.

Sec. 2. Section 321.1, subsection 15, Code 2011, is amended to read as follows:

15. "Conviction" means a final conviction, including but not limited to a plea of guilty or nolo contendere accepted by the court; a final administrative ruling or determination; or an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court.

Sec. 3. Section 321.47, subsection 2, Code 2011, 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. The department shall waive the certificate of title fee and surcharge required under sections 321.20, 321.20A, 321.23, 321.46, 321.52, and 321.52A if the person entitled to possession and ownership of a vehicle, as provided in this subsection, is the surviving spouse of a decedent.

Sec. 4. Section 321.113, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. As used in this section, "owner" includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47.

Sec. 5. Section 321.121, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. If the registration is a renewal for a special truck registered to the same owner prior to January 1, 2009, the annual registration fee shall be eighty dollars for a gross weight of six tons, one hundred dollars for a gross weight of seven tons, one hundred twenty dollars for a gross weight of eight tons, and in addition, fifteen dollars for each ton over eight tons and not exceeding eighteen tons. As used in this paragraph, "owner" includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47.

Sec. 6. Section 321.122, subsection 1, paragraph b, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) As used in this paragraph "b", "owner" includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47.

Sec. 7. Section 321.174, subsection 2, Code 2011, is amended to read as follows:

2. a. A person operating a commercial motor vehicle shall not have more than one driver's license. A nonresident may operate a commercial motor vehicle in Iowa if the nonresident has been issued a license by another state, a nonresident commercial driver's license, or a driver's license issued by a foreign jurisdiction which the federal highway administration has determined to be issued in conformity with the federal commercial driver testing and licensing standards, if the license, commercial driver's license, or driver's license is valid for the vehicle operated.

b. A person who operates a commercial motor vehicle upon the highways of this state without having been issued a driver's license valid for the vehicle operated commits a simple misdemeanor.

c. A person who operates a commercial motor vehicle upon the highways of this state after the person's commercial driver's license has been downgraded to a noncommercial status pursuant to section 321.207 commits a simple misdemeanor.

Sec. 8. Section 321.178, subsection 2, Code 2011, is amended to read as follows:

2. *Restricted license.*

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).

b. The department may suspend a restricted driver's license issued under this section upon receiving satisfactory evidence that the licensee has violated the restrictions imposed under paragraph "a", subparagraph (2), subparagraph division (a). The department may also suspend a restricted license issued under this section upon receiving a record of the person's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways, other than parking violations as defined in section 321.210. After revoking a license under this section the department shall not grant an application for a new license or permit until the expiration of one year or until the person attains the age of eighteen whichever is the longer period.

c. A person who violates the restrictions imposed under paragraph "a", subparagraph (2), subparagraph division (a), may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under paragraph "a", subparagraph (2), subparagraph division (a), shall not be considered a moving violation.

Sec. 9. Section 321.180B, subsection 3, Code 2011, is amended to read as follows:

3. *Remedial driver improvement action — suspension of permit, intermediate license, or full license.*

a. A person who has been issued an instruction permit, an intermediate license, or a full driver's license under this section, upon conviction of a moving traffic violation or involvement in a motor vehicle accident which occurred during the term of the instruction permit or intermediate license, shall be subject to remedial driver improvement action or suspension of the permit or current license. A person possessing an instruction permit who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued an intermediate license until the person has completed the remedial driver improvement action and has been accident and violation free continuously for the six-month period immediately preceding the application for the intermediate license. A person possessing an intermediate license who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued a full driver's license until the person has completed the remedial driver improvement action and has been accident and violation free continuously for the twelve-month period immediately preceding the application for a full driver's license.

b. The department may suspend an instruction permit, intermediate license, or full license issued under this section upon receiving satisfactory evidence that the person issued the

instruction permit, intermediate license, or full license violated the restrictions imposed under subsection 1, 2, or 6 during the term of the instruction permit or intermediate license.

Sec. 10. Section 321.180B, subsection 6, paragraph a, Code 2011, is amended to read as follows:

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.~~

Sec. 11. Section 321.180B, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. *Citations for violation of restrictions.* A person who violates the restrictions imposed under subsection 1, 2, or 6 may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under subsection 1, 2, or 6 shall not be considered a moving violation.

Sec. 12. Section 321.186A, subsection 1, Code 2011, is amended to read as follows:

1. An applicant for a new or renewed driver's license ~~other than a commercial driver's license~~ need not take a vision test administered by the department if the applicant files with the department a vision report signed by a licensed vision specialist in accordance with this section.

Sec. 13. Section 321.188, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. ~~Successfully pass knowledge tests and driving skills tests which the department shall require by rule, provide self-certification of type of driving, and provide a medical examiner's certificate prepared by a medical examiner, as defined in 49 C.F.R. § 390.5, as required by rule by the department.~~ The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. part 383, subparts E, G, and H, as adopted by rule by the department. Except as required under 49 C.F.R. part 383, subpart E, G, or H, a commercial driver's license is renewable without a driving skills test within one year after its expiration date.

Sec. 14. Section 321.188, subsection 4, Code 2011, is amended to read as follows:

4. The department shall check the applicant's driving record as maintained by the applicant's current licensing state, the national commercial driver's license information system, and the national driver register to determine whether the applicant qualifies to be issued a commercial driver's license. The department shall notify the national commercial driver's license information system of the issuance, renewal, or upgrade of a commercial driver's license and shall post the driver's self-certification of type of driving as required by rule. The department shall also post information from the medical examiner's certificate required under subsection 1, paragraph "c", to the national commercial driver's license information system, if required by rule.

Sec. 15. Section 321.194, subsection 1, paragraph c, subparagraph (1), Code 2011, is amended to read as follows:

(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.~~

Sec. 16. Section 321.194, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 3. Citations for violation of restrictions. A person who violates the restrictions imposed under subsection 1, paragraph “a” or “c”, may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under subsection 1, paragraph “a” or “c”, shall not be considered a moving violation.

Sec. 17. **NEW SECTION. 321.207 Downgrade of commercial driver’s license.**

The department shall adopt rules for downgrading a commercial driver’s license to a noncommercial status upon a driver’s failure to provide a medical examiner’s certificate as required pursuant to section 321.188, subsection 1, paragraph “c”, or upon a driver’s failure to provide a self-certification of type of driving as required pursuant to section 321.188, subsection 1, paragraph “c”. The rules shall substantially comply with 49 C.F.R. § 383.71 and 383.73, as adopted by rule by the department.

Sec. 18. Section 321.376, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 3. As used in this section and section 321.375, “*driver of a school bus*” or “*school bus driver*” does not include a mechanic, delivery driver, or other person operating an empty school bus for purposes other than the transportation of passengers. Such persons must still hold a commercial driver’s license valid for the operation of a vehicle of the size and type operated, including a passenger endorsement, but are not required to hold a driver’s license with a school bus endorsement.

Sec. 19. Section 321A.5, subsection 1, Code 2011, is amended to read as follows:

1. The department shall, immediately or within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death or damage to the property of any one person in the amount of one thousand five hundred dollars or more, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in the accident, and if the operator is a nonresident the privilege of operating a motor vehicle within this state, and if the owner is a nonresident the privilege of the use within this state of any motor vehicle owned by the owner, unless the operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the department to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against the operator or owner; provided notice of the suspension shall be sent by the department to the operator and owner not less than ten days prior to the effective date of the suspension and shall state the amount required as security.

Sec. 20. Section 321A.17, subsection 4, Code 2011, 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 “a”, subparagraph (4), or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension under section 321.178 or 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. 21. Section 321G.10, Code 2011, 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 five hundred 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. ~~For all All other accidents 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 shall be reported as required under section 321.266.~~

Sec. 22. Section 321I.11, Code 2011, 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 five hundred 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. ~~For all All other accidents 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 shall be reported as required under section 321.266.~~

Sec. 23. Section 322C.3, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A person who has been convicted of a fraudulent practice, 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 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 travel trailer dealer or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed travel trailer dealer.

Sec. 24. Section 325A.4, subsection 1, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 25. Section 325A.21, Code 2011, is amended to read as follows:

325A.21 Transferability of regular-route Regular-route certificate nontransferable.

~~A regular-route passenger certificate shall not be sold, transferred, leased, or assigned without the approval of the department. The department shall approve the sale, transfer, lease, or assignment if the person obtaining or seeking to obtain ownership or control of a certificate is found to be fit, willing, and able to perform the service proposed. In determining the fitness of the person seeking transfer of the certificate, the department shall consider only the person's compliance with safety, financial fitness, and insurance requirements.~~

Sec. 26. Section 327B.1, Code 2011, is amended to read as follows:

327B.1 Authority secured and registered.

1. ~~a.~~ It is unlawful for a carrier to perform an interstate transportation service for compensation upon the highways of this state without first registering the authority obtained from the United States department of transportation or evidence that such authority is not required with the state department of transportation.

~~b.~~ 2. The department shall participate in the ~~single state insurance registration program~~ unified carrier registration plan and agreement for regulated motor carriers as provided in 49 U.S.C. § 14504 14504a and United States department of transportation regulations.

~~c.~~ Registration for carriers transporting commodities exempt from United States department of transportation regulation shall be granted without hearing upon application and payment of a twenty-five-dollar filing fee and an annual one-dollar fee per vehicle.

~~d.~~ The state department of transportation may execute reciprocity agreements with authorized representatives of any state exempting nonresidents from payment of fees as set forth in this chapter. The state department of transportation shall adopt rules pursuant to chapter 17A for the identification of vehicles operated under reciprocity agreements.

~~e.~~ Fees may be subject to reduction or proration pursuant to sections 326.5 and 326.32.

~~2. a.~~ On and after the date on which the secretary of the United States department of transportation establishes the unified carrier registration system in accordance with Title 49, United States Code, as amended by Pub. L. No. 109-59,

3. As provided in 49 U.S.C. § 14504a, a foreign or domestic motor carrier, motor private carrier, leasing company, broker, or freight forwarder shall not operate any motor vehicle on

the highways of this state without first registering the motor vehicle under the unified carrier registration system agreement and paying all required fees.

~~b. The state department of transportation shall continue to require each interstate for-hire motor carrier to make an annual payment of one dollar per owned and operated vehicle for filings made with the state department of transportation under the single state registration system until the occurrence of the transition termination date in accordance with 49 U.S.C. § 13902(f), as amended by Pub. L. No. 109-59.~~

~~c. The state department of transportation may participate in the unified carrier registration plan and agreement established in accordance with 49 U.S.C. § 14504a, as amended by Pub. L. No. 109-59, and to file on behalf of the state the plan required by the provisions of 49 U.S.C. § 14504a(e).~~

~~3. A motor carrier shall keep proper evidence of interstate authority in the motor vehicle being operated by the motor carrier and the motor carrier owner or driver shall make such evidence available to a peace officer upon request.~~

~~4. A motor carrier owner or driver charged with failure to have proper evidence of interstate authority shall not be convicted of such violation and the citation shall be dismissed by the court if the person produces to the clerk of court prior to the date of such person's court appearance as indicated on the citation, proof of interstate authority issued to that person and valid at the time the person was charged with the violation under this section. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.~~

Sec. 27. Section 327B.2, Code 2011, is amended to read as follows:

327B.2 Enforcement.

The state department of transportation may designate by resolution certain of its employees upon each of whom there is hereby conferred the authority of a peace officer to make arrests for violations of laws relating to the registration of a motor carrier's interstate transportation service with the state department of transportation registering a motor vehicle under the unified carrier registration agreement.

Sec. 28. Section 805.8A, subsection 13, paragraph f, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

f. For violations of section 327B.1, subsection 1 or 2, the scheduled fine is two hundred fifty dollars.

Sec. 29. Section 805.8A, subsection 13, paragraph g, Code 2011, is amended by striking the paragraph.

Sec. 30. Section 901.5, subsection 10, Code 2011, is amended to read as follows:

10. a. In addition to any sentence imposed pursuant to chapter 902 or 903, the court shall order the state department of transportation to revoke the defendant's driver's license or motor vehicle operating privilege for a period of one hundred eighty days, or to delay the issuance of a driver's license for one hundred eighty days after the person is first eligible if the defendant has not been issued a driver's license, and shall send a copy of the order in addition to the notice of conviction required under section 124.412, 126.26, or 453B.16, to the state department of transportation, if the defendant is being sentenced for any of the following offenses:

~~a.~~ (1) A controlled substance offense under section 124.401, 124.401A, 124.402, or 124.403.

~~b.~~ (2) A drug or drug-related offense under section 126.3.

~~c.~~ (3) A controlled substance tax offense under chapter 453B.

b. If the person's operating privileges are suspended or revoked at the time of sentencing, the order shall provide that the one hundred eighty-day revocation period shall not begin until all other suspensions or revocations have terminated. ~~Any order under this section shall also provide that the department shall not issue a temporary restricted license to the defendant during the revocation period, without further order by the court.~~

DIVISION II
TRANSIT REPORT

Sec. 31. Section 324A.4, subsection 2, Code 2011, is amended to read as follows:

2. *a.* Upon request, the department shall provide assistance to political subdivisions, state agencies, and organizations affected by this chapter for federal aid applications for urban and rural transit system program aid. The department, in cooperation with the regional planning agencies, shall maintain current information reflecting the amount of federal, state, and local aid received by the public and private nonprofit organizations providing public transit services and the purpose for which the aid is received. The department shall ~~annually~~ biennially prepare a report to be submitted to the general assembly, ~~the department of management, and to the governor, prior to February 1 of each year, stating the receipts and disbursements made during the preceding fiscal year and the adequacy of programs financed by federal, state, local, and private aid in the state. The department shall analyze the programs financed and~~ December 15 of even-numbered years. The report shall recommend methods of avoiding duplication and increasing the efficacy of programs financed to increase transportation coordination and improve the efficiency of federal, state, and local government programs used to finance public transit services and may address other topics as appropriate. The department shall receive comments from the department of human services, the department on aging, and the officers and agents of the other affected state and local government units relative to the department's analysis shall provide input as requested by the department.

b. The department shall use the following criteria to adopt rules to determine compliance with and exceptions to subsection 1:

(1) Elimination of duplicative and inefficient administrative costs, policies, and management.

(2) Utilization of resources for transportation services effectively and efficiently.

(3) Elimination of duplicative and inefficient transportation services.

(4) Development of transportation services which meet the needs of the general public and insure services adequate to the needs of transportation disadvantaged persons.

(5) Protection of the rights of private enterprise public transit providers.

(6) Coordination of planning for transportation services at the urban and regional level by all agencies or organizations receiving public funds that are purchasing or providing transportation services.

(7) Management of equipment and facilities purchased with public funds so that efficient and routine maintenance and replacement is accomplished.

(8) Training of transit management, drivers, and maintenance personnel to provide safe, efficient, and economical transportation services.

b. c. Eligibility to receive or expend federal, state, or local funds for transportation services by all agencies or organizations purchasing or providing these services shall be contingent upon compliance with these criteria as determined by the department.

Approved April 12, 2011

CHAPTER 39**DRAINAGE AND LEVEE DISTRICTS — WRITTEN COMMUNICATIONS TO STATE OR LOCAL GOVERNMENT**

S.F. 393

AN ACT relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

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

Section 1. NEW SECTION. **468.221 Written communication delivered to the state or a local government.**

1. This section applies whenever a board or county officer acting under this chapter is required to deliver a written communication to a state agency or local government. The written communication includes but is not limited to a notice, service of process, demand, statement, or a report.

2. *a.* If the written communication is to be delivered to a state agency, it may be delivered to the administrative head of the state agency or its governing body. The written communication may also be delivered to a person designated by the administrative head of the state agency or its governing body. The written communication may be delivered to the executive council if the administrative head of the state agency or its governing body cannot be determined.

b. If the written communication is to be delivered to a local government, it may be delivered to the governing body of the local government. The written communication may also be delivered to a person designated by the governing body. As used in this paragraph, “local government” includes a county, city, township, or any special purpose district or authority.

Approved April 12, 2011

CHAPTER 40**BINGO — COMMUNITY FESTIVALS AND ELECTRONIC EQUIPMENT**

S.F. 427

AN ACT relating to games of skill or chance, including allowing qualified organizations to lease certain electronic bingo equipment in order to assist disabled participants, and including effective date provisions.

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

Section 1. Section 99B.5A, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. “Community festival” means a festival of no more than ~~four~~ six consecutive days in length held by a community group.

Sec. 2. Section 99B.7, subsection 8, Code 2011, is amended to read as follows:

8. *a.* A qualified organization licensed under this section shall purchase bingo equipment and supplies only from a manufacturer or a distributor licensed by the department.

b. A qualified organization may also lease electronic bingo equipment from a manufacturer or distributor licensed by the department for the purposes of aiding disabled individuals during a bingo occasion. “Electronic bingo equipment” for the purposes of this paragraph means an electronic device that aids in the use of a bingo card during a bingo game. Such electronic bingo equipment shall only be permitted for use by disabled individuals.

Sec. 3. EFFECTIVE UPON ENACTMENT. The following provision of this Act, being deemed of immediate importance, takes effect upon enactment:

1. The section of this Act amending section 99B.5A.

Approved April 12, 2011

CHAPTER 41

INTERNAL REVENUE CODE, INCOME TAX PROVISIONS, AND OTHER FINANCIAL MATTERS

S.F. 512

AN ACT relating to public funding matters by updating the Code references to the Internal Revenue Code and by decoupling from certain federal bonus depreciation provisions, authorizing appropriation transfers, and including effective date and retroactive applicability provisions.

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

DIVISION I

INTERNAL REVENUE CODE REFERENCES

Section 1. Section 422.3, subsection 5, Code 2011, is amended to read as follows:

5. “*Internal Revenue Code*” means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, ~~2008~~ 2011.

Sec. 2. Section 422.7, subsection 29A, Code 2011, is amended by striking the subsection.

Sec. 3. Section 422.9, subsection 2, paragraph i, Code 2011, is amended to read as follows:

i. The deduction for state sales and use taxes is allowable only if the taxpayer elected to deduct the state sales and use taxes in lieu of state income taxes under section 164 of the Internal Revenue Code. A deduction for state sales and use taxes is not allowed if the taxpayer has taken the deduction for state income taxes or claimed the standard deduction under section 63 of the Internal Revenue Code. This paragraph applies to taxable years beginning after December 31, 2003, and before January 1, ~~2006~~ 2008, and to taxable years beginning after December 31, 2009, and before January 1, 2012.

Sec. 4. Section 422.32, subsection 7, Code 2011, is amended to read as follows:

7. “*Internal Revenue Code*” means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, ~~2008~~ 2011.

Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 6. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2010, for tax years beginning on or after that date:

1. The section of this Act amending section 422.3.
2. The section of this Act amending section 422.32.

Sec. 7. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2011, for tax years beginning on or after that date:

1. The section of this Act amending section 422.7, subsection 29A.

DIVISION II
RESEARCH ACTIVITIES CREDIT

Sec. 8. Section 15.335, subsection 4, Code 2011, is amended to read as follows:

4. a. In lieu of the credit amount computed in 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~~ simplified credit described in section ~~41(e)(4)~~ 41(c)(5) 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.

b. For purposes of the alternate credit computation method in paragraph "a", the credit percentages applicable to qualified research expenses described in ~~clauses (i), (ii), and (iii)~~ of section ~~41(e)(4)(A)~~ 41(c)(5)(A) and clause (ii) of section ~~41(c)(5)(B)~~ of the Internal Revenue Code are 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~~ seven percent and three 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~~ two and one-tenth percent and nine-tenths percent, respectively.

Sec. 9. Section 15.335, subsection 7, Code 2011, is amended to read as follows:

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 simplified 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~~ 2011.

Sec. 10. Section 15A.9, subsection 8, paragraphs b, c, and e, Code 2011, are amended to read as follows:

b. In lieu of the credit amount computed in paragraph "a", subparagraph (1), subparagraph division (a), a business may elect to compute the credit amount for qualified research expenses incurred in this state within the zone in a manner consistent with the alternative incremental simplified credit described in section ~~41(e)(4)~~ 41(c)(5) 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.

c. For purposes of the alternate credit computation method in paragraph "b", the credit percentages applicable to qualified research expenses described in ~~clauses (i), (ii), and (iii)~~ of section ~~41(e)(4)(A)~~ 41(c)(5)(A) and clause (ii) of section ~~41(c)(5)(B)~~ of the Internal Revenue Code are ~~three and thirty hundredths percent, four and forty hundredths percent, and five and fifty 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 seven percent and three percent, respectively.

(2) In the case of an eligible business whose gross revenues exceed twenty million dollars per year, the credit percentages are two and one-tenths percent and nine-tenths percent, respectively.

e. (1) For the purposes of this subsection, "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~~ simplified credit such amounts are for research conducted within this state within the zone.

(2) For purposes of this subsection, “*Internal Revenue Code*” means the Internal Revenue Code in effect on January 1, ~~2009~~ 2011.

Sec. 11. Section 422.10, subsection 1, paragraphs b and c, Code 2011, are amended to read as follows:

b. In lieu of the credit amount computed in paragraph “a”, subparagraph (1), subparagraph division (a), a taxpayer may elect to compute the credit amount for qualified research expenses incurred in this state in a manner consistent with the alternative ~~incremental~~ simplified credit described in section ~~41(e)(4)~~ 41(c)(5) 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.

c. For purposes of the alternate credit computation method in paragraph “b”, the credit percentages applicable to qualified research expenses described in ~~clauses (i), (ii), and (iii)~~ of section ~~41(e)(4)(A)~~ 41(c)(5)(A) and ~~clause (ii)~~ of section ~~41(c)(5)(B)~~ of the Internal Revenue Code are ~~one and sixty-five hundredths percent, two and twenty hundredths percent, and two and seventy-five hundredths~~ four and fifty-five hundredths percent and one and ninety-five hundredths percent, respectively.

Sec. 12. Section 422.10, subsection 3, Code 2011, is amended to read as follows:

3. 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~~ simplified 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~~ 2011.

Sec. 13. Section 422.33, subsection 5, paragraphs b, c, and d, Code 2011, are amended to read as follows:

b. In lieu of the credit amount computed in paragraph “a”, subparagraph (1), a corporation may elect to compute the credit amount for qualified research expenses incurred in this state in a manner consistent with the alternative ~~incremental~~ simplified credit described in section ~~41(e)(4)~~ 41(c)(5) 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.

c. For purposes of the alternate credit computation method in paragraph “b”, the credit percentages applicable to qualified research expenses described in ~~clauses (i), (ii), and (iii)~~ of section ~~41(e)(4)(A)~~ 41(c)(5)(A) and ~~clause (ii)~~ of section ~~41(c)(5)(B)~~ of the Internal Revenue Code are ~~one and sixty-five hundredths percent, two and twenty hundredths percent, and two and seventy-five hundredths~~ four and fifty-five hundredths percent and one and ninety-five hundredths percent, respectively.

d. (1) For purposes of this subsection, “*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~~ simplified credit such amounts are for research conducted within this state.

(2) For purposes of this subsection, “*Internal Revenue Code*” means the Internal Revenue Code in effect on January 1, ~~2009~~ 2011.

Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 15. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to July 1, 2010, for tax credits awarded on or after that date:

1. The section of this Act amending section 15.335, subsection 4.
2. The section of this Act amending section 15A.9.

Sec. 16. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2010, for tax years beginning on or after that date:

1. The section of this Act amending section 15.335, subsection 7.
2. The section of this Act amending section 422.10, subsection 1.
3. The section of this Act amending section 422.10, subsection 3.
4. The section of this Act amending section 422.33.

DIVISION III BONUS DEPRECIATION

Sec. 17. Section 422.5, subsection 2, paragraph b, subparagraph (1), Code 2011, is amended to read as follows:

(1) Add items of tax preference included in federal alternative minimum taxable income under section 57, except subsections (a)(1), (a)(2), and (a)(5), of the Internal Revenue Code, make the adjustments included in federal alternative minimum taxable income under section 56, except subsections (a)(4), (b)(1)(C)(iii), and (d), of the Internal Revenue Code, and add losses as required by section 58 of the Internal Revenue Code. To the extent that any preference or adjustment is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, ~~subsection~~ subsections 39, 39A, 39B, and 53. In the case of an estate or trust, the items of tax preference, adjustments, and losses shall be apportioned between the estate or trust and the beneficiaries in accordance with rules prescribed by the director.

Sec. 18. Section 422.7, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 39A. The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, section 103, Pub. L. No. 111-5, section 1201, Pub. L. No. 111-240, section 2022, and Pub. L. No. 111-312, section 401, does not apply in computing net income for state tax purposes. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

a. Add the total amount of depreciation taken under section 168(k) of the Internal Revenue Code for the tax year.

b. Subtract the amount of depreciation allowable under the modified accelerated cost recovery system described in section 168 of the Internal Revenue Code and calculated without regard to section 168(k).

c. Any other adjustments to gains or losses necessary to reflect the adjustments made in paragraphs "a" and "b". The director shall adopt rules for the administration of this paragraph.

NEW SUBSECTION. 39B. The additional first-year depreciation allowance authorized in section 168(n) of the Internal Revenue Code, as enacted by Pub. L. No. 110-343, section 710, does not apply in computing net income for state tax purposes. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:

a. Add the total amount of depreciation taken under section 168(n) of the Internal Revenue Code for the tax year.

b. Subtract the amount of depreciation allowable under the modified accelerated cost recovery system described in section 168 of the Internal Revenue Code and calculated without regard to section 168(n).

c. Any other adjustments to gains or losses necessary to reflect the adjustments made in paragraphs "a" and "b". The director shall adopt rules for the administration of this paragraph.

Sec. 19. Section 422.7, subsection 53, Code 2011, is amended to read as follows:

53. A taxpayer is not allowed to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 110-185 111-5, section 1202, in computing adjusted gross income for state tax purposes.

Sec. 20. Section 422.9, subsection 2, paragraph h, Code 2011, is amended to read as follows:

h. For purposes of calculating the deductions in this subsection that are authorized under the Internal Revenue Code, and to the extent that any of such deductions is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, ~~subsection~~ subsections 39, 39A, 39B, and 53.

Sec. 21. Section 422.35, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 19A. The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, section 103, Pub. L. No. 111-5, section 1201, Pub. L. No. 111-240, section 2022, and Pub. L. No. 111-312, section 401, does not apply in computing net income for state tax purposes. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

a. Add the total amount of depreciation taken under section 168(k) of the Internal Revenue Code for the tax year.

b. Subtract the amount of depreciation allowable under the modified accelerated cost recovery system described in section 168 of the Internal Revenue Code and calculated without regard to section 168(k).

c. Any other adjustments to gains or losses necessary to reflect the adjustments made in paragraphs "a" and "b". The director shall adopt rules for the administration of this paragraph.

NEW SUBSECTION. 19B. The additional first-year depreciation allowance authorized in section 168(n) of the Internal Revenue Code, as enacted by Pub. L. No. 110-343, section 710, does not apply in computing net income for state tax purposes. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:

a. Add the total amount of depreciation taken under section 168(n) of the Internal Revenue Code for the tax year.

b. Subtract the amount of depreciation allowable under the modified accelerated cost recovery system described in section 168 of the Internal Revenue Code and calculated without regard to section 168(n).

c. Any other adjustments to gains or losses necessary to reflect the adjustments made in paragraphs "a" and "b". The director shall adopt rules for the administration of this paragraph.

Sec. 22. Section 422.35, subsection 24, Code 2011, is amended to read as follows:

24. A taxpayer is not allowed to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 110-185 111-5, section 1202, in computing taxable income for state tax purposes.

Sec. 23. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 24. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2008, for tax years ending on or after that date:

1. The section of this Act amending section 422.5.
2. The section of this Act enacting section 422.7, new subsections 39A and 39B.
3. The section of this Act amending section 422.9.
4. The section of this Act enacting section 422.35, new subsections 19A and 19B.

Sec. 25. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2009, for tax years beginning on or after that date, and before January 1, 2010:

1. The section of this Act amending section 422.7, subsection 53.
2. The section of this Act amending section 422.35, subsection 24.

DIVISION IV
STATE PUBLIC DEFENDER TRANSFER

**Sec. 26. TRANSFER AUTHORIZATION — STATE PUBLIC DEFENDER.*

1. Notwithstanding section 8.39, subsection 2, while the general assembly is in regular session, the director of the department of management, with the approval of the governor, may make an interdepartmental transfer from any other department, institution, or agency of the state having an appropriation in excess of its needs, of sufficient funds to supplement the following appropriations made to the office of the public defender of the department of inspections and appeals, in order to meet the obligations incurred under the appropriations:

a. For the office of the state public defender, in 2010 Iowa Acts, chapter 1190, section 10, subsection 1.

b. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815, in 2010 Iowa Acts, chapter 1190, section 10, subsection 2.

2. A transfer made under this section is subject to the notice and reporting requirements applicable to transfers made under section 8.39. However, the chairpersons' review and comment period under section 8.39, subsection 3, is not applicable.*

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

Approved April 12, 2011, with exceptions noted.

TERRY E. BRANSTAD, Governor

Dear Mr. President:

I hereby transmit Senate File 512, an Act relating to public funding matters by updating the code references to the internal revenue code and by decoupling from certain federal bonus depreciation provisions, authorizing appropriation transfers, and including effective date and retroactive applicability provisions.

Senate File 512 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division IV, which includes Sections 26 and 27. This language would have provided the Governor with the specific authority to transfer funds to the office of the public defender for payment of court-appointed attorneys for indigent defense purposes. As I have made clear, I strongly support an appropriate supplemental appropriation to pay these court-appointed indigent defense attorneys the money that is owed to them and will continue to work with the General Assembly to resolve this matter.

The language I disapprove attempts to end the current legislative stalemate over supplemental appropriations for the provision of indigent defense services administered through the State Public Defender's office.

This current shortfall in the funds available to pay the state's indigent defense bills is the result of actions taken during the 2010 Session of the General Assembly wherein the Governor and

* Item veto; see message at end of the Act

General Assembly approved a budget for indigent defense that purposely underfunded this program by nearly \$20 million. This decision was made with the full knowledge the 2011 General Assembly would be forced to take action to provide supplemental funds to the State Public Defender's office for this purpose.

The method provided in Senate File 512 provides the Governor with the specific authority to transfer funds to the State Public Defender for payment of court-appointed attorneys for indigent defense purposes. The funds transferred must come from any department, institution, or agency of the state and will reduce the funds available to those entities by a like amount.

In other words, in order to comply with the provisions of Senate File 512 I would be asked to reduce by nearly \$20 million the current appropriations in other state agencies to secure the resources necessary to transfer to the State Public Defender's office. As there remain less than three months in the current fiscal year, any spending reduction in any agency has an effect nearly four times greater than if the reduction were made at the beginning of a fiscal year.

In Senate File 512 the General Assembly provides the Governor with no guidance regarding which state agencies must be reduced to make this transfer possible.

This method is totally unacceptable and is a continuation of the numerous bad budgeting practices that has created the fiscal mess our state currently faces. It is this fiscal mess that I am committed to correct and I will not participate in a process that both continues those practices and undermines the constitutional responsibility of the General Assembly to make appropriations.

A Governor's transfer authority should be extremely limited during those time periods when the General Assembly is in session. The Iowa Constitution provides a clear method for the appropriation of state funds and I intend to honor that process and the General Assembly's role in spending state funds.

I specifically call on the members of the General Assembly to resume negotiations on legislation to provide a supplemental appropriation for indigent defense and other critical areas of state government that have been left critically short due to past bad budgeting practices.

I strongly support an appropriate supplemental appropriation to pay our indigent defense costs and will continue to work with the General Assembly to resolve this matter.

For the above reasons, I respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 512 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 42**MILITARY SERVICE MEMBERS — VISITATION OR PHYSICAL CARE PARENTING TIME***H.F. 195*

AN ACT relating to assignment of visitation or physical care parenting time for children of military service members on active duty and including effective date provisions.

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

Section 1. Section 598.41D, Code 2011, is amended to read as follows:

598.41D Assignment of visitation or physical care parenting time — 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. Notwithstanding any provision to the contrary, a parent who has been granted court-ordered physical care or joint physical care of the parent's minor child may file an application for modification of a decree or a petition for modification of an order regarding child custody, prior to or during the time the parent is serving active duty in the military service of the United States, to temporarily assign the parent's physical care parenting time 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 physical care parenting time during the parent's absence. The application or petition shall also request any change in the physical care parenting time schedule necessitated by the assignment.

~~2.~~ 3. *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.~~ 4. *a.* The court may grant the parent's request for temporary assignment of visitation or physical care parenting time and any change in the visitation or physical care parenting time schedule requested if the court finds that such assignment of visitation or physical care parenting time 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 or physical care parenting time 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~~ demonstrates an ability to personally and financially support the child and will support the child's relationship with both of the child's parents during the assigned visitation or physical care parenting time.

~~4. 5.~~ An order granting assignment of visitation rights or physical care parenting time under this section does not create separate rights to visitation or physical care parenting time for a person other than the parent. An order granting assignment of visitation or physical care parenting time under this section does not grant any custodial or parental rights to any person who is not the parent of the child.

~~6.~~ An order granted under this section may temporarily assign visitation or physical care parenting time that is equal to or less than the visitation or physical care parenting time awarded to the parent whose visitation or physical care parenting time is assigned.

~~5. 7.~~ The parent whose visitation rights are or physical care parenting time is temporarily assigned shall provide a copy of the order granting assignment of visitation or physical care parenting time to the school and school district of the child to whom the order applies.

~~6. 8.~~ An order granting temporary assignment of visitation rights or physical care parenting time 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. 9.~~ 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 or physical care parenting time 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 or physical care parenting time 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. 10.~~ 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.

~~11.~~ As used in this section, "parenting time" means actual time spent with the child as specified in a decree or order, but does not include any other element of legal custody, physical care, or joint physical care.

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

Approved April 12, 2011

CHAPTER 43

COUNTY ATTORNEY DUTIES — SCHOOLS, EXTRADITION, AND SECURING WITNESSES

H.F. 321

AN ACT modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

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

Section 1. Section 257B.10, Code 2011, is amended to read as follows:

257B.10 Uniform interest date.

If money is due to the permanent school fund, either for loans or deferred payments of the purchase price of land sold, the interest shall be made payable on the first day of January each year, and if the debtor fails to pay the interest within six months of the date it is due, the entire amount of both principal and interest shall become due, and the county auditor shall report the nonpayment to the ~~county attorney~~ school board, ~~who shall~~ which may immediately commence action for the collection of the amount reported as due. This section is a part of a contract made by virtue of this chapter, whether expressed in the contract or not.

Sec. 2. Section 257B.33, Code 2011, is amended to read as follows:

257B.33 Suit — attorney fee.

If the debtor does not comply with the notice, the auditor shall report the noncompliance to the ~~county attorney~~ school board, ~~who shall~~ which may bring an action to recover the debt, and an injunction may issue for cause, without bond when so petitioned, and there shall be allowed in the judgment, entered and taxed as a part of the costs in the case, a reasonable sum as compensation to plaintiff's attorney, not exceeding the amount provided by law for attorney fees.

Sec. 3. Section 331.756, subsection 7, Code 2011, is amended to read as follows:

7. Give advice or a written opinion, without compensation, to the board and other county officers and to ~~school and~~ township officers, when requested by an officer, upon any matters in which the state, county, ~~school~~, or township is interested, or relating to the duty of the officer in any matters in which the state, county, ~~school~~, or township may have an interest, but the county attorney shall not appear before the board at a hearing in which the state or county is not interested.

Sec. 4. Section 331.756, subsection 54, Code 2011, is amended by striking the subsection.

Sec. 5. Section 331.756, subsection 82, Code 2011, is amended to read as follows:

82. Carry out duties relating to extradition of fugitive defendants as provided in chapter ~~818~~ 820 and securing witnesses as provided in chapter 819.

Sec. 6. REPEAL. Chapter 818, Code 2011, is repealed.

Sec. 7. REPEAL. Chapter 819A, Code 2011, is repealed.

Approved April 12, 2011

CHAPTER 44

EQUIPMENT DEALERSHIP AGREEMENTS — SUPPLIER LIABILITY

H.F. 329

AN ACT relating to equipment dealership agreements by providing for supplier liability.

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

Section 1. Section 322F.7, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~A supplier violates~~ A violation of this chapter if the ~~includes but is not limited to a supplier does~~ doing any of the following:

Sec. 2. Section 322F.8, subsection 1, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) A dealer may bring a legal action against a supplier for damages sustained by the dealer as a consequence of the supplier's violation of any provision of this chapter, including but not limited to a violation described in section 322F.7. A supplier violating this chapter shall compensate the dealer for damages sustained by the dealer as a consequence of the supplier's violation, together with the actual costs of the action, including reasonable attorney fees.

Sec. 3. Section 322F.8, subsection 2, Code 2011, is amended to read as follows:

2. a. If the payment or allowance of equipment repurchased pursuant to section 322F.3 is not made as required, or the supplier is found liable for damages pursuant to subsection 1, paragraph "a", subparagraph (1), the amount due bears to the dealer shall bear interest at the rate of one and one-half percent per month calculated from the date that the dealership agreement was terminated.

b. ~~If upon~~ Upon termination of a dealership agreement by nonrenewal or cancellation, by a dealer or supplier, if the supplier fails to make payment or credit the account of the dealer as provided in any provision of this chapter, the supplier is liable in a civil action brought by the dealer for the repurchase amount set forth in section 322F.3, plus interest as calculated pursuant to paragraph "a". The supplier's civil liability as provided in this paragraph shall be in addition to and not in lieu of any remedy provided by subsection 1, paragraph "a", subparagraph (1).

Approved April 12, 2011

CHAPTER 45

VETERANS RECORDS — ROSTER OF INFORMATION

H.F. 364

AN ACT relating to veterans records managed by the department of veterans affairs.

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

Section 1. Section 35A.5, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 14A. Upon receipt of certificate of release or discharge from active duty, create a roster of information that includes the name of the military member, the member's address of record, and the member's county of residence listed on the certificate. The department shall, within thirty days of receipt of the certificate of release or discharge from active duty, provide a copy of the roster to the county commission of veteran affairs in each county listed on the roster.

Approved April 12, 2011

CHAPTER 46

REGULATION OF AGRICULTURE — MISCELLANEOUS CHANGES

H.F. 532

AN ACT relating to agriculture, by eliminating certain powers of and requirements administered by the department of agriculture and land stewardship.

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

DIVISION I
ORGANIC NUTRIENT MANAGEMENT

Section 1. REPEAL. Sections 161C.5 and 161C.6, Code 2011, are repealed.

Sec. 2. MONEYS IN THE ORGANIC NUTRIENT MANAGEMENT FUND. Moneys in the organic nutrient management fund shall be retained by the department of agriculture and land stewardship for purposes of supporting its soil conservation division for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

DIVISION II
BULK DRY ANIMAL NUTRIENT PRODUCTS

Sec. 3. Section 200A.10, subsection 3, Code 2011, is amended by striking the subsection.

DIVISION III
AGRICULTURAL REMEDIATION

Sec. 4. Section 455B.601, subsection 2, Code 2011, is amended to read as follows:

2. This section is applicable to a site upon which contamination has been discovered, unless ~~one of the following applies:~~

~~a. Remediation~~ remediation on the site has already been approved by the department and implemented.

~~b. A responsible person has executed a remediation agreement with the agrichemical remediation board and the responsible person is remediating or has remediated the site pursuant to a plan of remediation as provided in chapter 161.~~

Sec. 5. PAYMENT OF OUTSTANDING CLAIMS. The executive council shall allocate moneys, from moneys in the general fund of the state which are not otherwise obligated or encumbered, for the payment of any outstanding claim for the remediation of a contaminated site as provided in chapter 161 as that chapter existed when the agrichemical remediation board executed a remediation agreement with the claimant. The executive council shall pay the claimant the same amount in the same manner as the agrichemical remediation board would have paid the claimant from the agrichemical remediation fund.

Sec. 6. REPEAL. Chapter 161, Code 2011, is repealed.

DIVISION IV
SWINE DEALER LICENSING

Sec. 7. Section 163.30, subsection 3, paragraph c, Code 2011, is amended to read as follows:

c. Each employee or agent doing business by buying for resale, selling, or exchanging feeder swine in the name of a licensed dealer shall be required to secure a permit ~~and identification card~~ issued by the department showing the person is employed by or represents a licensed dealer. All such permits ~~and identification cards~~ shall be issued upon application

forms furnished by the department at a cost of three dollars per annum, and shall expire on the first day of July following the date of issue.

Approved April 12, 2011

CHAPTER 47

REGULATION OF MILITARY SERVICE AND PROPERTY

S.F. 194

AN ACT relating to the Iowa military code and military service by making changes related to the use and support of certain facilities, operations support, employment and rank of active and retired military personnel, the definition of performing military duty, tort claims protections, and including effective date provisions.

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

Section 1. Section 29A.14, Code 2011, is amended to read as follows:

29A.14 Leasing Support and facilities improvement fund.

1. The adjutant general may operate or lease any of the national guard facilities at Camp Dodge. Any income or revenue derived from the operation or leasing shall be deposited with the treasurer of state and credited to the national guard support and facilities improvement fund. The balance in the national guard support and facilities improvement fund is limited to a maximum of two million dollars. Any amount exceeding the limit shall be credited to the general fund of the state.

2. A national guard support and facilities improvement fund is created in the state treasury. The proceeds of the fund are appropriated, and shall be used only to support national guard operations and for the construction, improvement, modification, maintenance or repair of national guard facilities. However, proceeds of the fund shall not be used for the construction of a new facility without the approval of the general assembly.

Sec. 2. Section 29A.14A, Code 2011, is amended to read as follows:

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, departing units, 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. 3. Section 29A.19, Code 2011, is amended to read as follows:

29A.19 Quartermaster.

A present or retired ~~commissioned officer member~~ member of the national guard who has ten years' service in the Iowa army national guard or the Iowa air national guard ~~and has attained the grade of a field officer~~ shall be detailed to be the quartermaster and property officer of the state, who shall have charge of and be accountable for, under the adjutant general, all state military property. The quartermaster shall keep property returns and reports and give bond to the state of Iowa as the governor may direct.

Sec. 4. Section 29A.23, Code 2011, is amended to read as follows:

29A.23 Roll of retired officers and enlisted personnel.

An officer or enlisted person who is a member of the Iowa national guard who has completed twenty years of military service under 10 U.S.C. § 1331(d), as evidenced by a

letter of notification of retired pay at age sixty, shall upon retirement from the Iowa national guard and written request to the adjutant general be placed by order of the commander in chief on a roll in the office of the adjutant general to be known as the “roll of retired national guard military personnel.” A member registered on the roll is entitled to wear the uniform of the rank last held on state or other occasions of ceremony, when the wearing of such uniform is not in conflict with federal law.

Sec. 5. Section 29A.57, subsection 2, Code 2011, is amended to read as follows:

2. The board may acquire land or real estate by purchase, contract for purchase, gift, or bequest and acquire, own, contract for the construction of, erect, purchase, maintain, alter, operate, and repair installations and facilities of the Iowa army national guard and the Iowa air national guard when funds for the installations and facilities are made available by the federal government, the state of Iowa, municipalities, corporations, or individuals. The title to the property so acquired shall be taken in the name of the state of Iowa and the real estate may be sold or exchanged by the executive council, upon recommendation of the board, when it is no longer needed for the purpose for which it was acquired. Income or revenue derived from the sale of the real estate shall be credited to the national guard support and facilities improvement fund and used for the purposes specified in section 29A.14, subsection 2.

Sec. 6. Section 29A.78, Code 2011, is amended to read as follows:

29A.78 Brevet rank.

The commander in chief, on the recommendation of the adjutant general, may commission by brevet general and field grade officers ~~of~~ in the national guard whose names appear on the roll of retired military personnel as defined in section 29A.23 in the next higher grade than that held at retirement or resignation. Brevet rank is only honorary and does not confer any privilege, precedence or command or pay any emoluments. Brevet officers may wear the uniform of their brevet rank on occasions of ceremonies related to state functions only.

Sec. 7. Section 144.13B, Code 2011, is amended to read as follows:

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~~ performing military duty, as defined in section 29A.1, subsection 3, 11, or 12, shall be waived for a period of one year from the date of death for a family member of the deceased service member.

Sec. 8. Section 144C.6, subsection 4, Code 2011, is amended to read as follows:

4. A declaration for disposition of remains made by a service member, ~~as defined in section 29A.90,~~ who died while performing military duty as defined in section 29A.1, subsection 3, 11, or 12, 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. 9. Section 476.20, subsection 3, unnumbered paragraph 3, Code 2011, is amended to read as follows:

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~~ 29A.1, subsection 3, 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. 10. Section 483A.24A, Code 2011, is amended to read as follows:

483A.24A License refunds — military service.

Notwithstanding any provision of this chapter to the contrary, a service member deployed for military service, both ¹ as defined in section ~~29A.90~~ 29A.1, subsection 3, 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.

¹ See chapter 131, §67, 158 herein

Sec. 11. Section 669.2, subsection 4, unnumbered paragraph 1, Code 2011, is amended to read as follows:

“Employee of the state” includes any one or more officers, agents, or employees of the state or any state agency, including members of the general assembly, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation, but does not include a contractor doing business with the state. Professional personnel, including physicians, osteopathic physicians and surgeons, osteopathic physicians, optometrists, dentists, nurses, physician assistants, and other medical personnel, who render services to patients or inmates of state institutions under the jurisdiction of the department of human services or the Iowa department of corrections, and employees of the department of veterans affairs, are to be considered employees of the state, whether the personnel are employed on a full-time basis or render services on a part-time basis on a fee schedule or other arrangement. Criminal defendants while performing unpaid community service ordered by the district court, board of parole, or judicial district department of correctional services, or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, and persons supervising those inmates under and according to the terms of the chapter 28E agreement, are to be considered employees of the state. Members of the Iowa national guard performing duties in a requesting state pursuant to section 29C.21 are to be considered employees of the state solely for the purpose of claims arising out of those duties in the event that the requesting state’s tort claims coverage does not extend to such members of the Iowa national guard or is less than that provided under Iowa law.

Sec. 12. Section 724.7, subsection 2, Code 2011, is amended to read as follows:

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~~ 29A.1, subsection 3, 11, or 12, that would otherwise expire during the period of deployment shall remain valid for ninety days after the end of the service member’s deployment.

Sec. 13. EFFECTIVE UPON ENACTMENT. The section of this Act amending section 29A.14, being deemed of immediate importance, takes effect upon enactment.

Approved April 13, 2011

CHAPTER 48

NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM FUNDING

S.F. 389

AN ACT relating to the nonreversion of funds appropriated to the national guard educational assistance program and including effective date and retroactive applicability provisions.

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

Section 1. Section 261.86, subsection 6, Code 2011, is amended to read as follows:

6. Notwithstanding section 8.33, until one year after the date the president of the United States or the Congress of the United States declares a cessation of hostilities ending operation Iraqi freedom, operation new dawn, and operation enduring freedom, funds appropriated for purposes of this section which remain unencumbered or unobligated at the close of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure for the following fiscal year for purposes of this section.

Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to September 1, 2010.

Approved April 13, 2011

CHAPTER 49

REGULATION OF VETERANS BENEFITS APPEAL SERVICES ADVERTISING

S.F. 399

AN ACT regulating the advertising of veterans benefits appeal services by requiring certain disclosures and including a civil penalty.

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

Section 1. NEW SECTION. **546B.1 Veterans benefits appeal services — regulation of advertising practices.**

As used in this chapter:

1. *a.* “Advertising” or “advertisement” means any of the following:

(1) Any written or printed communication made for the purpose of soliciting, describing, or promoting veterans benefits appeal services, including but not limited to a brochure, letter, pamphlet, newspaper, telephone listing, periodical, or other writing.

(2) Any directory listing caused or permitted by a person to be made available which indicates that veterans benefits appeal services are being offered.

(3) Any radio, television, computer network, or similar airwave or electronic transmission which solicits or promotes a person offering veterans benefits appeal services.

b. “Advertising” or “advertisement” does not include any of the following:

(1) Any printing or writing used on buildings, uniforms, or badges, where the purpose of the writing is for identification.

(2) Any printing or writing in a memorandum or other communication used in the ordinary course of business where the sole purpose of the writing is other than the solicitation or promotion of veterans benefits appeal services.

2. “Veteran” means as defined in section 35.1.

3. “Veterans benefits appeal services” means services which a veteran might reasonably require in order to appeal a denial of federal or state veterans benefits, including but not limited to denials of disability, limited-income, home loan, insurance, education and training, burial and memorial, and dependent and survivor benefits.

Sec. 2. NEW SECTION. **546B.2 Advertising disclosure requirements.**

1. A person advertising services to represent or assist veterans in appealing a denial of veterans benefits shall conspicuously disclose in the advertisement, in similar type size or voice-over, that appeal services are also offered at no cost by county commission of veteran affairs offices as maintained pursuant to section 35B.6.

2. A person who fails to comply with the provisions of this section is subject to a civil penalty not to exceed one thousand dollars for each violation. Civil penalties shall be assessed by the district court in an action initiated by the attorney general. For the purposes of computing the amount of each civil penalty, each day of a continuing violation constitutes a separate violation. Additionally, the attorney general may accept a civil penalty as determined by the attorney general in settlement of an investigation of a violation of this section regardless of whether an action has been filed pursuant to this section. Any civil penalty recovered shall be deposited in the veterans trust fund created in section 35A.13.

Sec. 3. NEW SECTION. **546B.3 Nonapplicability.**

This chapter shall not apply to the owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated.

Approved April 13, 2011

CHAPTER 50

TAX INCREMENT FINANCING — FILING OF MUNICIPAL ORDINANCES

H.F. 132

AN ACT relating to the filing requirements for certain ordinances relating to a division of revenue.

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

Section 1. Section 403.19, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. An ordinance adopted under this section providing for a division of revenue shall be filed in the office of the county auditor of each county where the property that is subject to the ordinance is located.

Approved April 13, 2011

CHAPTER 51

COPPER THEFT ORDINANCES AND TRESPASS ON PUBLIC UTILITY PROPERTY

H.F. 299

AN ACT relating to the unlawful possession of or entry upon specified personal and public utility property, and providing penalties.

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

Section 1. **NEW SECTION. 714.27 Copper theft — ordinance authorized — penalty.**

1. The governing body of a political subdivision in which copper theft has been reported may consider the adoption of a copper theft ordinance requiring a salvage dealer to maintain complete, accurate, and legible records in the English language of all purchases and receipt of salvaged materials. Such records shall be maintained and located at the place of business of the salvage dealer for a minimum of one year from the date of purchase or receipt by the salvage dealer.

2. The ordinance may require a salvage dealer to maintain one or more of the following records:

a. The identity of the person from whom the salvaged material was received or purchased, including name and address; date of birth; Iowa driver's license number, Iowa nonoperator's identification card number, or social security number in conjunction with photo identification; sex, age, height, and race.

b. The vehicle license plate number of the vehicle that delivered the salvaged material to the salvage dealer, if applicable.

c. The date and hour of the purchase or receipt of the salvaged material.

d. A reasonably accurate inventory and description of the salvaged material obtained.

- e. The value of or amount paid for the salvaged material.
- f. The weight or other measurable quantity of the salvaged material.
- g. From whom and at what time and place the salvaged material was obtained by the person from whom it was purchased or received, if known.
- h. The date and manner of disposition by the salvage dealer of the salvaged material by each article or in bulk.
- i. The name and address of the person to whom the salvaged material was sold or otherwise disposed of.

3. a. (1) In the event that a political subdivision issues a license or permit to a salvage dealer for the operation of a salvage business, the ordinance may provide for the suspension, revocation, or nonrenewal of the license or permit in the event the ordinance is violated by the salvage dealer. A suspension, revocation, or nonrenewal shall not take effect without notice delivered to the licensee or permittee in the regular mail addressed to the licensee or permittee at the licensed premises a minimum of ten days prior to a date set for hearing before a magistrate or district associate judge. The notice shall inform the licensee or permittee of the time, date, and place of hearing, the purpose of the hearing, and shall set out briefly the reasons for the hearing.

(2) A decision regarding whether to suspend or revoke a license or permit, or deny its renewal, shall be at the discretion of the magistrate or district associate judge, based upon the circumstances surrounding the violation and its severity.

(3) A licensee or permittee whose license or permit or renewal has been revoked or denied because of a violation of this section shall not be eligible for another such license or permit for a period of one hundred eighty days after the revocation or denial.

b. In the event a political subdivision does not issue a license or permit to a salvage dealer for the operation of a salvage business, the ordinance may provide for such penalty provision as the governing body of the political subdivision may deem appropriate.

Sec. 2. Section 716.7, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Entering or remaining upon or in public utility property without lawful authority or without the consent of the public utility that owns, leases, or operates the public utility property. This paragraph does not apply to passage over public utility right-of-way by a person if the person has not been notified or requested by posted signage or other means to abstain from entering onto the right-of-way or to vacate the right-of-way.

Sec. 3. Section 716.7, subsection 3, Code 2011, is amended to read as follows:

3. The term “trespass” shall not mean entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This subsection does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

Sec. 4. Section 716.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. For purposes of this section, “public utility property” means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind. For the purposes of this section, a “public utility” is a public utility as defined in section 476.1 or an electric transmission line as provided in chapter 478.

Sec. 5. Section 716.7, subsection 6, Code 2011, is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. Representatives of the Iowa utilities board, the federal energy regulatory commission, or the federal communications commission who enter or remain upon or in public utility property while engaged in the performance of official duties.

NEW PARAGRAPH. e. Employees of a public utility who enter or remain upon or in public utility property while acting in the course of employment.

Sec. 6. Section 716.8, subsection 2, Code 2011, is amended to read as follows:

2. Any person committing a trespass as defined in section 716.7, other than a trespass as defined in section 716.7, subsection 2, paragraph “f”, which results in injury to any person or damage in an amount more than two hundred dollars to anything, animate or inanimate, located thereon or therein commits a serious misdemeanor.

Sec. 7. Section 716.8, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Any person who commits a trespass as defined in section 716.7, subsection 2, paragraph “f”, commits a class “D” felony.

Approved April 13, 2011

CHAPTER 52

MEDICAID FRAUD CONTROL INVESTIGATIVE COSTS

H.F. 389

AN ACT relating to investigative costs of the Medicaid fraud control unit.

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

Section 1. Section 249A.7, subsection 3, Code 2011, is amended to read as follows:

3. a. A Medicaid fraud account is created in the general fund of the state under the authority of the department of inspections and appeals. Moneys from penalties, investigative costs recouped by the Medicaid fraud control unit, and other amounts received as a result of prosecutions involving the department of inspections and appeals investigations and audits to ensure compliance with the medical assistance program that are not credited to the program may be credited to the account.

b. Notwithstanding sections 8.33 and 8.39, moneys credited to the account shall not revert to any other account or fund and are not subject to transfer except as specifically provided by law. Moneys in the fund shall be used for costs associated with the department of inspections and appeals’ efforts to address medical assistance program fraud and abuse and for costs incurred by the department of inspections and appeals or other agencies in providing regulation, responding to allegations, or other activity involving chapter 135O.

c. The department of inspections and appeals and other agencies receiving moneys from the account shall provide a joint annual report to the governor and general assembly detailing the expenditures from the account and activities performed relating to the expenditures. ~~This subsection is repealed on July 1, 2012.~~

d. For the purposes of this subsection, “investigative costs” means the reasonable value of a Medicaid fraud control unit investigator’s, auditor’s, or employee’s time, any moneys expended by the Medicaid fraud control unit, and the reasonable fair market value of resources used or expended by the Medicaid fraud control unit in a case resulting in a criminal conviction of a provider under this chapter or chapter 714 or 715A.¹

Sec. 2. Section 910.1, subsection 4, Code 2011, 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 13, paragraph “b”, court costs including correctional fees approved pursuant to section 356.7, court-appointed attorney fees ordered pursuant to

¹ See chapter 127, §49, 89 herein

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, and payment to the medical assistance program pursuant to chapter 249A for expenditures paid on behalf of the victim resulting from the offender's criminal activities including investigative costs incurred by the Medicaid fraud control unit pursuant to section 249A.7.

Sec. 3. Section 910.2, subsection 1, Code 2011, is amended to read as follows:

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 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, 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, 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, contribution to a local anticrime organization, and the medical assistance program.

Approved April 13, 2011

CHAPTER 53

UNPAID CITY UTILITY RATES OR CHARGES — CERTIFICATION FOR COLLECTION

H.F. 454

AN ACT permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

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

Section 1. Section 384.84, subsection 4, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) Except as provided in paragraph "d", all rates or charges for the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, solid waste disposal, or any of these services, if not paid as provided by ordinance of the council or resolution of the trustees, are a lien upon the property or premises served by any of these services upon certification to the county treasurer that the rates or charges are due. The governing body of a city utility may, by resolution, delegate to a designee named in the resolution the city utility's authority to certify unpaid rates or charges to the county treasurer. The city council of a city that is contracting with a city utility for joint billing or

collection or both pursuant to chapter 28E may, by ordinance, delegate to such city utility, or the city utility's designee, the city's authority to certify unpaid rates or charges to the county treasurer.

Approved April 13, 2011

CHAPTER 54
PURPLE HEART DAY
H.F. 474

AN ACT to designate August 7 of each year as Purple Heart Day.

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

Section 1. NEW SECTION. **1C.16 Purple Heart Day.**

The governor of this state is hereby requested and authorized to issue annually a proclamation designating the seventh day of August as Purple Heart Day and to encourage all governmental bodies in the state to observe the day in a manner that honors the sacrifice of those men and women who shed their blood and gave their lives in service to the United States of America.

Approved April 13, 2011

CHAPTER 55
AUTHORIZED PUBLIC FUNDS INVESTMENTS
H.F. 512

AN ACT providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

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

Section 1. Section 12B.10, subsection 6, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *l.* Investments in a qualified trust established pursuant to governmental accounting standards board statement number forty-three that is governed by a board of trustees of a joint investment trust organized pursuant to chapter 28E and that is registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § 80(a).

Approved April 13, 2011

CHAPTER 56**BUSINESS ENTITY REGULATION — FOREIGN CORPORATIONS AND PROFESSIONAL LIMITED LIABILITY COMPANIES***H.F. 565*

AN ACT relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions.

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

**DIVISION I
SERVICE OF PROCESS**

Section 1. Section 490.1510, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. *a.* A foreign corporation that does not have a current certificate of authority to transact business in this state under section 490.1503 may be served, with respect to an in rem action, in the manner provided in subsections 2 and 3, addressed to the secretary of the foreign corporation at its principal office as found either in the records of the jurisdiction of incorporation or in public records filed by it with an agency of the United States or any state having regulatory authority over the foreign corporation's business and affairs.

b. For purposes of paragraph "*a*", "*in rem action*" means an action, statutory notice, or demand involving the title to real estate or tangible personal property sited in Iowa; the partition or the foreclosure of a lien or mortgage against real estate; or the determination of the priorities of liens or claims against such real estate or personal property.

Sec. 2. Section 490.1510, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Service is perfected under subsection 2 or 2A at the earliest of:

**DIVISION II
NAMING OF PROFESSIONAL LIMITED LIABILITY COMPANIES**

Sec. 3. Section 489.1103, Code 2011, is amended to read as follows:

489.1103 Name.

The name of a professional limited liability company, the name of a foreign professional limited liability company or its name as modified for use in this state, and any fictitious name or trade name adopted by a professional limited liability company or foreign professional limited liability company shall contain the words "professional limited liability company", "professional limited company", or the abbreviation "P.L.L.C.", or "PLLC", "P.L.C.", or "PLC", and except for the addition of such words or abbreviation, shall be a name which could lawfully be used by a licensed individual or by a partnership of licensed individuals in the practice in this state of a profession which the professional limited liability company is authorized to practice. Each regulating board may by rule adopt additional requirements as to the corporate names and fictitious or trade names of professional limited liability companies and foreign professional limited liability companies which are authorized to practice a profession which is within the jurisdiction of the regulating board.

Sec. 4. Section 489.1304, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* If a professional limited liability company's name complied with section 490A.1503 as that section existed on December 30, 2010, that company's name shall also be deemed to comply with the name requirements of section 489.1103, Code 2011.

Sec. 5. **RETROACTIVE APPLICABILITY.** Section 489.1103, as amended by this division of this Act, applies retroactively to January 1, 2009.

Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 13, 2011

CHAPTER 57

LICENSED MESSAGE THERAPIST EDUCATION REQUIREMENTS

H.F. 593

AN ACT relating to the education requirements for licensed massage therapists.

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

Section 1. Section 152C.3, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. Completion of a curriculum of massage education at a school approved by the board which requires for admission a diploma from an accredited high school or the equivalent and requires completion of at least ~~five~~ six hundred hours of supervised academic instruction. However, educational requirements under this paragraph are subject to reduction by the board if, after public notice and hearing, the board determines that the welfare of the public may be adequately protected with fewer hours of education.

Approved April 13, 2011

CHAPTER 58

PRESCRIPTION MONITORING PROGRAM

S.F. 286

AN ACT relating to the Iowa prescription monitoring program and including an effective date provision.

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

Section 1. Section 124.553, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. (1) A pharmacist or prescribing practitioner who requests the information and certifies in a form specified by the board that it is for the purpose of providing medical or pharmaceutical care to a patient of the pharmacist or prescribing practitioner. ~~Neither a A~~ pharmacist nor or a prescribing practitioner may delegate program information access to another authorized individual or agent only if that individual or agent registers for program information access, pursuant to board rules, as an agent of the pharmacist or prescribing practitioner. Board rules shall identify the qualifications for a pharmacist's or prescribing practitioner's agent and shall limit the number of agents to whom each pharmacist or prescribing practitioner may delegate program information access.

(2) Notwithstanding subparagraph (1), a prescribing practitioner may delegate program information access to another licensed health care professional ~~only~~ in emergency situations where the patient would be placed in greater jeopardy if the prescribing practitioner was required to access the information personally.

Sec. 2. Section 124.558, subsection 1, Code 2011, is amended to read as follows:

1. *Failure to comply with requirements.* A pharmacist, pharmacy, or prescribing practitioner, or agent of a pharmacist or prescribing practitioner who knowingly fails to comply with the confidentiality requirements of this division or who delegates program information access to another individual except as provided in section 124.553, is subject to disciplinary action by the appropriate professional licensing board. A pharmacist or pharmacy that knowingly fails to comply with other requirements of this division is subject to disciplinary action by the board. Each licensing board may adopt rules in accordance with chapter 17A to implement the provisions of this section.

Sec. 3. REPEAL. 2009 Iowa Acts, chapter 36, section 3, if enacted, is repealed.

Sec. 4. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. Section 3 of this Act repealing 2009 Iowa Acts, chapter 36, section 3.

Approved April 14, 2011

CHAPTER 59

LEVEE OR DRAINAGE DISTRICTS — STATE BENEFITS ASSESSMENT

S.F. 428

AN ACT relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

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

Section 1. Section 468.2, subsection 1, Code 2011, is amended to read as follows:

1. The drainage of surface waters from agricultural lands and all other lands, including state-owned lakes and wetlands, or the protection of such lands from overflow shall be presumed to be a public benefit and conducive to the public health, convenience, and welfare.

Sec. 2. Section 468.40, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When the land is a state-owned lake or state-owned wetland, the commissioners shall ascertain the benefits realized from removing excess water and shall not consider any benefit realized if the state-owned lake or state-owned wetland were drained or converted to another land use.

Sec. 3. Section 468.43, unnumbered paragraph 3, Code 2011, is amended to read as follows:

When state-owned land under the jurisdiction of the department of natural resources is situated within a levee or drainage district, the commissioners assessing benefits shall ascertain and return in their report the amount of benefits and the apportionment of costs and expenses to the land, and the board of supervisors shall assess the amount against the land. In estimating benefits to land which is a state-owned lake or state-owned wetland, the commissioners shall ascertain benefits as provided in section 468.40.

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

Approved April 14, 2011

CHAPTER 60**EPILEPSY TREATMENT AND EDUCATION TASK FORCE***H.F. 322*

AN ACT relating to the creation of a task force concerning drug product selection relative to antiepileptic drugs for the treatment of epileptic seizures and including effective date provisions.

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

Section 1. EPILEPSY TREATMENT AND EDUCATION TASK FORCE.

1. a. Within sixty days of the effective date of this Act, a task force consisting of patients, physicians, and pharmacists shall be formed to provide education and information and to assess the impact on people with epilepsy of generically equivalent drug product selection of antiepileptic drugs for the treatment of epileptic seizures. The department of public health shall provide administrative support to the task force.

b. The membership of the task force shall consist of the following members, appointed by the specified organization:

(1) Three patients or patient representatives appointed by the epilepsy foundation of Iowa.

(2) Three physicians appointed by the Iowa medical society and the Iowa osteopathic medical association.

(3) Three pharmacists appointed by the Iowa pharmacy association in collaboration with the Iowa retail federation.

2. a. A subcommittee of the task force, equally representative of patients, physicians, and pharmacists, shall work with the epilepsy foundation of Iowa and other appropriate entities to develop education and information materials on epilepsy treatment and medication selection.

b. The materials shall be developed and distributed in a manner that informs the perspectives of patients, physicians, pharmacists, and insurers.

3. The department of public health, in consultation with the epilepsy foundation of Iowa, shall administer any funds appropriated or received for the purposes of the task force. The funds shall be distributed through a grant to the epilepsy foundation of Iowa for the development and distribution of education and information materials as specified in this section.

4. It is the intent of the general assembly that the only changes made in the law regarding drug product selection of antiepileptic drugs for the treatment of epileptic seizures for the duration of the task force shall be those necessary to comply with changes by the United States food and drug administration regarding interchangeability standards for the use of substitution for such drugs.

5. The task force shall submit a report of its activities, findings, and any recommendations to the general assembly by January 1, 2013. The task force shall be dissolved on that date.

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

Approved April 14, 2011

CHAPTER 61**ALZHEIMER'S DISEASE — WORKGROUP — RESPONSE STRATEGY***H.F. 390*

AN ACT relating to an Alzheimer's disease response strategy.

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

Section 1. ALZHEIMER'S DISEASE — RESPONSE STRATEGY.

1. The department of public health shall convene a stakeholder workgroup to design a strategy to respond to the needs of Iowans with Alzheimer's disease and other forms of dementia that includes action steps, a timeline for implementation, and identification of the parties responsible for specific activities. In developing the response strategy, the workgroup shall review the recommendations and the current status of the recommendations submitted to the governor and the general assembly by the Alzheimer's disease task force in January 2008; consider the most current research developments and available data regarding Alzheimer's disease and other forms of dementia; and integrate the activities and expertise of any existing public or private programs, initiatives, or opportunities that offer potential for coordination and collaboration relative to, or the financing of, the response strategy.

2. The stakeholder workgroup shall be comprised of, at a minimum, representatives of the department of public health, the department on aging, the department of inspections and appeals, the department of human services, the Alzheimer's association, the Iowa caregivers association, long-term care providers, home and community-based services providers, consumer advocates, and health care providers.

3. The stakeholder workgroup shall submit the response strategy to the governor and the general assembly no later than November 15, 2011. The strategy shall specifically include a recommendation for the location of an office for Alzheimer's disease and other forms of dementia within state government, recommendations to institute the public and private partnership necessary to most efficiently and effectively implement the response strategy and provide continuing collaboration, and any recommendations for ongoing data collection and funding to support the response strategy.

Approved April 14, 2011

CHAPTER 62**PREPAID CEMETERY AND FUNERAL MERCHANDISE AND FUNERAL SERVICES —
TRUST OR SURETY BOND PAYMENTS***H.F. 404*

AN ACT relating to payments for prepaid cemetery and funeral merchandise, and funeral services that are required to be placed in trust or secured by a surety bond.

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

Section 1. Section 523A.201, subsections 2 and 3, Code 2011, are amended to read as follows:

2. If a seller agrees to furnish cemetery merchandise, funeral merchandise, funeral services, or a combination thereof and performance or delivery may be more than one hundred twenty days following the initial payment on the account, a minimum of eighty percent of all payments made under ~~the a guaranteed purchase agreement or a minimum of one hundred percent of all payments made under a nonguaranteed purchase agreement~~ shall be placed and remain in trust until the person for whose benefit the funds were paid dies.

3. If a purchase agreement for cemetery merchandise, funeral merchandise, funeral services, or a combination thereof provides that payments are to be made in installments, the seller shall deposit eighty percent of each payment made under a guaranteed purchase agreement and one hundred percent of each payment made under a nonguaranteed purchase agreement in the trust fund until the full amount required to be placed in trust has been deposited. If the purchase agreement is financed with or sold to a financial institution, the purchase agreement shall be considered paid in full and the trust requirements shall be satisfied within fifteen days after the seller receives funds from the financial institution.

Sec. 2. Section 523A.201, subsection 8, Code 2011, is amended to read as follows:

8. Interest or income earned on amounts deposited in trust shall remain in trust under the same terms and conditions as payments made under the purchase agreement, except that a ~~limited liability corporation that was formed in 2002 for the purpose of purchasing a cemetery from a foreign entity reorganizing under bankruptcy and such corporation is comprised of six establishments all located within the same county~~ seller may withdraw so much of the interest or income as represents the difference between the amount needed to adjust the trust funds for inflation as set by the commissioner based on the consumer price index and the interest or income earned during the preceding year not to exceed fifty percent of the total interest or income on a calendar-year basis. The early withdrawal of interest or income under this provision does not affect the purchaser's right to a credit of such interest or income in the event of a nonguaranteed price agreement, cancellation, or nonperformance by such ~~limited liability corporation a seller~~.

Sec. 3. Section 523A.405, subsection 8, Code 2011, is amended to read as follows:

8. The amount of the surety bond shall equal eighty percent of the payments received pursuant to guaranteed purchase agreements and one hundred percent of the payments received pursuant to nonguaranteed purchase agreements, or the applicable portion thereof, for cemetery merchandise, funeral merchandise, funeral services, or a combination thereof, and the amount needed to adjust the amount of the surety bond for inflation as set by the commissioner based on the consumer price index. The seller shall review the amount of the surety bond no less than annually and shall increase the bond as necessary to reflect additional payments. The amount needed to adjust for inflation shall be added annually to the surety bond during the first quarter of the seller's fiscal year.

Sec. 4. Section 523A.601, subsection 6, paragraph a, Code 2011, is amended to read as follows:

a. (1) A guaranteed purchase agreement that is funded by a trust shall include a conspicuous statement in language substantially similar to the following language:

For your prearranged funeral agreement, we will deposit not less than eighty percent of your payments in trust at (name of financial institution), (street address), (city), (state) (zip code) within fifteen days following receipt of the funds. For your protection, you will be notified within sixty days from the date of deposit ~~from~~ by the financial institution, if acting as a trustee of trust funds under this chapter, to confirm that the deposit of these funds has been made establishing a trust fund as required by law. If you do not receive this notification, you may contact the Iowa insurance division for assistance by calling the insurance division at (telephone number) or by mail at (street address), (city), Iowa (zip code), or you may contact the financial institution by calling the financial institution at (telephone number) or by mail at the address indicated above.

(2) A nonguaranteed purchase agreement that is funded by a trust shall include a conspicuous statement in language substantially similar to the following language:

For your prearranged funeral agreement, we will deposit all of your payments in trust at (name of financial institution), (street address), (city), (state) (zip code) within fifteen days following receipt of the funds. For your protection, you will be notified within sixty days from the date of deposit by the financial institution, if acting as a trustee of trust funds under this chapter, to confirm that the deposit of these funds has been made establishing a trust fund as required by law. If you do not receive this notification, you may contact the Iowa insurance division for assistance by calling the insurance division at (telephone number) or by mail at

(street address), (city), Iowa (zip code), or you may contact the financial institution by calling the financial institution at (telephone number) or by mail at the address indicated above.

Approved April 14, 2011

CHAPTER 63

PUBLIC HEALTH REGULATION — MISCELLANEOUS CHANGES

H.F. 467

AN ACT relating to programs and activities under the purview of the department of public health.

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

DIVISION I TOBACCO ENFORCEMENT

Section 1. Section 142A.1, subsection 2, Code 2011, is amended to read as follows:

2. It is the intent of the general assembly that the comprehensive tobacco use prevention and control initiative established in this chapter will specifically address reduction of tobacco use by youth and pregnant women, ~~promotion of compliance by minors and retailers with tobacco sales laws and ordinances~~, and enhancement of the capacity of youth to make healthy choices. The initiative shall allow extensive involvement of youth in attaining these results.

Sec. 2. Section 142A.2, subsection 10, Code 2011, is amended by striking the subsection.

Sec. 3. Section 142A.3, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Members, at least one of whom is a member of a racial minority, to be appointed by the governor, subject to confirmation by the senate pursuant to sections 2.32 and 69.19, and consisting of the following:

(1) Three members who are active with nonprofit health organizations that emphasize tobacco use prevention or who are active as health services providers, at the local level.

~~(2) One member who is a retailer.~~

~~(3)~~ (2) Three members who are active with health promotion activities at the local level in youth education, ~~law enforcement~~, nonprofit services, or other activities relating to tobacco use prevention and control.

Sec. 4. Section 142A.3, subsection 5, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 5. Section 142A.4, subsections 14 and 17, Code 2011, are amended by striking the subsections.

Sec. 6. Section 142A.5, subsection 1, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 7. Section 142A.5, subsection 2, paragraph f, Code 2011, is amended by striking the paragraph.

Sec. 8. Section 142A.6, subsection 2, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 9. Section 142A.6, subsection 3, paragraph c, Code 2011, is amended by striking the paragraph.

Sec. 10. Section 142A.7, subsection 1, paragraph f, Code 2011, is amended by striking the paragraph.

Sec. 11. Section 142A.8, subsection 4, paragraph d, Code 2011, is amended by striking the paragraph.

Sec. 12. Section 142A.9, subsection 3, Code 2011, is amended to read as follows:

3. To the greatest extent possible, the youth program shall be directed by youth for youth participants. State and local administrators associated with the initiative shall consult with and utilize the youth program participants in the media, marketing, and communications program; education efforts; and other aspects of the initiative including evaluation, and collaboration, ~~and enforcement.~~

Sec. 13. Section 453A.2, subsections 4, 6, and 7, Code 2011, are amended to read as follows:

4. The ~~Iowa alcoholic beverages division of the department of public health commerce, a county health department, a city health department,~~ or a city may directly enforce this section in district court and initiate proceedings pursuant to section 453A.22 before a permit-issuing authority which issued the permit against a permit holder violating this section.

6. If a county ~~health department, a city health department,~~ or a city has not assessed a penalty pursuant to section 453A.22, subsection 2, for a violation of subsection 1, within sixty days of the adjudication of the violation, the matter shall be transferred to and be the exclusive responsibility of the Iowa alcoholic beverages division of the department of public health commerce. Following transfer of the matter, if the violation is contested, the Iowa alcoholic beverages division of the department of public health commerce shall request an administrative hearing before an administrative law judge, assigned by the division of administrative hearings of the department of inspections and appeals in accordance with the provisions of section 10A.801, to adjudicate the matter pursuant to chapter 17A.

7. A tobacco compliance employee training fund is created in the office of the treasurer of state. The fund shall consist of civil penalties assessed by the Iowa alcoholic beverages division of the department of public health commerce under section 453A.22 for violations of this section. Moneys in the fund are appropriated to the alcoholic beverages division of the department of commerce and shall be used to develop and administer the tobacco compliance employee training program under section 453A.5. Moneys deposited in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this subsection. Notwithstanding section 8.33, any unexpended balance in the fund at the end of the fiscal year shall be retained in the fund.

Sec. 14. Section 453A.13, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. The department, or a city or county, shall submit a duplicate of any application for a retail permit and any retail permit issued by the entity under this subsection to the Iowa alcoholic beverages division of the department of public health commerce within thirty days of the issuance. The alcoholic beverages division of the department of commerce shall submit the current list of all retail permits issued to the Iowa department of public health by the first day of each quarter of a state fiscal year.

Sec. 15. Section 453A.22, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

If a retailer or employee of a retailer has violated section 453A.2 or section 453A.36, subsection 6, the department or local authority, or the Iowa alcoholic beverages division of the department of public health commerce following transfer of the matter to the Iowa alcoholic beverages division of the department of public health commerce pursuant to section 453A.2, subsection 6, in addition to the other penalties fixed for such violations in this section, shall assess a penalty upon the same hearing and notice as prescribed in

subsection 1 as follows:

Sec. 16. Section 453A.22, subsection 7, Code 2011, is amended to read as follows:

7. The department or local authority shall report the suspension or revocation of a retail permit under this section to the Iowa alcoholic beverages division of the department of public health commerce within thirty days of the suspension or revocation of the retail permit.

Sec. 17. Section 453A.47A, subsection 6, Code 2011, is amended to read as follows:

6. *Issuance.* Cities shall issue retail permits to retailers within their respective limits. County boards of supervisors shall issue retail permits to retailers in their respective counties, outside of the corporate limits of cities. The city or county shall submit a duplicate of any application for a retail permit and any retail permit issued by the entity under this section to the Iowa alcoholic beverages division of the department of public health commerce within thirty days of issuance. The alcoholic beverages division of the department of commerce shall submit the current list of all retail permits issued to the Iowa department of public health by the first day of each quarter of a state fiscal year.

DIVISION II

COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS

Sec. 18. Section 139A.2, subsections 5 and 8, Code 2011, are amended to read as follows:

5. "Contagious or infectious disease" means hepatitis in any form, meningococcal disease, AIDS or HIV as defined in section 141A.1, tuberculosis, and any other disease, with the exception of AIDS or HIV infection as defined in section 141A.1, determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department, based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services.

8. "Exposure" means the risk of contracting disease as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious bodily fluids.

Sec. 19. Section 139A.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 23A. "Significant exposure" means a situation in which there is a risk of contracting disease through exposure to a person's infectious bodily fluids in a manner capable of transmitting an infectious agent as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department.

Sec. 20. Section 139A.19, Code 2011, is amended to read as follows:

139A.19 Care provider notification.

1. *a.* Notwithstanding any provision of this chapter to the contrary, if a care provider sustains ~~an a~~ significant exposure from an individual while rendering health care services or other services, the individual to whom the care provider was exposed is deemed to consent to a test to determine if the individual has a contagious or infectious disease and is deemed to consent to notification of the care provider of the results of the test, upon submission of ~~an a~~ significant exposure report by the care provider to the hospital, clinic, other health facility, or other person specified in this section to whom the individual is delivered by the care provider as determined by rule. ~~The exposure report form may be incorporated into the Iowa prehospital care report, the Iowa prehospital advanced care report, or a similar report used by an ambulance, rescue, or first response service or law enforcement agency.~~

b. The hospital, clinic, or other health facility in which the significant exposure occurred or other person specified in this section to whom the individual is delivered shall conduct the test. If the individual is delivered by the care provider to an institution administered by the Iowa department of corrections, the test shall be conducted by the staff physician of the institution. If the individual is delivered by the care provider to a jail, the test shall be conducted by the

attending physician of the jail or the county medical examiner. The sample and test results shall only be identified by a number and shall not otherwise identify the individual tested.

c. A hospital, clinic, or other health facility, institutions administered by the department of corrections, and jails shall have written policies and procedures for notification of a care provider under this section. The policies and procedures shall include designation of a representative of the care provider to whom notification shall be provided and who shall, in turn, notify the care provider. The identity of the designated representative of the care provider shall not be revealed to the individual tested. The designated representative shall inform the hospital, clinic, or other health facility, institution administered by the department of corrections, or jail of those parties who received the notification, and following receipt of this information and upon request of the individual tested, the hospital, clinic, or other health facility, institution administered by the department of corrections, or jail shall inform the individual of the parties to whom notification was provided.

d. Notwithstanding any other provision of law to the contrary, a care provider may transmit cautions regarding contagious or infectious disease information, with the exception of AIDS or HIV pursuant to section 80.9B, in the course of the care provider's duties over the police radio broadcasting system under chapter 693 or any other radio-based communications system if the information transmitted does not personally identify an individual.

2. a. If the test results are positive, the hospital, clinic, other health facility, or other person performing the test shall notify the subject of the test and make any required reports to the department pursuant to sections 139A.3 and 141A.6. The report to the department shall include the name of the individual tested.

b. If the individual tested is diagnosed or confirmed as having a contagious or infectious disease, the hospital, clinic, other health facility, or other person conducting the test shall notify the care provider or the designated representative of the care provider who shall then notify the care provider.

~~3. The notification to the care provider shall advise the care provider of possible exposure to a particular contagious or infectious disease and recommend that the care provider seek medical attention.~~

c. The notification to the care provider shall be provided as soon as is reasonably possible following determination that the individual subject of the test has a contagious or infectious disease. The notification shall not include the name of the individual tested for the contagious or infectious disease unless the individual consents. If the care provider who sustained an a significant exposure determines the identity of the individual diagnosed or confirmed as having a contagious or infectious disease, the identity of the individual shall be confidential information and shall not be disclosed by the care provider to any other person unless a specific written release is obtained from the individual diagnosed with or confirmed as having a contagious or infectious disease.

~~4. This section does not require or permit, unless otherwise provided, a hospital, health care provider, or other person to administer a test for the express purpose of determining the presence of a contagious or infectious disease, except that testing may be performed if the individual consents and if the requirements of this section are satisfied.~~

~~5. 3. This section does not preclude a hospital, clinic, other health facility, or a health care provider from providing notification to a care provider under circumstances in which the hospital's, clinic's, other health facility's, or health care provider's policy provides for notification of the hospital's, clinics, ¹ other health facility's, or health care provider's own employees of exposure to a contagious or infectious disease that is not life-threatening if the notice does not reveal a patient's name, unless the patient consents.~~

~~6. 4. A hospital, clinic, other health facility, or health care provider, or other person participating in good faith in complying with provisions authorized or required under this section is immune from any liability, civil or criminal, which might otherwise be incurred or imposed.~~

~~7. 5. A hospital's, clinic's, other health facility's, or health care provider's duty of notification to notify under this section is not continuing but is limited to a diagnosis of a contagious or infectious disease made in the course of admission, care, and treatment~~

¹ See chapter 131, §54, 158 herein

following the rendering of health care services or other services to ~~which notification under this section applies~~ the individual who was the source of the significant exposure.

~~6. Notwithstanding subsection 5, the hospital, clinic, or other health facility may provide a procedure for notifying the exposed care provider if, following discharge from or completion of care or treatment by the hospital, clinic, or other health facility, the individual who was the source of the significant exposure, and for whom a significant exposure report was submitted that did not result in notification of the exposed care provider, wishes to provide information regarding the source individual's contagious or infectious disease status to the exposed care provider.~~

~~8. 7. A hospital, clinic, other health facility, health care provider, or other person who is authorized to perform a test under this section who performs the test in compliance with this section or who fails to perform the test authorized under this section, is immune from any liability, civil or criminal, which might otherwise be incurred or imposed.~~

~~9. 8. A hospital, clinic, other health facility, health care provider, or other person who is authorized to perform a test under this section has no duty to perform the test authorized.~~

~~10. 9. The department shall adopt rules pursuant to chapter 17A to administer this section. The department may determine by rule the contagious or infectious diseases for which testing is reasonable and appropriate and which may be administered under this section.~~

~~11. 10. The employer of a care provider who sustained an a significant exposure under this section shall pay the costs of testing for the individual who is the source of the significant exposure and of the testing of the care provider, if the significant exposure was sustained during the course of employment. However, the department shall pay the costs of testing for the assist an individual who is the source of the significant exposure and in finding resources to pay for the costs of the testing of the and shall assist a care provider who renders direct aid without compensation in finding resources to pay for the cost of the test.~~

Sec. 21. Section 139A.33, Code 2011, is amended to read as follows:

139A.33 Determination of source — partner notification program.

~~The local board or the department shall use every available means to determine the source and spread of any infectious case of sexually transmitted disease or infection which is reported.~~

~~1. The department shall maintain a partner notification program for persons known to have tested positive for a reportable sexually transmitted disease or infection.~~

~~2. In administering the program, the department shall provide for all of the following:~~

~~a. A person who voluntarily participates in the program shall receive post-test counseling during which time the person shall be encouraged to refer for counseling and testing any person with whom the person has had sexual relations or has shared drug injecting equipment.~~

~~b. The physician or other health care provider attending the person may provide to the department any relevant information provided by the person regarding any person with whom the tested person has had sexual relations or has shared drug injecting equipment.~~

~~3. The department may delegate its partner notification duties under this section to local health authorities or a physician or other health care provider, as provided by rules adopted by the department.~~

~~4. In making contact with sexual or drug equipment-sharing partners, the department or its designee shall not disclose the identity of the person who provided the names of the persons to be contacted and shall protect the confidentiality of the persons contacted.~~

~~5. a. This section shall not be interpreted as creating a duty to warn third parties of the danger of exposure to a sexually transmitted disease or infection through contact with a person who tests positive for a sexually transmitted disease.~~

~~b. This section shall not be interpreted to require the department to provide partner notification services to all persons who have tested positive for a sexually transmitted disease or infection.~~

DIVISION III
AIDS UPDATE

Sec. 22. Section 141A.1, subsections 2, 11, 13, 15, and 18, Code 2011, are amended to read as follows:

2. “*AIDS-related conditions*” means any condition resulting from the human immunodeficiency virus infection that meets the definition of AIDS as established by the centers for disease control and prevention of the United States department of health and human services.

11. “*HIV-related condition*” means any condition resulting from the human immunodeficiency virus infection.

13. “*Infectious bodily fluids*” means bodily fluids capable of transmitting HIV infection as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department.

15. “*Nonblinded epidemiological studies*” means studies in which specimens are collected for the express purpose of testing for the HIV infection and persons included in the nonblinded study are selected according to established criteria.

18. “*Significant exposure*” means the a situation in which there is a risk of contracting HIV infection by means of through exposure to a person’s infectious bodily fluids in a manner capable of transmitting HIV infection as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department.

Sec. 23. Section 141A.1, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 6A. “*Exposure*” means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious bodily fluids.

Sec. 24. Section 141A.2, subsection 5, Code 2011, is amended to read as follows:

5. The department shall coordinate efforts with local health officers to investigate sources of HIV infection and use every appropriate means to prevent the spread of ~~the infection~~ HIV.

Sec. 25. Section 141A.3, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. Provide health information to the public regarding HIV ~~infection~~, including information about how ~~the infection~~ HIV is transmitted and how transmittal can be prevented. The department shall prepare and distribute information regarding HIV ~~infection~~ transmission and prevention.

Sec. 26. Section 141A.4, subsection 1, Code 2011, is amended to read as follows:

1. HIV testing and education shall be offered to persons who are at risk for HIV infection including all of the following:

a. Males who have had sexual relations with other males.

~~b.~~ All persons testing positive for a sexually transmitted disease.

~~b.~~ c. All persons having a history of injecting drug abuse.

~~e.~~ d. Male and female sex workers and those who trade sex for drugs, money, or favors.

~~d.~~ e. Sexual partners of HIV-infected persons.

~~e.~~ f. Persons whose sexual partners are identified in paragraphs “a” through “d” “e”.

Sec. 27. Section 141A.5, subsection 2, paragraph c, subparagraph (1), subparagraph division (a), Code 2011, is amended to read as follows:

(a) A physician for the infected person is of the good faith opinion that the nature of the continuing contact poses an imminent danger of HIV ~~infection~~ transmission to the third party.

Sec. 28. Section 141A.6, subsection 1, Code 2011, is amended to read as follows:

1. Prior to undergoing ~~an a~~ a voluntary HIV-related test, information shall be available to the subject of the test concerning testing and any means of obtaining additional information regarding HIV ~~infection~~ transmission and risk reduction. If an individual signs a general

consent form for the performance of medical tests or procedures, the signing of an additional consent form for the specific purpose of consenting to an HIV-related test is not required during the time in which the general consent form is in effect. If an individual has not signed a general consent form for the performance of medical tests and procedures or the consent form is no longer in effect, a health care provider shall obtain oral or written consent prior to performing an HIV-related test. If an individual is unable to provide consent, the individual's legal guardian may provide consent. If the individual's legal guardian cannot be located or is unavailable, a health care provider may authorize the test when the test results are necessary for diagnostic purposes to provide appropriate urgent medical care.

Sec. 29. Section 141A.9, subsection 2, paragraph i, Code 2011, is amended to read as follows:

i. Pursuant to ~~section~~ sections 915.42 and 915.43, to a convicted or alleged sexual assault offender; the physician or other health care provider who orders the test of a convicted or alleged offender; the victim; the parent, guardian, or custodian of the victim if the victim is a minor; the physician of the victim if requested by the victim; the victim counselor or person requested by the victim to provide counseling regarding the HIV-related test and results; the victim's spouse; persons with whom the victim has engaged in vaginal, anal, or oral intercourse subsequent to the sexual assault; members of the victim's family within the third degree of consanguinity; and the county attorney who may use the results as evidence in the prosecution of sexual assault under chapter 915, subchapter IV, or prosecution of the offense of criminal transmission of HIV under chapter 709C. For the purposes of this paragraph, "*victim*" means victim as defined in section 915.40.

Sec. 30. Section 141A.9, subsection 3, Code 2011, is amended to read as follows:

3. Release may be made of medical or epidemiological information for research or statistical purposes in a manner such that no individual person can be identified.

Sec. 31. Section 141A.10, subsection 2, Code 2011, is amended to read as follows:

2. A health care provider attending a person who tests positive for the HIV infection has no duty to disclose to or to warn third parties of the dangers of exposure to HIV infection through contact with that person and is immune from any liability, civil or criminal, for failure to disclose to or warn third parties of the condition of that person.

Sec. 32. REPEAL. Section 141A.8, Code 2011, is repealed.

DIVISION IV MISCELLANEOUS PROVISIONS

Sec. 33. Section 135.11, subsection 13, Code 2011, is amended to read as follows:

13. ~~Administer the statewide public health nursing, homemaker-home health aide, and senior health programs~~ healthy aging and essential public health services by approving grants of state funds to the local boards of health ~~and the county boards of supervisors for the purposes of promoting healthy aging throughout the lifespan and enhancing health promotion and disease prevention services,~~ and by providing guidelines for the approval of the grants and allocation of the state funds. ~~Program direction~~ Guidelines, evaluation requirements, and formula allocation procedures for ~~each of the programs~~ services shall be established by the department by rule.

Sec. 34. Section 135A.5, subsection 1, Code 2011, is amended to read as follows:

1. A governmental public health evaluation committee is established to develop, and implement, ~~and evaluate~~ the evaluation of 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 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. 35. REPEAL. Section 135.162, Code 2011, is repealed.

Sec. 36. PILOT OR DEMONSTRATION RESEARCH PROJECTS — PRACTICE OF PHARMACY.

1. Notwithstanding any provision of section 147.107, subsection 2, to the contrary, the board of pharmacy may approve a pilot or demonstration research project of innovative applications in the practice of pharmacy relating to the authority of prescription verification and the ability of a pharmacist to provide enhanced patient care.

2. The board of pharmacy shall adopt rules and procedures pursuant to chapter 17A for application for and approval of such projects. The rules may include exceptions to any existing rules under the purview of the board of pharmacy as necessary for completion of the project, limited to the duration of the project. The duration of any project approved by the board of pharmacy shall not exceed eighteen months and shall comply with the rules and procedures adopted for such projects.

3. The board of pharmacy shall not approve any project that expands the practice of pharmacy as defined in section 155A.3.

4. The board of pharmacy shall submit a report to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services regarding the approval or denial of any projects.

Approved April 14, 2011

CHAPTER 64

SUBDIVISION PLAT APPROVAL PROCESS — IMPROVEMENTS — NOTICE

H.F. 516

AN ACT relating to the construction of subdivision improvements and certain notice requirements.

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

Section 1. Section 354.8, Code 2011, is amended to read as follows:

354.8 Review and approval by governing bodies.

1. A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

2. If the subdivision plat and all matters related to final approval of the subdivision plat conform to the standards and conditions established by the governing body, and conform to this chapter and chapter 355, the governing body, by resolution, shall approve the plat and certify the resolution which shall be recorded with the plat. The recorder shall refuse to accept a subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review.

3. As used in this section, the term “subdivision improvements” means any fixture, structure, or other improvement to land required to be constructed or installed by the proprietor as a condition of the governing body’s approval of a subdivision plat.

4. *a.* For a city with a population equal to or greater than fifty thousand, if the proprietor or the contractor for the construction of subdivision improvements has provided the name and facsimile number or electronic mail address of the contractor, the city shall notify the contractor, either by facsimile or electronic mail, not less than forty-eight hours in advance of the date on which the city will consider the acceptance of subdivision improvements constructed by the contractor.

b. For a city with a population equal to or greater than twenty-five thousand but less than fifty thousand, a proprietor or the contractor for the construction of subdivision improvements may request that the city notify the contractor, either by facsimile or electronic mail, not less than forty-eight hours in advance of the date on which the city will consider the acceptance of subdivision improvements constructed by the contractor. Upon the receipt of such a request to notify the contractor, the city shall provide such notice.

c. A city’s failure to provide notice pursuant to paragraph “a” or “b” shall not impose any responsibility on the city for the payment of any amounts owed by a proprietor to a contractor.

5. A city may establish jurisdiction to review subdivisions or plats of survey outside its boundaries pursuant to the provisions of section 354.9. In the case of a city, the provisions of this section apply to the review by the city of both subdivision plats and plats of survey.

Approved April 15, 2011

CHAPTER 65

FIRE PROTECTION SYSTEMS AND ELECTRICIAN LICENSURE

S.F. 197

AN ACT relating to and modifying provisions applicable to fire protection systems and electrician licensure requirements, and including effective date provisions.

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

Section 1. Section 100D.1, subsection 11, Code 2011, is amended to read as follows:

11. “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 including the replacement of sprinkler heads or nozzles and the temporary disabling and subsequent restarting of a system as necessary to perform such routine maintenance. “Routine maintenance” does not include any new installation or the expansion or extension of any existing fire protection system.

Sec. 2. **ELECTRICIAN LICENSE RENEWAL — CONTINUING EDUCATION — EXTENSION.** Any person licensed pursuant to chapter 103 prior to January 1, 2011, and subject to the continuing education requirements specified in section 103.18, having failed to complete the required number of contact hours of continuing education necessary for license renewal during the three-year period for which the license was granted, shall be permitted a one-time extension to satisfy the contact hours requirement. A licensee who completes the required number of contact hours on or before December 31, 2011, and satisfies all other requirements for license renewal, may renew the license on or after the date on which the requirement was satisfied.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 19, 2011

CHAPTER 66

OUT-OF-STATE INSURERS WHO BECOME DOMESTIC INSURERS — TRANSFER TAX ELIMINATED

S.F. 260

AN ACT eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

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

Section 1. Section 508.12, unnumbered paragraph 1, Code 2011, is amended to read as follows:

An insurer which is organized under the laws of any state and has created or will create jobs in this state or which is an affiliate or subsidiary of a domestic insurer, and is admitted to do business in this state for the purpose of writing insurance authorized by this chapter may become a domestic insurer by complying with section 490.902 or 491.33 and with all of the requirements of law relative to the organization and licensing of a domestic insurer of the same type and by designating its principal place of business in this state, ~~and, upon payment to the commissioner of insurance of a transfer tax in a sum equal to twenty-five percent of the premium tax paid pursuant to the provisions of chapter 432 for the last calendar year immediately preceding its becoming a domestic corporation or the sum of ten thousand dollars, whichever is the lesser but not less than one thousand dollars,~~ may become a domestic corporation and be entitled to like certificates of its corporate existence and license to transact business in this state, and be subject in all respects to the authority and jurisdiction thereof.

Sec. 2. Section 515.78, unnumbered paragraph 1, Code 2011, is amended to read as follows:

An insurer which is organized under the laws of any state and has created or will create jobs in this state or which is an affiliate or subsidiary of a domestic insurer, and is admitted to do business in this state for the purpose of writing insurance authorized by this chapter may become a domestic insurer by complying with section 490.902 or 491.33 and with all of the requirements of law relative to the organization and licensing of a domestic insurer of the same type and by designating its principal place of business in this state, ~~and, upon payment to the commissioner of insurance of a transfer tax in a sum equal to twenty-five percent of the premium tax paid pursuant to the provisions of chapter 432 for the last calendar year immediately preceding its becoming a domestic corporation or the sum of ten thousand dollars, whichever is the lesser but not less than one thousand dollars,~~ may become a domestic corporation and be entitled to like certificates of its corporate existence and license to transact business in this state, and be subject in all respects to the authority and jurisdiction thereof.

Approved April 19, 2011

CHAPTER 67**CHILD SUPPORT RECOVERY CHANGES***S.F. 279*

AN ACT relating to child support recovery.

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

Section 1. Section 252D.18, subsection 3, Code 2011, is amended to read as follows:

3. The court or the child support recovery unit may, by ex parte order, terminate an income withholding order when the current support obligation has terminated and when the delinquent support obligation has been fully satisfied as applicable to all of the children covered by the income withholding order. The unit may, by ex parte order, terminate an income withholding order when the unit will no longer be providing services under chapter 252B, or when a foreign jurisdiction will be providing services under Tit. IV-D of the federal Social Security Act.

Sec. 2. Section 252H.2, subsection 2, paragraph g, Code 2011, is amended to read as follows:

g. “*Determination of controlling order*” means the process of identifying a child support order which must be recognized pursuant to section 252K.207 and 28 U.S.C. § 1738B, when more than one state has issued a support order for the same child and the same obligor, and may include a reconciliation of arrearages with information related to the calculation. Registration of a foreign order is not necessary for a court or the unit to make a determination of controlling order.

Sec. 3. Section 252H.14A, subsection 3, Code 2011, is amended to read as follows:

3. Upon completion of the review, the unit shall issue a notice of decision to each parent, or if applicable, to each parent’s attorney. The notice shall be served in accordance with the rules of civil procedure or as provided in section 252B.26, except that a parent requesting a review pursuant to section 252H.13 shall waive the right to personal service of the notice in writing and accept service by regular mail. If the service by regular mail does not occur within ninety days of the written waiver of personal service, personal service of the notice is required unless a new waiver of personal service is obtained.

Sec. 4. Section 252J.4, subsection 3, Code 2011, is amended to read as follows:

3. The unit shall notify the individual of the date, time, and location of the conference by regular mail, with the date of the conference to be no earlier than ten days following issuance of notice of the conference by the unit, unless the individual and the unit agree to an earlier date which may be the same date the individual requests the conference. If the individual fails to appear at the conference, the unit shall issue a certificate of noncompliance.

Approved April 19, 2011

CHAPTER 68**BUSINESS-TRADE AND SPECIAL TRUCK REGISTRATION PLATES***S.F. 312*

AN ACT concerning registration plates issued for business-trade trucks and special trucks, and including applicability provisions.

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

Section 1. Section 321.34, subsection 10, paragraph b, Code 2011, is amended to read as follows:

b. The application shall be approved by the department in consultation with representatives designated by the Iowa fire fighters' associations, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. An applicant who is the owner of a business-trade truck or special truck shall not be issued special fire fighter registration plates for more than one vehicle. The fee for the special plates is twenty-five dollars which shall be paid in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee.

Sec. 2. Section 321.120, subsection 3, Code 2011, is amended to read as follows:

3. Upon approval of the application and payment of the proper fees, the county treasurer shall issue regular registration plates for the ~~vehicle which distinguish the vehicle as a~~ business-trade truck. The department may adopt rules requiring the use of a sticker or other means to identify motor vehicles registered under this section.

Sec. 3. Section 321.121, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 1A. Upon approval of the application and payment of the proper fees, the county treasurer shall issue regular registration plates for the special truck. The department may adopt rules requiring the use of a sticker or other means to identify motor vehicles registered under this section.

Sec. 4. PHASED-IN ELIMINATION OF BUSINESS-TRADE TRUCK AND SPECIAL TRUCK PLATES.

1. It is the intent of the general assembly that the owners of business-trade trucks and special trucks have access to any of the specialty registration plates issued under section 321.34 under the same terms and conditions that apply to owners of other motor vehicles under that section, except that the issuance of special fire fighter plates shall be subject to the limitation imposed under section 321.34, subsection 10, as amended in this Act.

2. By January 1, 2012, the department of transportation shall discontinue the practice of issuing business-trade truck registration plates and special truck registration plates, and shall instead provide regular registration plates for new business-trade truck and special truck registrations. Current requirements and fees for business-trade truck and special truck registrations continue to apply. In conjunction with the transition to the issuance of regular registration plates for business-trade and special trucks, the following registration practices shall apply:

a. Except as provided in paragraph "b", current owners of vehicles with business-trade or special truck plates shall continue to use those plates until ownership of the vehicle is transferred or until a new series of Iowa registration plates is issued by the department of transportation.

b. The owner of a motor vehicle with current business-trade truck plates or special truck plates may elect to be issued specialty plates in lieu of the current registration plates for the vehicle, subject to the terms and conditions applicable under section 321.34.

c. The owner of a motor vehicle being registered for the first time as a business-trade truck or special truck may elect to be issued specialty plates in lieu of regular registration plates, subject to the terms and conditions applicable under section 321.34.

Sec. 5. APPLICABILITY. This Act applies for registration plates issued during registration periods beginning on or after January 1, 2012.

Approved April 19, 2011

CHAPTER 69**EMERGENCY MANAGEMENT AND PLANNING***S.F. 315*

AN ACT relating to emergency management planning.

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

Section 1. Section 29C.2, subsection 3, Code 2011, is amended to read as follows:

3. “*Local emergency management agency*” means a countywide joint county-municipal public agency organized to administer this chapter under the authority of ~~the local emergency management~~ a commission.

Sec. 2. Section 29C.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 01. “*Commission*” means a local emergency management commission or joint emergency management commission.

Sec. 3. Section 29C.6, subsection 17, paragraph b, Code 2011, is amended to read as follows:

b. State participation in funding financial assistance under paragraph “a” is contingent upon the local government having on file a state-approved, comprehensive, ~~countywide~~ emergency operations plan which meets the standards adopted pursuant to section 29C.9, subsection 8.

Sec. 4. Section 29C.8, subsection 3, paragraphs a and c, Code 2011, are amended to read as follows:

a. Prepare a comprehensive emergency plan and emergency management program for homeland security, disaster preparedness, response, recovery, mitigation, emergency operation, and emergency resource management of this state. The plan and program shall be integrated into and coordinated with the homeland security and emergency plans of the federal government and of other states to the fullest possible extent and coordinate the preparation of plans and programs for emergency management of the political subdivisions and various state departments of this state. The plans shall be integrated into and coordinated with a comprehensive state homeland security and emergency program for this state as coordinated by the administrator of the homeland security and emergency management division to the fullest possible extent.

c. Provide technical assistance to any ~~local emergency~~ commission or ~~joint commission~~ requiring the assistance in the development of an emergency management or homeland security program.

Sec. 5. Section 29C.9, subsections 1, 4, 7, and 8, Code 2011, are amended to read as follows:

1. The county boards of supervisors, city councils, and ~~school district boards of directors~~ the sheriff in each county shall cooperate with the homeland security and emergency management division of the department of public defense to establish a ~~local emergency management~~ commission to carry out the provisions of this chapter.

4. For the purposes of this chapter, ~~the a commission or joint commission~~ is a municipality as defined in section 670.1.

7. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission duties as described in the division’s administrative rules. Each commission shall appoint a ~~county local~~ emergency management coordinator who shall meet the qualifications specified in the administrative rules by the administrator of the homeland security and emergency management division. Additional emergency management personnel may be appointed at the discretion of the commission.

8. The commission shall develop, adopt, and submit for approval by local governments within the ~~county~~ commission’s jurisdiction, a comprehensive ~~countywide~~ emergency operations plan which meets standards adopted by the division in accordance with chapter 17A. If an approved comprehensive ~~countywide~~ emergency operations plan has not been

prepared according to established standards and the administrator of the homeland security and emergency management division finds that satisfactory progress is not being made toward the completion of the plan, or if the administrator finds that a ~~local emergency management~~ commission has failed to appoint a qualified emergency management coordinator as provided in this chapter, the administrator shall notify the governing bodies of the counties and cities affected by the failure and the governing bodies shall not appropriate any moneys to the local emergency management fund until the disaster comprehensive emergency plan is prepared and approved or a qualified emergency management coordinator is appointed. If the administrator finds that a city or a county commission has appointed an unqualified emergency management coordinator, the administrator shall notify the governing body of the city or county commission citing the qualifications which are not met and the governing body commission shall not approve the payment of the salary or expenses of the unqualified emergency management coordinator.

Sec. 6. Section 29C.10, Code 2011, is amended to read as follows:

29C.10 Emergency management coordinator.

1. The ~~commission or joint commission~~ shall appoint an emergency management coordinator who shall serve at the pleasure of the commission, and shall be responsible for the development of the countywide comprehensive emergency operations plan, ~~coordination of shall coordinate emergency planning activities~~, and shall provide technical assistance to political subdivisions ~~throughout the county comprising the commission~~.

2. When an emergency or disaster occurs, the emergency management coordinator shall provide coordination and assistance to the governing officials of the ~~municipalities and the county political subdivisions comprising the commission~~.

3. The ~~mayors and the board of supervisors commission~~ and its members shall cooperate with the president of the United States and the heads of the armed forces and other appropriate federal, state, and local officers and agencies and with the officers and agencies of adjoining states in matters pertaining to comprehensive emergency management for a city or county political subdivisions comprising the commission.

Sec. 7. Section 29C.11, Code 2011, is amended to read as follows:

29C.11 Local mutual aid arrangements.

1. The local emergency management coordinator for each emergency management agency commission shall, in collaboration with other public and private agencies within this state, develop mutual aid arrangements for reciprocal disaster services and recovery aid and assistance in case of disaster too great to be dealt with unassisted. The arrangements shall be consistent with the homeland security and emergency management division plan and program, and in time of emergency each local emergency management agency shall render assistance in accordance with the provisions of the mutual aid arrangements.

2. The ~~emergency management coordinator of each local emergency management agency chairperson of a commission~~ may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency services and recovery aid and assistance in case of disaster too great to be dealt with unassisted.

Sec. 8. Section 29C.17, subsection 1, Code 2011, is amended to read as follows:

1. A local emergency management fund is created in the office of the county treasurer. Revenues provided and collected shall be deposited in the fund. An unencumbered balance in the fund shall not revert to county general revenues. Any reimbursement, matching funds, moneys received from sale of property, or moneys obtained from any source in connection with the county local emergency management program shall be deposited in the local emergency management fund. The commission shall be the fiscal authority and the chairperson or vice chairperson of the commission is the certifying official.

Sec. 9. Section 29C.17, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For the purposes consistent with this chapter, the county local emergency management agency's approved budget may be funded by one or any combination of the following options:

Sec. 10. Section 29C.20A, subsection 5, Code 2011, is amended to read as follows:

5. The ~~homeland security and emergency management division~~ department of human services shall submit an annual report, by January 1 of each year, to the legislative fiscal committee and the general assembly's standing committees on government oversight concerning the activities of the grant program in the previous fiscal year.

Sec. 11. Section 29C.20B, subsection 1, Code 2011, is amended to read as follows:

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.

Sec. 12. Section 29C.22, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. The purpose of this compact is to provide for mutual assistance between the participating governments entering into this compact in managing any emergency or disaster that is declared in accordance with a ~~countywide~~ comprehensive emergency operations plan or by the governor, whether arising from natural disaster, technological hazard, man-made disaster, community disorder, insurgency, terrorism, or enemy attack.

Sec. 13. Section 30.2, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The commission members representing the departments of workforce development, natural resources, public defense, public safety, and transportation, a local emergency planning committee, and one private industry representative designated by the commission shall be voting members of the commission. The remaining members of the commission shall serve as nonvoting, advisory members.

Sec. 14. Section 30.9, subsections 1 and 2, Code 2011, are amended to read as follows:

1. Comprehensive emergency ~~response~~ plans required to be developed under section 303 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11003, shall be submitted to the department of public defense. Committee submission to that department constitutes compliance with the requirement for reporting to the commission. After initial submission, a plan need not be resubmitted unless revisions are requested by the commission. The department of public defense shall review the plan on behalf of the commission and shall incorporate the provisions of the plan into its responsibilities under chapter 29C.

2. The department of public defense shall advise the commission of the failure of any committee to submit an initial comprehensive emergency ~~response~~ plan or a revised plan requested by the commission.

Approved April 19, 2011

CHAPTER 70**REGULATION OF SECURITIES, INSURANCE, AND CEMETERY AND FUNERAL
MERCHANDISE AND SERVICES****S.F. 406**

AN ACT relating to various matters under the purview of the insurance division of the department of commerce and including effective date provisions.

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

Section 1. Section 502.604, subsections 2 and 4, Code 2011, are amended to read as follows:

2. *Summary process.* An order under subsection 1 is effective on the date of issuance. Upon issuance of the order, the administrator shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement of any restitution order, civil penalty, or costs of investigation the administrator will seek, a statement of the reasons for the order, and notice that, within thirty days after receipt of a request in a record from the person, the matter will be scheduled for a hearing. If a person subject to the order does not request a hearing and none is ordered by the administrator within thirty days after the date of service of the order, the order, including an order for restitution, the imposition of a civil penalty, or a requirement for payment of costs of investigation sought in the order, becomes final as to that person by operation of law. If a hearing is requested or ordered, the administrator, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend it until final determination.

4. *Civil penalty — restitution — corrective action.* In a final order under subsection 3, the administrator may impose a civil penalty up to an amount not to exceed a maximum of five thousand dollars for a single violation or five hundred thousand dollars for more than one violation, order restitution, or take other corrective action as the administrator deems necessary and appropriate to accomplish compliance with the laws of the state relating to all securities business transacted in the state.

Sec. 2. Section 505.8, subsections 1 and 10, Code 2011, are amended to read as follows:

1. The commissioner of insurance shall be the head of the division, and shall have general control, supervision, and direction over all insurance business transacted in the state, and shall enforce all the laws of the state relating to such federal and state insurance business transacted in the state.

10. The commissioner may, after a hearing conducted pursuant to chapter 17A, assess fines or penalties, assess costs of an investigation or proceeding, order restitution, or take other corrective action as the commissioner deems necessary and appropriate to accomplish compliance with the laws of the state relating to all insurance business transacted in the state.

Sec. 3. Section 505.8, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 19. The commissioner may propose and promulgate administrative rules to effectuate the insurance provisions of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, and any amendments thereto, or other applicable federal law.

Sec. 4. Section 505.18, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

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 carriers in the state for the previous fiscal calendar 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:

Sec. 5. Section 505.18, subsection 2, paragraph d, Code 2011, is amended to read as follows:

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~~ carrier in the state.

Sec. 6. Section 505.19, subsections 3 and 4, Code 2011, are amended to read as follows:

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 during the normal business hours of the division, all comments received on the insurance division's internet site prior to approval ~~or~~, disapproval, or modification of the proposed rate increase by the commissioner.

4. The consumer advocate shall present the public testimony, if any, and public comments received for consideration by the commissioner in determining whether to approve, ~~or disapprove~~, or modify such health insurance rate increase proposals.

Sec. 7. Section 507E.8, Code 2011, is amended to read as follows:

507E.8 Peace Law enforcement officer status.

1. Bureau investigators shall have the power and status of peace law enforcement officers who by the nature of their duties may be required to perform the duties of a peace officer when making arrests for criminal violations established as a result of their investigations pursuant to this chapter.

2. The general laws applicable to arrests by peace law enforcement officers of the state also apply to bureau investigators. Bureau investigators shall have the power to execute arrest warrants and search warrants for the same criminal violations, serve subpoenas issued for the examination, investigation, and trial of all offenses identified through their investigations, and arrest upon probable cause without warrant a person found in the act of committing a violation of the provisions of this chapter.

Sec. 8. Section 508C.5, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "Authorized assessment", or the term "authorized" when used in the context of an assessment, means that a resolution has been passed by the board of directors of the association whereby an assessment will be called immediately or in the future from member insurers for a specified amount. An assessment is authorized when the resolution is passed.

NEW SUBSECTION. 2B. "Benefit plan" means a specific employee, union, or association of natural persons benefit plan.

NEW SUBSECTION. 2C. "Called assessment", or the term "called" when used in the context of an assessment, means that a notice has been issued by the association to member insurers requiring that an authorized assessment be paid within the time frame set forth within the notice. An authorized assessment becomes a called assessment when notice is mailed by the association to member insurers.

Sec. 9. Section 508C.5, subsection 5, Code 2011, is amended to read as follows:

5. "Covered policy" means a policy or contract ~~within the scope of this chapter as or a portion of a policy or contract for which coverage is provided under section 508C.3.~~

Sec. 10. Section 508C.5, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 12A. "Plan sponsor" means any of the following:

a. The employer in the case of a benefit plan established or maintained by a single employer.

b. The employee organization in the case of a benefit plan established or maintained by an employee organization.

c. In the case of a benefit plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan.

NEW SUBSECTION. 13A. "Principal place of business" of a plan sponsor or a person other than a natural person means the single state in which the natural persons who establish policy

for the direction, control, and coordination of the operations of the entity as a whole primarily exercise that function as determined pursuant to section 508C.8A.

NEW SUBSECTION. 13B. “*Receivership court*” means a court in an insolvent or impaired insurer’s state having jurisdiction over the conservation, rehabilitation, or liquidation of the insurer.

Sec. 11. Section 508C.5, subsection 14, Code 2011, is amended to read as follows:

14. “*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. 12. NEW SECTION. 508C.8A Principal place of business — determination.

1. The principal place of business of a plan sponsor or a person other than a natural person shall be determined by the association in its reasonable judgment by considering all of the following factors:

a. The state in which the primary executive and administrative headquarters of the entity is located.

b. The state in which the principal office of the chief executive officer of the entity is located.

c. The state in which the board of directors or similar governing person or persons of the entity conducts the majority of its meetings.

d. The state in which the executive or management committee of the board of directors or similar governing person or persons of the entity conducts the majority of its meetings.

e. The state from which the management of the overall operations of the entity is directed.

2. In the case of a benefit plan sponsored by affiliated companies comprising a consolidated corporation, the principal place of business of the entity shall be deemed to be the state in which the holding company or controlling affiliate has its principal place of business as determined by the association using the factors enumerated in subsection 1. However, if more than fifty percent of the participants in the benefit plan are employed in a single state, that state shall be determined to be the principal place of business of the entity.

3. In the case of a benefit plan established or maintained by two or more employers, or jointly by one or more employers and one or more employee organizations, the principal place of business of the entity shall be deemed to be the principal place of business of the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan. In lieu of a specific or clear designation of the principal place of business of the entity under this subsection, the principal place of business of the entity shall be deemed to be the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question.

Sec. 13. Section 508C.9, subsections 2 through 6, Code 2011, are amended to read as follows:

2. There are two classes of assessments as follows:

a. Class A assessments shall be ~~made authorized and called~~ for the purpose of meeting ~~administrative and legal costs and other general expenses and examinations conducted under section 508C.12, subsection 5.~~ Class A assessments may be authorized and called whether or not related to a particular impaired or insolvent insurer.

b. Class B assessments shall be ~~made authorized and called~~ to the extent necessary to carry out the powers and duties of the association under section 508C.8 with regard to an impaired ~~domestic insurer or an insolvent domestic, foreign, or alien insurer.~~

3. a. The amount of a class A assessment shall be determined by the board ~~and to the extent that class A assessments do not exceed one hundred dollars per company in any one calendar year may be made on a per capita basis~~ and may be authorized and called on a

pro rata or non-pro rata basis. If pro rata, the board may provide that the assessment be credited against future class B assessments. The total of all non-pro rata assessments shall not exceed three hundred dollars per member insurer in any one calendar year. The amount of a class B assessment shall be allocated for assessment purposes among the accounts as the liabilities and expenses of the association, either experienced or reasonably expected, are attributable to those accounts, all as determined by the association and on as equitable a basis as is reasonably practical pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or on any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances.

b. Class A assessments in excess of one hundred dollars per company per calendar year and class B assessments against member insurers for each account shall be in the proportion that the average of the aggregate premiums received on business in this state by each assessed member insurer on policies or contracts related to that covered by each account for the three most recent calendar years for which information is available, preceding the year in which the insurer became impaired or insolvent, is or, in the case of an assessment with respect to an impaired insurer, the three most recent calendar years for which information is available preceding the year in which the insurer became impaired, bears to the average of the aggregate premiums received on business in this state for those calendar years by all assessed member insurers on policies related to that account for the three most recent calendar years for which information is available preceding the assessment.

c. Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be made authorized or called until necessary to implement the purposes of this chapter. Classification of assessments under this subsection 2 and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The association shall notify each member insurer of its anticipated pro rata share of an authorized assessment not yet called within one hundred eighty days after the assessment is authorized.

4. The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. If an assessment against a member insurer is abated or deferred, in whole or in part, the amount by which the assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. Once the conditions that caused an abatement or deferral have been removed or rectified, the member insurer shall pay all assessments that were abated or deferred pursuant to a repayment plan approved by the association.

5. a. (1) The Subject to the provisions of subparagraph (2) of this paragraph "a", the total of all assessments upon authorized by the association with respect to a member insurer for each account of the accounts established pursuant to section 508C.6, and designated as the health insurance account, the life insurance account, the annuity account, and the unallocated annuity contract account, shall not in any one calendar year exceed two percent of the average of the that member insurer's average annual premiums received in this state on the policies and contracts covered by the account during the three most recent calendar years for which information is available, preceding the year in which the insurer becomes impaired or insolvent, on the policies related to that account.

(2) However, if If two or more assessments are authorized in one calendar year with respect to insurers that become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation referred to in subparagraph (1) of this paragraph "a" shall be equal, and limited, to the higher of the three-year average annual premiums for the applicable account as calculated pursuant to this section.

(3) If the maximum assessment for an account, together with the other assets of the association in the account, does not provide in any one year in the either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed for the account in succeeding years as soon as permitted by this chapter.

b. The board may provide in its plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

~~b. c. If the maximum assessment under paragraph "a" for any account, other than the health insurance account, either the life insurance account, the annuity account, or the unallocated annuity contract account in one year does not provide an amount sufficient to carry out the responsibilities of the association in any succeeding year, the board, pursuant to subsection 3, paragraph "a" "b", shall assess access any of the other said accounts for the necessary additional amount and allocate the amount for assessment among the accounts, other than the health insurance account, in the following sequence: from the life insurance account, to the annuity account, to the unallocated annuity contract account; from the annuity account, to the unallocated annuity contract account, to the life insurance account; from the unallocated annuity contract account, to the annuity account, to the life insurance account; provided that no amount shall be allocated to an account for assessment until the maximum amount has been allocated to the preceding account, subject to the maximum assessments stated in paragraph "a" of this subsection.~~

6. By an equitable method as established in the plan of operation, the board may refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account, including assets accruing from assignment, subrogation, net realized gains, and income from investments, exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses if refunds are impractical claims.

Sec. 14. Section 508C.9, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 9. a. A member insurer that wishes to protest all or part of an assessment shall pay when due the full amount of the assessment as set forth in the notice provided by the association. The payment shall be made available to meet association obligations during the pendency of the protest or any subsequent appeal. The payment shall be accompanied by a statement in writing that the payment is made under protest and setting forth a brief statement of the grounds for the protest.

b. Within sixty days following the payment of an assessment under protest by a member insurer, the association shall either notify the protesting member insurer in writing of its determination with respect to the protest or notify the protesting member insurer that additional time is required to resolve the issues raised by the protest.

c. Within thirty days after a final decision has been made, the association shall notify the protesting member insurer in writing of that final decision. Within sixty days of receipt of notice of the final decision, the protesting member insurer may appeal that final decision to the commissioner.

d. As an alternative to rendering a final decision with respect to a protest of an assessment, the association may refer the protest to the commissioner for a final decision, with or without a recommendation from the association.

e. If a protest or subsequent appeal of an assessment is upheld in favor of the protesting member insurer, the amount paid in error or the excess shall be refunded to the member insurer. Interest on a refund due a protesting member insurer shall be paid at the rate actually earned by the association during the pendency of the protest or any subsequent appeal.

NEW SUBSECTION. 10. The association may request information from member insurers in order to aid in the exercise of the association's power under this section, and the member insurers shall promptly comply with such a request.

Sec. 15. Section 508C.11, subsection 1, paragraph c, Code 2011, is amended by striking the paragraph.

Sec. 16. Section 508C.11, subsection 3, Code 2011, is amended to read as follows:

3. ~~An~~ A final action of the board of directors or the association may be appealed to the commissioner by a member insurer if the appeal is taken within thirty sixty days of the

member insurer's receipt of notice of the final action being appealed. A final action or order of the commissioner is subject to judicial review pursuant to chapter 17A in a court of competent jurisdiction.

Sec. 17. Section 508C.12, subsection 1, paragraphs b through d, Code 2011, are amended to read as follows:

b. Report to the board of directors when the commissioner has taken any of the actions set forth in paragraph "a" or has received a report from any other commissioner indicating that ~~a member insurer is impaired or insolvent~~ such action has been taken in another state. Reports to the board of directors shall contain all significant details of the action taken or the report received from another commissioner.

c. Report to the board of directors when there is reasonable cause to believe from an examination, whether completed or in process, of a member ~~company~~ insurer that the ~~company~~ insurer may be an impaired or insolvent insurer.

d. ~~Furnish to the board of directors the national association of insurance commissioners' early warning tests. The insurance regulatory information system ratios, and listing of insurers not included in the ratios, developed by the national association of insurance commissioners, and the board may use the information in carrying out its duties and responsibilities under this section. The report and the information contained in the report shall be kept confidential by the board of directors until such time as it is made public by the commissioner or other lawful authority.~~

Sec. 18. Section 508C.12, subsection 2, Code 2011, is amended to read as follows:

2. The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting the commissioner's duties and responsibilities regarding the financial condition of member ~~companies~~ insurers and companies seeking admission to transact insurance business in this state.

Sec. 19. Section 508C.12, subsection 7, Code 2011, is amended by striking the subsection.

Sec. 20. Section 508C.16, Code 2011, is amended to read as follows:

508C.16 Immunity — indemnification.

1. A member insurer and its agents and employees, the association and its agents and employees, members of the board of directors, and the commissioner and the commissioner's representatives are not liable for any action taken by them or omission by them while acting within the scope of their employment and in the performance of their powers and duties under this chapter and such immunity granted under this section shall extend to their participation in any organization of one or more state associations of similar purposes and to that organization and its agents and employees.

2. Sections 490.850 through 490.859 apply to the association.

Sec. 21. Section 508C.17, Code 2011, is amended to read as follows:

508C.17 Stay of proceedings — reopening default judgments.

Proceedings in which the insolvent insurer is a party in a court in this state shall be stayed sixty one hundred eighty days from the date an order of liquidation, rehabilitation, or conservation is final to permit proper legal action by the association on matters germane to its powers or duties. The association may apply to have a judgment under a decision, order, verdict, or finding based on default, set aside by the same court that entered the judgment, and shall be permitted to defend against the suit on the merits.

Sec. 22. Section 508C.18, Code 2011, is amended to read as follows:

508C.18 Prohibited advertisements.

A person, including an insurer, agent or affiliate of an insurer, shall not make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over a radio station or television station, or in any other way, an advertisement, announcement, or statement, written or oral, which uses the existence of the insurance guaranty association

of this state for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered by this chapter. However, this section does not apply to the association or any other entity which does not sell or solicit insurance.

Sec. 23. NEW SECTION. 508C.18A Notice to policyholders — summary of chapter and disclosure.

1. *a.* Within one hundred eighty days after enactment of this section, the association shall prepare a summary document describing the general purposes and current provisions of this chapter and containing a disclosure in compliance with subsection 2. This summary document shall be submitted to the commissioner for approval. The approved summary document and disclosure shall be delivered to the owner of an insurance policy or contract as provided in this section.

b. This subsection is repealed July 1, 2012.

2. *a.* On or after March 1, 2012, an insurer shall not deliver an insurance policy or contract in Iowa to the owner of the policy or contract unless a summary document describing the general purposes and current provisions of this chapter and containing a disclosure in compliance with subsection 3 is delivered to the policy or contract owner at the same time.

b. The summary document shall also be available upon request by an insurance policy or contract owner.

c. The distribution, delivery, contents, or interpretation of this summary document does not guarantee that either the insurance policy or contract or the owner of the policy or contract is covered in the event of the impairment or insolvency of a member insurer.

d. The summary document shall be revised by the association and approved by the commissioner as amendments to this chapter may require. Failure to receive a summary document does not give the insurance policy or contract owner, certificate holder, or insured any greater rights than those stated in this chapter.

3. The summary document prepared pursuant to this section shall contain a clear and conspicuous disclosure on its face. The commissioner shall establish the form and content of the disclosure which shall do all of the following:

a. State the name and address of the association and the Iowa insurance division.

b. Prominently warn the insurance policy or contract owner that the association may not cover the policy or contract or, if coverage is available, it will be subject to substantial limitations and exclusions and conditioned on continued residence in this state.

c. State the types of insurance policies and contracts for which the association will provide coverage.

d. State that the insurer and its agents are prohibited by law from using the existence of the association for the purpose of sales, solicitation, or inducement to purchase any form of insurance.

e. State that the insurance policy or contract owner should not rely on coverage from the association when selecting an insurer.

f. Explain rights available and procedures for filing a complaint to allege a violation of any provisions of this chapter.

g. Provide other information as directed by the commissioner, including but not limited to sources for information about the financial condition of an insurer provided that the information is not proprietary and is subject to disclosure under chapter 22.

4. A member insurer shall retain evidence of compliance with the provisions of this section for as long as the insurance policy or contract for which the notice is given remains in effect.

Sec. 24. Section 511.8, subsection 16, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* Financial instruments used in hedging transactions and securities pledged as collateral for financial instruments used in highly effective hedging transactions eligible for inclusion in the legal reserve under subsection 22 may be made a part of the deposit by filing a verified statement of the financial instruments used or securities pledged pursuant to the terms and conditions of the applicable hedging transaction agreement or the applicable collateral or other credit support agreement.

Sec. 25. Section 511.8, subsection 22, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* Securities held in the legal reserve of a life insurance company or association pledged as collateral for financial instruments used in highly effective hedging transactions as defined in the national association of insurance commissioners' Statement of Statutory Accounting Principles No. 86 shall continue to be eligible for inclusion on the legal reserve of the life insurance company or association subject to all of the following:¹

(1) The life insurance company or association does not include the financial instruments used in highly effective hedging transactions for which the securities are pledged as collateral in the legal reserve of the life insurance company or association, provided, however, that this subparagraph shall not exclude securities pledged to a counterparty, clearing organization, or clearinghouse on an upfront basis in the form of initial margin, independent amount, or other securities pledged as a precondition of entering into financial instruments used in highly effective hedging transactions from inclusion in the legal reserve of the life insurance company or association.

(2) Securities pledged as collateral for financial instruments used in highly effective hedging transactions are not eligible in excess of ten percent of the legal reserve of the life insurance company or association, less any financial instruments used in hedging transactions held in the legal reserve under this subsection.

(3) Securities pledged to a counterparty, clearing organization, or clearinghouse on an upfront basis in the form of initial margin, independent amount, or other securities pledged as a precondition of entering into financial instruments used in highly effective hedging transactions are not eligible in excess of one percent of the legal reserve of the life insurance company or association.

Sec. 26. Section 513B.2, subsection 18, Code 2011, is amended to read as follows:

18. "*Small employer*" means a person actively engaged in business who, on at least fifty percent of the employer's working days during the preceding year, employed ~~not less than two~~ at least one and not more than fifty full-time equivalent eligible employees. In determining the number of eligible employees, companies which are affiliated companies or which are eligible to file a combined tax return for purposes of state taxation are considered one employer.

Sec. 27. Section 514C.13, subsection 1, paragraph j, Code 2011, is amended to read as follows:

j. "*Small employer*" means a person actively engaged in business who, during at least fifty percent of the employer's working days during the preceding calendar year, employed ~~not less than two~~ at least one and not more than fifty full-time equivalent employees.

Sec. 28. Section 514C.18, subsection 1, paragraph a, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

a. Equipment and supplies.

Sec. 29. Section 515.125, subsection 1, Code 2011, is amended to read as follows:

1. Unless otherwise provided in section 515.127, 515.128, 515.129, 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. 30. Section 515.126, Code 2011, is amended to read as follows:

515.126 Cancellation of policy — notice to insured or mortgagee.

¹ See chapter 131, §70, 158 herein

1. Unless otherwise provided in section 515.127 ~~or~~, 515.128, 515.129, 515.129A, 515.129B, or 515.129C, at any time after the maturity of a premium, assessment, or installment provided for in the policy, or a note or contract for the payment thereof, or after the suspension, forfeiture, or cancellation of a policy or contract of insurance, the insured may pay to the company the customary short rates and costs of action, if one has been commenced or judgment rendered thereon, and may, if the insured so elects, have the policy and all contracts or obligations connected with the policy, whether in judgment or otherwise, canceled, and all such policy and contracts shall be void; and in case of suspension, forfeiture, or cancellation of a policy or contract of insurance, the insured is not liable for a greater amount than the short rates earned at the date of the suspension, forfeiture, or cancellation and the costs of action provided for in this section.

2. If the policy is canceled by the insurance company, the insurer may retain only the pro rata premium, and if the initial cash premium, or any part of the premium, has not been paid, the policy may be canceled by the insurance company by giving notice to the insured as provided in section 515.125 and ten days' notice to the mortgagee, or other person to whom the policy is made payable, if any, without tendering any part of the premium, anything to the contrary in the policy notwithstanding.

Sec. 31. Section 515.129A, subsection 1, Code 2011, is amended to read as follows:

1. ~~A~~ After a personal lines policy or contract of insurance which has been in effect for more than sixty days or more, the policy or contract shall not be canceled except by notice to the insured as provided in this chapter.

Sec. 32. Section 515D.5, subsection 1, Code 2011, is amended to read as follows:

1. a. Notwithstanding the provisions of ~~sections 515.125 through 515.127~~ section 515.129A, a notice of cancellation of a policy shall not be effective unless mailed or delivered by the insurer to the named insured at least thirty days prior to the effective date of cancellation, or, where the cancellation is for nonpayment of premium notwithstanding the provisions of ~~sections 515.125 and 515.127~~ section 515.129A, at least ten days prior to the date of cancellation. A post office department certificate of mailing to the named insured at the address shown in the policy shall be proof of receipt of such mailing. Unless the reason accompanies the notice of cancellation, the notice shall state that upon written request of the named insured, mailed or delivered to the insurer not less than fifteen days prior to the date of cancellation, the insurer will state the reason for cancellation together with notification of the right to a hearing before the commissioner within fifteen days as provided in this chapter.

b. When the reason does not accompany the notice of cancellation, the insurer shall, upon receipt of a timely request by the named insured, state in writing the reason for cancellation. A statement of reason shall be mailed or delivered to the named insured within five days after receipt of a request.

Sec. 33. Section 515D.7, subsection 1, Code 2011, is amended to read as follows:

1. Notwithstanding the provisions of sections 515.125 ~~through~~, 515.128, 515.129B, and 515.129C, an insurer shall not fail to renew a policy except by notice to the insured as provided in this chapter. A notice of intention not to renew shall not be effective unless mailed or delivered by the insurer to the named insured at least thirty days prior to the expiration date of the policy. A post office department certificate of mailing to the named insured at the address shown in the policy shall be proof of receipt of such mailing. Unless the reason accompanies the notice of intent not to renew, the notice shall state that, upon written request of the named insured, mailed or delivered to the insurer not less than thirty days prior to the expiration date of the policy, the insurer will state the reason for nonrenewal.

Sec. 34. Section 518C.3, subsection 4, paragraph b, subparagraph (3), Code 2011, is amended to read as follows:

(3) An A fee or other amount due an relating to goods or services sought by or on behalf of an attorney, adjuster, or witness as a fee for services rendered to, 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. 35. Section 518C.3, subsection 4, paragraph b, Code 2011, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (4A) A fee or other amount sought by or on behalf of an 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. (4B) A claim filed with the association or with a liquidator for protection afforded under the insured's policy or contract for incurred but not reported losses or expenses.

Sec. 36. Section 518C.5, Code 2011, is amended to read as follows:

518C.5 Board of directors.

1. The board of directors of the association shall consist of the officers and directors of the mutual insurance association of Iowa or its successor association, but only if such officers and directors are employed by a corporation organized as a county mutual insurance association pursuant to chapter 518 or a state mutual insurance association pursuant to chapter 518A.

2. An officer and director of the mutual insurance association of Iowa shall serve in the same capacity on the association board as the officer or director serves the mutual insurance association of Iowa or its successor association, but only if the officer and director is employed by a corporation organized as a county mutual insurance association pursuant to chapter 518 or a state mutual insurance association pursuant to chapter 518A.

Sec. 37. Section 518C.6, subsection 1, paragraph a, subparagraph (2), subparagraph division (b), Code 2011, is amended to read as follows:

(b) 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 a series of accidents, occurrences, or incidents, regardless of the number of persons making claims or the number of applicable policies.

Sec. 38. Section 518C.15, Code 2011, is amended to read as follows:

518C.15 Immunity.

Liability ~~There shall be no liability on the part of, and a no cause of action of any nature shall not arise against, any member insurer, the association, or its agents or employees, the board of directors, any committee established for the purpose of administering the affairs of the association, or any person serving as an alternate or substitute representative director of the association, or the commissioner, or the commissioner's representatives, for any reasonable action taken or any reasonable failure to act by them in the performance of their duties and execution of powers as provided for under this chapter.~~

Sec. 39. Section 521.1, subsection 4, Code 2011, is amended to read as follows:

4. "Company" means a company or association organized under chapter 508, ~~514~~ 514B, 515, 518, 518A, or 520, and includes a mutual insurance holding company organized pursuant to section 521A.14.

Sec. 40. Section 521.2, subsection 1, Code 2011, is amended to read as follows:

1. One or more domestic mutual insurance companies organized under chapter 491 may merge or consolidate with a domestic or foreign mutual insurance company as provided in this chapter. ~~Sections 491.102 through 491.105 shall not be applicable to a merger or consolidation of a domestic mutual insurance company pursuant to this chapter.~~

Sec. 41. Section 521.2, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 5. One or more foreign or domestic stock insurance companies may merge into a domestic mutual insurance company organized under chapter 491 as provided in this chapter.

NEW SUBSECTION. 6. One or more domestic health maintenance organizations or limited service organizations formed under chapter 514B may merge into a domestic insurance company organized under chapter 490 or chapter 491 as provided in this chapter.

NEW SUBSECTION. 7. Sections 491.102 through 491.105 shall not be applicable to a merger or consolidation of a domestic mutual insurance company pursuant to this chapter.

Sec. 42. Section 521E.3, subsection 1, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The filing of a risk-based capital report by an insurer which indicates ~~either~~ any of the following:

Sec. 43. Section 521E.3, subsection 1, paragraph a, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) For a property and casualty insurer, the insurer's total adjusted capital is greater than or equal to its company-action-level risk-based capital but less than the product of its authorized-control-level risk-based capital and three and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty risk-based capital instructions.

Sec. 44. Section 521F.4, subsection 1, Code 2011, is amended to read as follows:

1. "*Company-action-level event*" means any of the following:

a. The filing of a risk-based capital report by a health organization which indicates that the health organization's total adjusted capital is greater than or equal to its regulatory-action-level risk-based capital but less than its company-action-level risk-based capital.

b. The filing of a risk-based capital report by a health organization which indicates that the health organization has total adjusted capital which is greater than or equal to its company-action-level risk-based capital but less than the product of its authorized-control-level risk-based capital and three and triggers the trend test determined in accordance with the trend test calculations² included in the health risk-based capital instructions.

b. c. Notification by the commissioner to a health organization of an adjusted risk-based capital report that indicates an event in paragraph "*a*" or "*b*", provided the health organization does not challenge the adjusted risk-based capital report and request a hearing pursuant to section 521F.8.

e. d. If a hearing is requested pursuant to section 521F.8, notification by the commissioner to the health organization after the hearing that the commissioner has rejected the health organization's challenge of the adjusted risk-based capital report indicating the event in paragraph "*a*" or "*b*".

Sec. 45. Section 522B.11, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 7. a. Unless an insurance producer holds oneself out as an insurance specialist, consultant, or counselor and receives compensation for consultation and advice apart from commissions paid by an insurer, the duties and responsibilities of an insurance producer are limited to those duties and responsibilities set forth in *Sandbulte v. Farm Bureau Mut. Ins. Co.*, 343 N.W.2d 457 (Iowa 1984).

b. The general assembly declares that the holding of *Langwith v. Am. Nat'l Gen. Ins. Co.*, (No. 08-0778) (Iowa 2010)³ is abrogated to the extent that it overrules *Sandbulte* and imposes higher or greater duties and responsibilities on insurance producers than those set forth in *Sandbulte*.

Sec. 46. Section 523A.206, subsection 1, Code 2011, is amended to read as follows:

1. The commissioner may conduct an examination under this chapter of any seller as often as the commissioner deems appropriate. If a seller has a trust arrangement, the commissioner shall conduct an examination of such seller doing business in this state not less than once every ~~three~~ five years unless the seller has provided to the commissioner, on an annual basis, a certified copy of an audit conducted by an independent certified public accountant verifying compliance with this chapter. The commissioner may require an audit of a seller, or other person by a certified public accountant to verify compliance with the requirements of this chapter, including rules adopted and orders issued pursuant to this chapter.

² See chapter 131, §72, 158 herein

³ Published in 793 N.W.2d 215

Sec. 47. Section 523I.213A, subsection 1, Code 2011, is amended to read as follows:

1. The commissioner or the commissioner's designee may conduct an examination under this chapter of any cemetery as often as the commissioner deems appropriate. If a cemetery has a trust arrangement, the commissioner shall conduct an examination not less than once every ~~three~~ five years.

Sec. 48. REPEAL. Section 515.135, Code 2011, is repealed.

Sec. 49. EFFECTIVE DATE. The following provision or provisions of this Act take effect January 1, 2014:

1. The section of this Act amending section 513B.2, subsection 18.
2. The section of this Act amending section 514C.13, subsection 1, paragraph "j".

Approved April 19, 2011

CHAPTER 71

HIGH SCHOOL GRADUATION REQUIREMENTS

S.F. 453

AN ACT relating to high school graduation requirements.

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

Section 1. Section 256.7, subsection 26, paragraph a, Code 2011, is amended to read as follows:

a. ~~Adopt rules that establish a core curriculum and requiring, beginning with the students in the 2010-2011 school year graduating class,~~ high school graduation requirements for all students in school districts and accredited nonpublic schools that include at a minimum satisfactory completion of four years of English and language arts, three years of mathematics, three years of science, and three years of social studies.

(1) The rules establishing high school graduation requirements shall authorize a school district or accredited nonpublic school to consider that any student who satisfactorily completes a high school-level unit of English or language arts, mathematics, science, or social studies has satisfactorily completed a unit of the high school graduation requirements for that area as specified in this lettered paragraph, and to ¹ authorize the school district or accredited nonpublic school to issue high school credit for the unit to the student.

(2) The rules establishing a core curriculum ~~adopted~~ shall address the core content standards in subsection 28 and the skills and knowledge students need to be successful in the twenty-first century. The core curriculum shall include social studies and twenty-first century learning skills which include but are not limited to civic literacy, health literacy, technology literacy, financial literacy, and employability skills; and shall address the curricular needs of students in kindergarten through grade twelve in those areas. The department shall further define the twenty-first century learning skills components by rule.

Approved April 19, 2011

¹ See chapter 131, §58, 158 herein

CHAPTER 72**POSSESSION OR RECEIPT OF FIREARMS — MENTAL HEALTH COMMITMENTS OR ADJUDICATIONS***S.F. 456*

AN ACT relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

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

Section 1. Section 724.31, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

724.31 Persons subject to firearm disabilities due to mental health commitments or adjudications — relief from disabilities — reports.

1. When a court issues an order or judgment under the laws of this state by which a person becomes subject to the provisions of 18 U.S.C. § 922(d)(4) and (g)(4), the clerk of the district court shall forward only such information as is necessary to identify the person 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. The clerk of the district court shall also notify the person of the prohibitions imposed under 18 U.S.C. § 922(d)(4) and (g)(4).

2. A person who is subject to the disabilities imposed by 18 U.S.C. § 922(d)(4) and (g)(4) because of an order or judgment that occurred under the laws of this state may petition the court that issued the order or judgment or the court in the county where the person resides for relief from the disabilities imposed under 18 U.S.C. § 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.

3. The court shall receive and consider evidence in a closed proceeding, including evidence offered by the petitioner, concerning all of the following:

a. The circumstances surrounding the original issuance of the order or judgment that resulted in the firearm disabilities imposed by 18 U.S.C. § 922(d)(4) and (g)(4).

b. The petitioner's record, which shall include, at a minimum, the petitioner's mental health records and criminal history records, if any.

c. The petitioner's reputation, developed, at a minimum, through character witness statements, testimony, and other character evidence.

d. Any changes in the petitioner's condition or circumstances since the issuance of the original order or judgment that are relevant to the relief sought.

4. The court shall grant a petition for relief filed pursuant to subsection 2 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. A record shall be kept of the proceedings, but the record shall remain confidential and shall be disclosed only to a court in the event of an appeal. The petitioner may appeal a denial of the requested relief, and review on appeal shall be de novo. A person may file a petition for relief under subsection 2 not more than once every two years.

5. If a court issues an order granting a petition for relief filed pursuant to subsection 2, the clerk of the court shall immediately notify the department of public safety of the order granting relief under this section. The department of public safety shall, as soon thereafter as is practicable but not later than ten business days thereafter, update, correct, modify, or remove the petitioner's record in any database that the department of public safety makes available to the national instant criminal background check system and shall notify the United States department of justice that the basis for such record being made available no longer applies.

Sec. 2. APPLICABILITY. The state court administrator shall coordinate with the department of public safety to forward only such information as is necessary to identify a person subject to an order or judgment specified in section 724.31, subsection 2, for any such order or judgment that was issued prior to the effective date of this Act, and which is available electronically in the Iowa court information system. Such information shall be forwarded 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, as soon as practical, but not later than December 31, 2011. Within five days of completion of the forwarding of information required by this section of this Act, the department of public safety shall give notice to the Code editor that the requirements of this section of this Act have been fulfilled.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 19, 2011

CHAPTER 73

REGULATION OF REAL ESTATE BROKERS AND SALESPERSONS

S.F. 460

AN ACT relating to the licensing and regulation of real estate brokers and salespersons.

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

Section 1. Section 543B.29, subsection 4, Code 2011, is amended to read as follows:

4. A real estate broker's or salesperson's license shall be revoked following three violations of this section or section 543B.34 within a ~~three-year~~ five-year period.

Sec. 2. Section 543B.33, Code 2011, is amended to read as follows:

543B.33 Salespersons — change of employment.

When any real estate salesperson is discharged or terminates employment with the real estate broker by whom the salesperson is employed, the real estate broker shall immediately deliver or mail ~~by certified mail~~ to the real estate commission the real estate salesperson's license on the reverse side of which the employing broker shall set out the date and cause of termination of employment. The real estate broker at the time of mailing the real estate salesperson's license to the commission shall address a communication to the last known residence address of the real estate salesperson stating that the license has been delivered or mailed to the commission. A copy of the communication to the real estate salesperson shall accompany the license when mailed or delivered to the commission. It is unlawful for any real estate salesperson to perform any of the acts contemplated by this chapter either directly or indirectly under authority of a license from and after the date of receipt of the license by the commission. The commission shall, upon presentation of evidence by the salesperson that the salesperson has been employed by another broker, issue another license for the balance of the current license period showing each change of employment. A fee as determined by the commission shall be charged for the issuance of the license. Not more than one license shall be issued to any real estate salesperson for the same period of time.

Sec. 3. Section 543B.34, unnumbered paragraph 3, Code 2011, is amended to read as follows:

If an investigation pursuant to this section reveals that an unlicensed person has assumed to act in the capacity of a real estate broker or real estate salesperson, the commission ~~may~~ shall issue a cease and desist order, and ~~may~~ shall impose a civil penalty of up to the greater

of ten thousand dollars or ten percent of the real estate sale price.

Sec. 4. Section 543B.56A, Code 2011, is amended to read as follows:

543B.56A Brokerage agreements — contents.

1. The purpose of this section is to promote the protection of the public by establishing minimum standards reasonably expected by the public in reliance upon the professional work product of real estate licensees. The reliance of the public and business community on sound professional opinions and assistance imposes on real estate licensees certain obligations both to their clients and to the public. The purpose of this section is also to assist in ensuring that licensees' obligations are met including licensees' exercising sound independent business judgment, striving to continuously improve professional business skills and knowledge in the industry, promoting sound and informative real estate reporting, and exercising the highest fiduciary duties to clients and the public.

2. A brokerage agreement shall specify that the broker shall, at a minimum, do all of the following:

1. a. Accept delivery of and present to the client offers and counteroffers to buy, sell, rent, lease, or exchange the client's property or the property the client seeks to purchase or lease.

2. b. Assist the client in developing, communicating, negotiating, and presenting offers or counteroffers until a rental agreement, lease, exchange agreement, offer to buy or sell, or purchase agreement is signed and all contingencies are satisfied or waived and the transaction is completed.

3. c. Answer the client's questions relating to the brokerage agreements, listing agreements, offers, counteroffers, notices, and contingencies.

4. d. Provide prospective buyers access to listed properties.

Approved April 19, 2011

CHAPTER 74

REGULATION OF VETERANS AFFAIRS

H.F. 363

AN ACT relating to the duties and rulemaking authority of the commission on veterans affairs.

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

Section 1. Section 35A.3, subsection 2, Code 2011, is amended to read as follows:

2. ~~Review and approve, prior to adoption, all proposed rules submitted by the department concerning the management and operation of the department and programs administered by the department. Unless the commission votes to disapprove a proposed rule on a two-thirds vote at the earlier of the next regularly scheduled meeting of the commission or a special meeting of the commission called by the commission within thirty days of the date the proposed rule is submitted, the department may proceed to adopt the rule.~~

Sec. 2. Section 35A.3, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 6. Provide guidance and make recommendations to the department during an annual review of the department's proposed budget and provide guidance and make recommendations for budget changes that occur during the fiscal year.

NEW SUBSECTION. 7. Consult with the department regarding certification training for executive directors and administrators of county commissions of veteran affairs pursuant to section 35B.6.

Sec. 3. Section 35A.5, subsection 12, Code 2011, is amended to read as follows:

12. Adopt rules pursuant to chapter 17A and establish policy for the management and operation of the department. Prior to adopting rules, the department shall submit proposed rules to the commission for review and approval pursuant to the requirements of section 35A.3.

Approved April 19, 2011

CHAPTER 75

AUDITS AND EXAMINATIONS OF PUBLIC FINANCIAL ACTIVITIES AND EXPENDITURES

H.F. 536

AN ACT concerning the duties and responsibilities of the auditor of state.

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

Section 1. Section 11.1, Code 2011, is amended to read as follows:

11.1 Definitions.

1. For purposes of this chapter, unless the context otherwise requires:

a. The term “department” shall be construed to mean “Department” means any authority charged by law with official responsibility for the expenditure of public money of the state and any agency receiving money from the general revenues of the state.

b. “Examination” means procedures that are less in scope than an audit but which are directed toward reviewing financial activities and compliance with legal requirements.

c. “Governmental subdivision” means cities and administrative agencies established by cities, hospitals or health care facilities established by a city, counties, county hospitals organized under chapters 347 and 347A, memorial hospitals organized under chapter 37, entities organized under chapter 28E, community colleges, area education agencies, and school districts.

d. “Regents institutions” means the institutions governed by the board of regents under section 262.7.

2. As used in this chapter, unless the context otherwise requires, “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. 2. Section 11.2, subsection 1, Code 2011, is amended to read as follows:

1. The auditor of state shall annually, and more often if deemed necessary, ~~make a full settlement between~~ audit the state and all state officers and departments and all persons receiving or expending state funds, ~~and shall annually make a complete audit of the books and accounts of every department of the state.~~

~~a. Provided, except that the accounts, records, and documents of the treasurer of state shall be audited daily.~~

~~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, subsection 10, and that a final audit of such state agencies shall be made at the close of each fiscal year.~~

Sec. 3. Section 11.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Departments shall immediately notify the auditor of state regarding any suspected embezzlement, theft, or other significant financial irregularities.

Sec. 4. Section 11.2, subsection 2, paragraphs a, b, and c, Code 2011, are amended to read as follows:

a. The state board of regents shall make available to the auditor of state and treasurer of state the most recent annual report of any investment entity or investment professional employed by ~~an a regents institution governed by the board.~~

b. All contracts or agreements with an investment entity or investment professional employed by ~~an a regents institution governed by the state board of regents~~ shall require the investment entity or investment professional employed by an a regents institution governed by the state board of regents to notify in writing the state board of regents within thirty days of receipt of all communication from an independent auditor or the auditor of state or any regulatory authority of the existence of a material weakness in internal control ~~structure~~, or regulatory orders or sanctions against the investment entity or investment professional, with regard to the type of services being performed under the contracts or agreements. This provision shall not be limited or avoided by another contractual provision.

c. The audit under this section shall not be certified until the most recent annual reports of any investment entity or investment professional employed by ~~an a regents institution governed by the state board of regents~~ are reviewed by the auditor of state.

Sec. 5. Section 11.4, subsection 1, Code 2011, is amended to read as follows:

1. The auditor of state shall make or cause to be made and filed and kept in the auditor's office written reports of all audits and examinations, which reports shall ~~set out in detail include, if applicable,~~ the following:

a. The actual financial condition of ~~such the state or~~ department ~~found to exist on every examination.~~

b. Whether, in the auditor's opinion,

(1) ~~All funds~~ Funds have been expended for the purpose for which appropriated.

(2) The department so audited ~~and or~~ examined is efficiently conducted, and if the maximum results for the money expended are obtained.

(3) The work of the departments so audited or examined needlessly conflicts with or duplicates the work done by any other department.

c. All illegal or unbusinesslike practices.

d. Any recommendations for greater simplicity, accuracy, efficiency, or economy in the operation of the business of the several departments and institutions.

e. ~~Comparisons of prices paid and terms obtained by the various departments for goods and services of like character and reasons for differences therein, if any.~~

f. ~~e.~~ Any other information which, in the auditor's judgment, may be of value ~~to the auditor.~~

Sec. 6. Section 11.4, subsection 2, Code 2011, is amended by striking the subsection.

Sec. 7. Section 11.5A, Code 2011, is amended to read as follows:

11.5A Audit costs.

When requested by the auditor of state, the department of management shall transfer from any unappropriated funds in the state treasury an amount not exceeding the expenses and prorated salary costs already paid to perform ~~examinations audits~~ of state ~~executive departments and agencies,~~ and the offices of the judicial branch, and federal financial assistance, as defined in Pub. L. No. 98-502 the federal Single Audit Act, 31 U.S.C. § 7501, et seq., received by all other departments, as listed in section 11.5B, for which payments by agencies have not been made. Upon payment by the departments, the auditor of state shall credit the payments to the state treasury.

Sec. 8. Section 11.5B, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The auditor of state shall be reimbursed by a department or agency for performing audits or examinations of the following state departments or agencies, or funds received by a department or agency:

Sec. 9. Section 11.5B, subsection 13, Code 2011, is amended to read as follows:

13. Federal financial assistance, as defined in Pub. L. No. 98-502 the federal Single Audit Act, 31 U.S.C. § 7501, et seq., received by all other departments.

Sec. 10. Section 11.6, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. (1) ~~The Except for entities organized under chapter 28E having gross receipts of one hundred thousand dollars or less in a fiscal year, the financial condition and transactions of all cities and city offices, counties, county hospitals organized under chapters 347 and 347A, memorial hospitals organized under chapter 37, entities organized under chapter 28E having gross receipts in excess of one hundred thousand dollars in a fiscal year, merged areas, area education agencies, and all school offices in school districts, government subdivisions shall be examined audited at least once each year, except that cities having a population of seven hundred or more but less than two thousand shall be examined at least once every four years, and cities having a population of less than seven hundred may be examined as otherwise provided in this section. The examination shall cover the fiscal year next preceding the year in which the audit is conducted. The examination audit of school offices districts shall include an audit of all school funds including categorical funding provided by the state, the certified annual financial report, the certified enrollment as provided in section 257.6, supplementary weighting as provided in section 257.11, and the revenues and expenditures of any nonprofit school organization established pursuant to section 279.62. Differences in certified enrollment shall be reported to the department of management. The examination audit of school offices districts shall include at a minimum a determination that the laws of the state are being followed, that categorical funding is not used to supplant other funding except as otherwise provided, that supplementary weighting is pursuant to an eligible sharing condition, and that postsecondary courses provided in accordance with section 257.11 and chapter 261E supplement, rather than supplant, school district courses. The examination audit of a city that owns or operates a municipal utility providing local exchange services pursuant to chapter 476 shall include an audit performing tests of the city's compliance with section 388.10. The examination audit of a city that owns or operates a municipal utility providing telecommunications services pursuant to section 388.10 shall include an audit performing tests of the city's compliance with section 388.10.~~

(2) Subject to the exceptions and requirements of ~~subsection~~ subsections 2 and 3, and subsection 4, paragraph "a", subparagraph (3), examinations audits shall be made as determined by the governmental subdivision either by the auditor of state or by certified public accountants, certified in the state of Iowa, and they shall be paid from the proper public funds of the governmental subdivision.

Sec. 11. Section 11.6, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0b.* The financial condition and transactions of community mental health centers organized under chapter 230A, substance abuse programs organized under chapter 125, and community action agencies organized under chapter 216A, shall be audited at least once each year.

Sec. 12. Section 11.6, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. (1) In conjunction with the audit of the governmental subdivision required under this section, ~~the person performing the audit auditor~~ auditor shall also perform tests for compliance with the investment policy of ~~a reasonable number of investment transactions in relation to the total investments and quantity of transactions in the period audited the governmental subdivision.~~ The results of the compliance testing shall be reported in accordance with generally accepted auditing standards. ~~The person performing the audit auditor~~ may also make recommendations for changes to investment policy or practices. The governmental subdivision is responsible for the remedy of reported noncompliance with its policy or practices.

(2) (a) As part of its audit, the governmental subdivision is responsible for obtaining and providing to the ~~person performing the audit~~ auditor the audited financial statements and related report on internal control ~~structure~~ of outside persons, performing any of the following during the period under audit for the governmental subdivision:

- (i) Investing public funds.
- (ii) Advising on the investment of public funds.
- (iii) Directing the deposit or investment of public funds.
- (iv) Acting in a fiduciary capacity for the governmental subdivision.

(b) The audit under this section shall not be certified until all material information required by this subparagraph is reviewed by the ~~person performing the audit~~ auditor.

(3) The review by the ~~person performing the audit~~ auditor of the most recent annual report to shareholders of an open-end management investment company or an unincorporated investment company or investment trust registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § 80a, pursuant to 17 C.F.R. § 270.30d-1 or the review, by the ~~person performing the audit~~ auditor, of the most recent annual report to shareholders, call reports, or the findings pursuant to a regular examination under state or federal law, to the extent the findings are not confidential, of a bank, savings and loan association, or credit union shall satisfy the review requirements of this paragraph.

(4) All contracts or agreements with outside persons performing any of the functions listed in subparagraph (2) shall require the outside person to notify in writing the governmental subdivision within thirty days of receipt of all communication from the ~~person performing the audit~~ auditor or any regulatory authority of the existence of a material weakness in internal control ~~structure~~, or regulatory orders or sanctions against the outside person, with regard to the type of services being performed under the contracts or agreements. This provision shall not be limited or avoided by another contractual provision.

(5) As used in this subsection, "outside person" excludes a bank, savings and loan association, or credit union when acting as an approved depository pursuant to chapter 12C.

(6) A joint investment trust organized pursuant to chapter 28E shall file the audit reports required by this chapter with the administrator of the securities and regulated industries bureau of the insurance division of the department of commerce within ten days of receipt from the auditor. The auditor of a joint investment trust shall provide written notice to the administrator of the time of delivery of the reports to the joint investment trust.

(7) If during the course of an audit of a joint investment trust organized pursuant to chapter 28E, the auditor determines the existence of a material weakness in the internal control ~~structure~~ or a material violation of the internal control ~~structure~~, the auditor shall report the determination to the joint investment trust which shall notify the administrator in writing within twenty-four hours, and provide a copy of the notification to the auditor. The auditor shall provide, within twenty-four hours of the receipt of the copy of the notice, written acknowledgment of the receipt to the administrator. If the joint investment trust does not make the notification within twenty-four hours, or the auditor does not receive a copy of the notification within twenty-four hours, the auditor shall immediately notify the administrator in writing of the material weakness in the internal control ~~structure~~ or the material violation of the internal control ~~structure~~.

Sec. 13. Section 11.6, subsection 2, Code 2011, is amended to read as follows:

2. ~~a. A city, community college, school district, area education agency, entity organized under chapter 28E, county, county hospital, or memorial hospital desiring to contract governmental subdivision contracting with or employ certified public accountants shall utilize~~ do so in a reasonable manner on the basis of competence and qualification for the services required and for a fair and reasonable price utilizing procedures which include a written request for proposals.

~~b. The governing body of a city, community college, school district, area education agency, entity organized under chapter 28E, county, county hospital, or memorial hospital utilizing the auditor of state instead of a certified public accountant to perform an audit shall notify the auditor of state by June 1 of the year to be audited. If the governing body fails to notify the auditor of state of the decision to use the auditor of state, the auditor of state may perform~~

~~the audit required in subsection 1 only if provisions are not made by the governing body to contract for the audit.~~

Sec. 14. Section 11.6, subsection 3, Code 2011, is amended to read as follows:

3. A township or city for which ~~examinations~~ audits are not required under subsection 1 may contract with or employ the auditor of state or certified public accountants for an audit or examination of its financial transactions and condition of its funds. ~~A financial examination~~ An audit is mandatory on application by one hundred or more taxpayers, or if there are fewer than ~~five hundred six hundred sixty-seven~~ taxpayers in the township or city, then by fifteen percent of the taxpayers. Payment for the audit or examination shall be made from the proper public funds of the township or city.

Sec. 15. Section 11.6, subsection 4, Code 2011, is amended to read as follows:

4. *a.* In addition to the powers and duties under other provisions of the Code, the auditor of state may at any time cause to be made a complete or partial reaudit of the financial condition and transactions of any ~~city, county, county hospital, memorial hospital, entity organized under chapter 28E, merged area, area education agency, school corporation, township, or other governmental subdivision, or an office of any of these governmental subdivision,~~ if one any of the following conditions exists:

(1) The auditor of state has probable cause to believe such action is necessary in the public interest because of a material deficiency in an audit of the governmental subdivision filed with the auditor of state or because of a substantial failure of the audit to comply with the standards and procedures established and published by the auditor of state.

(2) The auditor of state receives from an elected official or employee of the governmental subdivision a written request for a complete or partial reaudit of the governmental subdivision.

(3) The auditor of state receives a petition signed by at least ~~fifty~~ one hundred eligible electors of the governmental subdivision requesting a complete or partial reaudit of the governmental subdivision. If the governmental subdivision has not contracted with or employed a certified public accountant to perform an audit of the fiscal year in which the petition is received by the auditor of state, the auditor of state may perform an audit required by subsection 1 or 3.

b. The state audit reaudit shall be paid from the proper public funds available in the office of the auditor of state. In the event the audited governmental subdivision recovers damages from a person performing a previous audit due to negligent performance of that audit or breach of the audit contract, the auditor of state shall be entitled to reimbursement on an equitable basis for funds expended from any recovery made by the governmental subdivision.

~~*c.* An examination under this subsection shall include a determination of whether investments by the governmental subdivision are authorized by state law.~~

Sec. 16. Section 11.6, subsection 7, Code 2011, is amended to read as follows:

7. The auditor of state shall make guidelines available to the public setting forth accounting and auditing standards and procedures and audit and legal compliance programs to be applied in the examination audit of the governmental subdivisions of the state, which shall require a review of ~~the internal control structure and specify testing of transactions for compliance.~~ The guidelines shall include a requirement that the certified public accountant and governmental subdivision immediately notify the auditor of state regarding any suspected embezzlement, ~~or theft, or other significant financial irregularities.~~ The auditor of state shall also provide standard reporting formats for use in reporting the results of an examination audit of a governmental subdivision.

Sec. 17. Section 11.6, subsection 9, Code 2011, is amended to read as follows:

9. ~~The Accounts of the Iowa state association of counties shall keep accounts as required by the auditor of state.~~ These accounts, the Iowa league of cities, and the Iowa association of school boards shall be audited annually by either the auditor of state or a certified public accountant certified in the state of Iowa. The audit shall state all moneys expended for expenses incurred by and salaries paid to legislative representatives and lobbyists of the association audited.

Sec. 18. Section 11.6, subsection 10, Code 2011, is amended to read as follows:

10. The auditor of state shall adopt rules in accordance with chapter 17A to establish and collect a filing fee for the filing of each report of audit or examination conducted pursuant to subsections 1 through 3. The funds collected shall be maintained in a segregated account for use by the office of the auditor of state in performing audits conducted pursuant to subsection 4 and for work paper reviews conducted pursuant to subsection 5. Any funds collected by the auditor pursuant to subsection 4 shall be deposited in this account. Notwithstanding section 8.33, the funds in this account shall not revert at the end of any fiscal year.

Sec. 19. Section 11.6, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Each governmental subdivision shall keep its records and accounts in such form and by such methods as to be able to exhibit in its reports the matters required by the auditor of state, unless a form or method is otherwise specifically prescribed by law. Each governmental subdivision shall keep its records and accounts in current condition.

Sec. 20. Section 11.11, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

11.11 Scope of audits.

The written report of the audit of a governmental subdivision shall include the auditor's opinion as to whether a governmental subdivision's financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles or with an other comprehensive basis of accounting. As a part of conducting an audit of a governmental subdivision, an evaluation of internal control and tests for compliance with laws and regulations shall be performed.

Sec. 21. Section 11.14, Code 2011, is amended to read as follows:

11.14 Reports — public inspection.

1. A written report of ~~such examination~~ an audit or examination shall be ~~made in triplicate signed and verified by the officers making the examination; one copy to be provided to the governmental subdivision and filed with the auditor of state, one copy with the officer under investigation, and one copy to the county auditor who shall transmit same to the board of supervisors if a county office is under investigation, or with the president of the school board if a school is under investigation, or with the mayor and the council if a city office is under examination.~~ All reports shall be open to public inspection, including copies on file in the office of the state auditor, and refusal on the part of any public official to permit such inspection when such reports have been filed with the state auditor shall constitute a simple misdemeanor.

2. In addition to ~~the foregoing subsection 1,~~ notice that the report has been filed shall be forwarded immediately to each newspaper, radio station, or television station located in the ~~county, municipality or school district which is under investigation or audit; except that governmental subdivision that was audited or examined.~~ However, if there is no newspaper, radio station, or television station located therein in the governmental subdivision, such notice shall be sent to the official newspapers of the county.

Sec. 22. Section 11.19, Code 2011, is amended to read as follows:

11.19 Auditor's powers and duties.

1. Where an audit or examination is made under contract with, or employment of, certified or registered public accountants, the auditor shall, in all matters pertaining to an authorized audit or examination, have all of the powers and be vested with all the authority of state auditors employed by the auditor of state, and the cost and expense of the audit or examination shall be paid by the city, school district, or township governmental subdivision procuring the audit or examination. An itemized sworn A detailed statement of the per diem and expense cost of the auditor audit or examination shall be filed with the clerk of the city, township, or school district, before payment thereof governmental subdivision. Upon completion of such audit or examination, a signed copy thereof of the report and a detailed, itemized statement of cost, including hours spent performing the audit or examination, shall

be filed by the accountant employed with the auditor of state in a manner specified by the auditor of state.

~~All reports shall be open to public inspection, including copies on file in the office of the state auditor, and refusal on the part of any public official to permit such inspection when such reports have been filed with the state auditor, shall constitute a simple misdemeanor.~~

~~In addition to the foregoing, notice that the report has been filed shall be forwarded immediately to each newspaper, radio station or television station located in the city, school district or township which is under investigation or audit; except that if there is no newspaper, radio station or television station located therein, the notice shall be sent to the official newspapers of the county.~~

~~2. Failure to file the report and the statement of cost with the auditor of state within thirty days after receiving notification of not receiving the audit report and the statement of cost shall bar the accountant from making any governmental subdivision audits or examinations under section 11.6 for the following fiscal year.~~

Sec. 23. Section 11.20, Code 2011, is amended to read as follows:

11.20 Bills — audit and payment.

If the audit or examination is made by the auditor of state under this chapter, each auditor shall file with the auditor of state an itemized, certified and sworn voucher of time and expense for the time that the auditor is actually engaged in the audit or examination. The salaries shall be included in a two-week payroll period. Upon approval of the auditor of state the director of the department of administrative services may issue warrants for the payment of the vouchers and salary payments, including a prorated amount for vacation and sick leave, from any unappropriated funds in the state treasury. Repayment to the state shall be made as provided by section 11.21.

Sec. 24. Section 11.21, Code 2011, is amended to read as follows:

11.21 Repayment — objections.

1. Upon payment by the state of the salary and expenses, the auditor of state shall file with the warrant-issuing officer of the county, municipality or school, governmental subdivision whose offices were audited or examined, a sworn statement consisting of the itemized expenses paid and prorated salary costs paid under section 11.20. Upon audit and approval by the board of supervisors, council or school board, the warrant-issuing officer shall draw a warrant for the amount on the county, or on the general fund of the municipality or school in favor of the auditor of state, which warrant shall be placed to the credit of the general fund of the state governing body of the governmental subdivision, payment shall be made from the proper public funds of the governmental subdivision. In the event of the disapproval by the governing body of the governmental subdivision of any items of said included on the statement by the county, municipality, or school authorities, written objections shall be filed with the auditor of state within thirty days from the filing thereof of the sworn statement with the warrant-issuing officer of the governmental subdivision. Disapproved items of the statement shall be paid the auditor of state upon receiving final decisions emanating from public hearing established by the auditor of state.

2. Whenever the county board of supervisors, the school board, or the council shall file governing body of the governmental subdivision files written objections on the question of compensation and expenses with the auditor of state, the auditor or the auditor's representative shall hold a public hearing in the municipality governmental subdivision where the audit or examination was made and shall give the complaining board notice of the time and place of hearing. After such hearing the auditor shall have the power to reduce the compensation and expenses of the auditor whose bills have been questioned. Any auditor who shall be found guilty of falsifying an expense voucher or engagement report shall be immediately discharged by the auditor of state and shall not be eligible for re-employment. Such auditor must thereupon reimburse the auditor of state for all such compensation and expenses so found to have been overpaid and in the event of failure to do so, the auditor of state may collect the same amount from the auditor's surety by suit, if necessary.

Sec. 25. Section 11.28, Code 2011, is amended to read as follows:

11.28 Individual audit or examination reports — ~~copies~~.

~~1. The individual audit~~ Audit or examination reports shall include applicable exhibits, and schedules to report data similar to that required by section 11.4, findings, and recommendations. The format of the reports shall as nearly as possible correspond and be prepared similar in form to the audit reports rendered by certified public accountants comply with applicable professional accounting and auditing standards or procedures established by the auditor of state. The reports shall include information as to the assets and liabilities of the various departments and institutions audited as of the beginning and close of the fiscal year audited, the receipts and expenditures of cash, the disposition of materials and other properties, and the net income and net operating cost. The ~~Where applicable, the reports shall also set forth the average cost per year for the inmates, members, clients, patients, and students served in the various classifications of expenses. The reports shall make comparisons of the average costs and classifications, and shall give such other information, suggestions, and recommendations as may be deemed of advantage and to the best interests of the taxpayers of the state.~~

~~2. The daily audit report of the state treasury shall be submitted to the director of the department of administrative services and the director of the department of management. Copies of all individual audit reports of all state departments and establishments shall be transmitted to the directors' offices after the completion of each audit, and copies of all local government audits shall, until otherwise provided, be also supplied to the directors' offices. Copies of the local government audit reports shall also be supplied to the officers of the counties, schools, and cities, as provided by law. Summaries of the findings, recommendations, and comparisons, together with any other information deemed essential, shall be printed and distributed to members of the general assembly.~~

Sec. 26. Section 11.32, Code 2011, is amended to read as follows:

11.32 Certified accountants employed.

Nothing in this chapter ~~will~~ shall prohibit the auditor of state, with the prior written permission of the state executive council, from employing certified public accountants ~~or registered public accountants~~ for specific assignments. ~~Under the provision of this section, the~~ The auditor of state may employ such accountants for any assignment now expressly reserved to the auditor of state. Payments, after approval by the executive council, will be made to the accountants so employed from funds from which the auditor of state would have been paid had the auditor of state performed the assignment, or if no such specific funds are indicated, then payment will be made from the funds of the executive council. ¹

Sec. 27. Section 11.41, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Auditors shall have the right while conducting audits or examinations to have full access to all papers, books, records, and documents of any officers or employees and shall have the right, in the presence of the custodian or the custodian's designee, to have full access to the cash drawers and cash in the official custody of the officer or employee and, during business hours, to examine the public accounts of the department or governmental subdivision in any depository which has public funds in its custody pursuant to the law.

Sec. 28. NEW SECTION. 11.42 Disclosures prohibited.

1. Notwithstanding chapter 22, information received during the course of any audit or examination, including allegations of misconduct or noncompliance, and all audit or examination work papers shall be maintained as confidential.

2. Information maintained as confidential as provided by this section may be disclosed for any of the following reasons:

a. As necessary to complete the audit or examination.

b. To the extent the auditor is required by law to report the same or to testify in court.

¹ See chapter 131, §18, 158 herein

3. Upon completion of an audit or examination, a report shall be prepared as required by section 11.28 and all information included in the report shall be public information.

4. Any violation of this section shall be grounds for termination of employment with the auditor of state.

Sec. 29. NEW SECTION. **11.51 Subpoenas.**

The auditor of state shall, in all matters pertaining to an authorized audit or examination, have power to issue subpoenas of all kinds, administer oaths and examine witnesses, either orally or in writing, and the expense attending the same, including the expense of taking oral examinations, shall be paid as other expenses of the auditor.

Sec. 30. NEW SECTION. **11.52 Refusal to testify.**

In case any witness duly subpoenaed refuses to attend, or refuses to produce documents, books, and papers, or attends and refuses to make oath or affirmation, or, being sworn or affirmed, refuses to testify, the auditor of state or the auditor's designee may apply to the district court, or any judge of said district having jurisdiction thereof, for the enforcement of attendance and answers to questions as provided by law in the matter of taking depositions.

Sec. 31. NEW SECTION. **11.53 Report filed with county attorney.**

If an audit or examination discloses any irregularity in the collection or disbursement of public funds, in the abatement of taxes, or other findings the auditor believes represent significant noncompliance, a copy of the report shall be filed with the county attorney, and it shall be the county attorney's duty to cooperate with the state auditor, and, in proper cases, with the attorney general, to secure the correction of the irregularity.

Sec. 32. NEW SECTION. **11.54 Duty of attorney general.**

In the event an audit or examination discloses any grounds which would be grounds for removal from office, a copy of the report shall be provided and filed by the auditor of state in the office of the attorney general of the state, who shall thereupon take such action as, in the attorney general's judgment, the facts and circumstances warrant.

Sec. 33. NEW SECTION. **11.55 State auditors.**

1. The auditor of state shall appoint such number of state auditors as may be necessary to make audits and examinations as required in this chapter. The auditors shall be of recognized skill and integrity and familiar with the system of accounting used in departments or governmental subdivisions and with the laws relating to the affairs of departments or governmental subdivisions. Such auditors shall be subject at all times to the direction of the auditor of state.

2. The auditor of state shall appoint such additional assistants to the auditors as may be necessary, who shall be subject to discharge at any time by the auditor of state.

3. Any auditor or assistant who is found guilty of falsifying a time and expense voucher or engagement report shall be immediately discharged by the auditor of state and shall not be eligible for reemployment. Such auditor or assistant must thereupon reimburse the auditor of state for all such compensation and expenses so found to have been overpaid and in the event of failure to do so, the auditor of state may collect the same amount from the auditor's surety by suit, if necessary.

Sec. 34. Section 123.58, Code 2011, is amended to read as follows:

123.58 Auditing.

All provisions of sections 11.6, ~~11.7, 11.10,~~ 11.11, 11.14, 11.21, ~~11.41,~~ and ~~11.23~~ 11.55, relating to auditing of financial records of governmental subdivisions which are not inconsistent with this chapter are applicable to the division and its offices, warehouses, and depots.

Sec. 35. Section 125.55, Code 2011, is amended to read as follows:

125.55 Audits.

All licensed substance abuse programs are subject to annual audit either by the auditor of state or in lieu of ~~the examination~~ an audit by the auditor of state the substance abuse

program may contract with or employ certified public accountants to conduct the audit, in accordance with sections 11.6, 11.14, and 11.19. The audit format shall be as prescribed by the auditor of state. The certified public accountant shall submit a copy of the audit to the director. A licensed substance abuse program is also subject to special audits as the director requests. The licensed substance abuse program or the department shall pay all expenses incurred by the auditor of state in conducting an audit under this section.

Sec. 36. Section 216A.98, Code 2011, 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, 11.14, and 11.19 and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the division in a manner prescribed by the division.

Sec. 37. Section 230A.16, subsection 3, Code 2011, is amended to read as follows:

3. Arrange for the financial condition and transactions of the community mental health center to be audited once each year by the auditor of state. However, in lieu of an audit by state accountants, the local governing body of a community mental health center organized under this chapter may contract with or employ certified public accountants to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6, 11.14, and 11.19 and audit format prescribed by the auditor of state. Copies of each audit shall be furnished by the accountant to the administrator of the division of mental health and disability services and the board of supervisors supporting the audited community mental health center.

Sec. 38. Section 279.38, subsection 2, Code 2011, is amended to read as follows:

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.

Sec. 39. Section 331.756, subsection 11, Code 2011, is amended to read as follows:

11. Cooperate with the auditor of state to secure correction of a financial irregularity as provided in section ~~11.15~~ 11.53.

Sec. 40. Section 364.5, unnumbered paragraph 2, Code 2011, is amended to read as follows:

The financial condition and the transactions of the Iowa league of cities shall be audited ~~in the same manner as cities~~ as provided in section 11.6.

Sec. 41. REPEAL. Sections 11.7 through 11.10, 11.12, 11.13, 11.15 through 11.17, 11.23, 11.25, and 11.27, Code 2011, are repealed.

Approved April 19, 2011

CHAPTER 76

CONGRESSIONAL AND LEGISLATIVE REDISTRICTING

H.F. 682

AN ACT providing for congressional and legislative districts and providing an effective date.

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

Section 1. Section 40.1, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

40.1 Congressional districts.

The state of Iowa is hereby organized and divided into four congressional districts, which shall be composed, respectively, of the following counties:

1. The first district shall consist of the counties of Worth, Mitchell, Howard, Winneshiek, Allamakee, Bremer, Fayette, Clayton, Black Hawk, Buchanan, Delaware, Dubuque, Marshall, Tama, Benton, Linn, Jones, Jackson, Poweshiek, and Iowa.

2. The second district shall consist of the counties of Jasper, Johnson, Cedar, Clinton, Marion, Mahaska, Keokuk, Washington, Louisa, Muscatine, Scott, Clarke, Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines, Decatur, Wayne, Appanoose, Davis, Van Buren, and Lee.

3. The third district shall consist of the counties of Guthrie, Dallas, Polk, Pottawattamie, Cass, Adair, Madison, Warren, Mills, Montgomery, Adams, Union, Fremont, Page, Taylor, and Ringgold.

4. The fourth district shall consist of the counties of Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago, Sioux, O'Brien, Clay, Palo Alto, Hancock, Cerro Gordo, Floyd, Chickasaw, Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Butler, Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, Grundy, Monona, Crawford, Carroll, Greene, Boone, Story, Harrison, Shelby, and Audubon.

Sec. 2. Section 41.1, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

41.1 Representative districts.

The state of Iowa is hereby divided into one hundred representative districts as follows:

1. The first representative district shall consist of:

a. Lyon county.

b. Osceola county.

c. In Dickinson county:

(1) The city of West Okoboji.

(2) Silver Lake, Diamond Lake, Spirit Lake, Superior, Excelsior, Lakeville, and Richland townships, and that portion of Center Grove township not contained in the second representative district.

2. The second representative district shall consist of:

a. Clay county.

b. Palo Alto county.

c. In Dickinson county:

(1) Westport, Milford, and Lloyd townships, and that portion of Okoboji township lying outside the corporate limits of the city of West Okoboji.

(2) That portion of Center Grove township bounded by a line commencing at the point the west corporate limit of the city of Milford intersects the south boundary of Center Grove township, then proceeding first north, then in a clockwise manner along the corporate limits of the city of Milford until it intersects the south boundary of Center Grove township, then proceeding west along the boundary of Center Grove township to the point of origin.

3. The third representative district shall consist of:

a. O'Brien county.

b. Cherokee county.

c. In Sioux county, Floyd, Grant, Lynn, and Sheridan townships.

d. In Plymouth county, Henry township, that portion of Meadow township and Remsen township lying outside the corporate limits of the city of Remsen, and that portion of Garfield township lying outside the corporate limits of the city of Kingsley.

4. The fourth representative district in Sioux county shall consist of Buncombe, Capel, Center, Eagle, East Orange, Garfield, Holland, Lincoln, Logan, Nassau, Plato, Reading, Rock, Settlers, Sherman, Sioux, Washington, Welcome, and West Branch townships.

5. The fifth representative district shall consist of:

a. In Plymouth county:

(1) The cities of Remsen and Kingsley.

(2) America, Elgin, Elkhorn, Fredonia, Grant, Hancock, Hungerford, Johnson, Liberty, Lincoln, Marion, Perry, Plymouth, Portland, Preston, Sioux, Stanton, Union, Washington, and Westfield townships.

b. In Woodbury county:

(1) The cities of Lawton and Correctionville.

(2) Arlington, Banner, Grant, Merville, Rutland, Union, West Fork, and Wolf Creek townships, and that portion of Kedron township lying outside the corporate limits of the city of Anthon.

6. The sixth representative district in Woodbury county shall consist of:

a. The city of Sergeant Bluff.

b. Grange, Lakeport, and Liberty townships, those portions of Woodbury township lying outside the corporate limits of the city of Sioux City, and that portion of Floyd township lying outside the corporate limits of the city of Lawton.

c. That portion of the city of Sioux City bounded by a line commencing at the point the east corporate limit of the city of Sioux City intersects Stone avenue, then proceeding west along Stone avenue until it intersects Morningside avenue, then proceeding southeasterly along Morningside avenue until it intersects Peters avenue, then proceeding west along Peters avenue until it intersects South Paxton street, then proceeding north along South Paxton street until it intersects Stone avenue, then proceeding west along Stone avenue until it intersects South Cecelia street, then proceeding north along South Cecelia street until it intersects Morningside avenue, then proceeding southeasterly, then northerly along Morningside avenue until it intersects South Cecelia street, then proceeding northerly along South Cecelia street, then Cecelia street south until it intersects Leech avenue, then proceeding west along Leech avenue until it intersects Alice street South, then proceeding north along Alice street South until it intersects Correctionville road, then proceeding west along Correctionville road until it intersects South Westcott street, then proceeding south along South Westcott street until it intersects Gordon drive, then proceeding west along Gordon drive until it intersects South Court street, then proceeding southerly along South Court street and its extension until it intersects the boundary of the state of Iowa and the corporate limit of the city of Sioux City, then proceeding first southerly, then in a counterclockwise manner along the corporate limits of the city of Sioux City to the point of origin.

7. The seventh representative district shall consist of:

a. Emmet county.

b. Winnebago county.

c. In Kossuth county:

(1) That portion of the city of Algona bounded by a line commencing at the point the east corporate limit of the city of Algona intersects the south boundary of Plum Creek township, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Algona to the point of origin.

(2) Burt, Eagle, Fenton, Grant, Harrison, Hebron, Ledyard, Lincoln, Seneca, Springfield, Swea, and Union townships, and that portion of Greenwood township lying outside the corporate limits of the city of Bancroft.

8. The eighth representative district shall consist of:

a. Hancock county.

b. Wright county.

c. In Kossuth county:

(1) The city of Bancroft and that portion of the city of Algona not contained in the seventh representative district.

(2) Buffalo, Cresco, Garfield, German, Irvington, Lotts Creek, Lu Verne, Plum Creek, Portland, Prairie, Ramsey, Riverdale, Sherman, Wesley, and Whitemore townships.

9. The ninth representative district in Webster county shall consist of:

a. The cities of Duncombe and Fort Dodge.

b. Badger, Colfax, Cooper, Deer Creek, Douglas, Elkhorn, Jackson, and Newark townships.

10. The tenth representative district shall consist of:

a. Calhoun county.

b. Humboldt county.

c. Pocahontas county.

d. In Webster county, Clay, Fulton, Gowrie, Johnson, Lost Grove, and Roland townships.

11. The eleventh representative district shall consist of:

a. Buena Vista county.

b. Sac county.

12. The twelfth representative district shall consist of:

a. Audubon county.

b. Carroll county.

c. In Crawford county, Hayes, Iowa, Jackson, Milford, Nishnabotny, Stockholm, and West Side townships, and that portion of East Boyer township lying outside the corporate limits of the city of Denison.

13. The thirteenth representative district in Woodbury county shall consist of:

a. Concord township.

b. That portion of the city of Sioux City bounded by a line commencing at the point the north boundary of Woodbury county intersects Hamilton boulevard, then proceeding east along the boundary of Woodbury county until it intersects the east corporate limit of the city of Sioux City, then proceeding southerly along the corporate limits of the city of Sioux City until it intersects Stone avenue, then proceeding west along Stone avenue until it intersects Morningside avenue, then proceeding southeasterly along Morningside avenue until it intersects Peters avenue, then proceeding west along Peters avenue until it intersects South Paxton street, then proceeding north along South Paxton street until it intersects Stone avenue, then proceeding west along Stone avenue until it intersects South Cecelia street, then proceeding north along South Cecelia street until it intersects Morningside avenue, then proceeding southeasterly, then northerly along Morningside avenue until it intersects South Cecelia street, then proceeding northerly along South Cecelia street, then Cecelia street south until it intersects Leech avenue, then proceeding west along Leech avenue until it intersects Alice street South, then proceeding north along Alice street South until it intersects Correctionville road, then proceeding west along Correctionville road until it intersects South Westcott street, then proceeding south along South Westcott street until it intersects Gordon drive, then proceeding west along Gordon drive until it intersects South Court street, then proceeding southerly along South Court street and its extension until it intersects the boundary of the state of Iowa, then proceeding westerly along the boundary of the state of Iowa until it intersects Wesley parkway, then proceeding northerly along Wesley parkway until it intersects Perry street, then proceeding northeasterly along Perry street until it intersects West Eighth street, then proceeding northwesterly along West Eighth street until it intersects Bluff street, then proceeding northerly along Bluff street until it intersects Summit street, then proceeding northerly along Summit street until it intersects Twelfth street, then proceeding east along Twelfth street until it intersects Nebraska street, then proceeding north along Nebraska street until it intersects Thirteenth street, then proceeding east along Thirteenth street until it intersects Jackson street, then proceeding south along Jackson street until it intersects Twelfth street, then proceeding east along Twelfth street until it intersects Court street, then proceeding north along Court street until it intersects Fourteenth street, then proceeding easterly along Fourteenth street until it intersects Floyd boulevard, then proceeding south along Floyd boulevard until it intersects Thirteenth street, then proceeding easterly along Thirteenth street until it intersects the Union Pacific Railroad tracks, then proceeding northerly along the Union Pacific Railroad tracks until it intersects Nineteenth street, then proceeding westerly along Nineteenth street until it

intersects Iowa street, then proceeding south along Iowa street until it intersects Eighteenth street, then proceeding west along Eighteenth street until it intersects Court street, then proceeding south along Court street until it intersects Sixteenth street, then proceeding west along Sixteenth street until it intersects Virginia street, then proceeding north along Virginia street until it intersects Seventeenth street, then proceeding west along Seventeenth street until it intersects Ingleside avenue, then proceeding southerly along Ingleside avenue until it intersects Seventeenth street, then proceeding west along Seventeenth street until it intersects Pierce street, then proceeding north along Pierce street until it intersects Twenty-second street, then proceeding east along Twenty-second street until it intersects Nebraska street, then proceeding north along Nebraska street until it intersects Twenty-third street, then proceeding west along Twenty-third street until it intersects Pierce street, then proceeding north along Pierce street until it intersects Stone Park boulevard, then proceeding northwesterly along Stone Park boulevard until it intersects West Clifton avenue, then proceeding easterly along West Clifton avenue and its extension until it intersects Hamilton boulevard, then proceeding northerly along Hamilton boulevard until it intersects Perry creek, then proceeding southerly along Perry creek until it intersects Thirty-fourth street and its extension, then proceeding east along Thirty-fourth street and its extension until it intersects Jones street, then proceeding north along Jones street until it intersects Thirty-eighth street, then proceeding easterly along Thirty-eighth street until it intersects Thirty-seventh street, then proceeding south and then east along Thirty-seventh street until it intersects Cheyenne boulevard, then proceeding northerly along Cheyenne boulevard until it intersects Outer Drive North, then proceeding easterly along Outer Drive North until it intersects Buckwalter drive, then proceeding northwesterly along Buckwalter drive until it intersects Hamilton boulevard, then proceeding northerly along Hamilton boulevard to the point of origin.

14. The fourteenth representative district in Woodbury county shall consist of that portion of the city of Sioux City bounded by a line commencing at the point the boundary of the state of Iowa intersects the north boundary of Woodbury county, then proceeding east along the boundary of Woodbury county until it intersects Hamilton boulevard, then proceeding southerly along Hamilton boulevard until it intersects Buckwalter drive, then proceeding southeasterly along Buckwalter drive until it intersects Outer drive North, then proceeding westerly along Outer drive North until it intersects Cheyenne boulevard, then proceeding southerly along Cheyenne boulevard until it intersects Thirty-seventh street, then proceeding west and then north along Thirty-seventh street until it intersects Thirty-eighth street, then proceeding westerly along Thirty-eighth street until it intersects Jones street, then proceeding southerly along Jones street until it intersects Thirty-fourth street, then proceeding westerly along Thirty-fourth street and its extension until it intersects Perry creek, then proceeding northerly along Perry creek until it intersects Hamilton boulevard, then proceeding southerly along Hamilton boulevard until it intersects West Clifton avenue and its extension, then proceeding westerly along West Clifton avenue and its extension until it intersects Stone Park boulevard, then proceeding southeasterly along Stone Park boulevard until it intersects Pierce street, then proceeding south along Pierce street until it intersects Twenty-third street, then proceeding east along Twenty-third street until it intersects Nebraska street, then proceeding south along Nebraska street until it intersects Twenty-second street, then proceeding west along Twenty-second street until it intersects Pierce street, then proceeding south along Pierce street until it intersects Seventeenth street, then proceeding east along Seventeenth street until it intersects Ingleside avenue, then proceeding northerly along Ingleside avenue until it intersects Seventeenth street, then proceeding east along Seventeenth street until it intersects Virginia street, then proceeding south along Virginia street until it intersects Sixteenth street, then proceeding east along Sixteenth street until it intersects Court street, then proceeding north along Court street until it intersects Eighteenth street, then proceeding east along Eighteenth street until it intersects Iowa street, then proceeding north along Iowa street until it intersects Nineteenth street, then proceeding easterly along Nineteenth street until it intersects the Union Pacific Railroad tracks, then proceeding southerly along the Union Pacific Railroad tracks until it intersects Thirteenth street, then proceeding westerly along Thirteenth street until it intersects Floyd boulevard, then proceeding north along Floyd boulevard until it intersects

Fourteenth street, then proceeding westerly along Fourteenth street until it intersects Court street, then proceeding south along Court street until it intersects Twelfth street, then proceeding west along Twelfth street until it intersects Jackson street, then proceeding north along Jackson street until it intersects Thirteenth street, then proceeding west along Thirteenth street until it intersects Nebraska street, then proceeding south along Nebraska street until it intersects Twelfth street, then proceeding west along Twelfth street until it intersects Summit street, then proceeding southerly along Summit street until it intersects Bluff street, then proceeding southerly along Bluff street until it intersects West Eighth street, then proceeding southeasterly along West Eighth street until it intersects Perry street, then proceeding southwesterly along Perry street until it intersects Wesley parkway, then proceeding southerly along Wesley parkway until it intersects the boundary of the state of Iowa, then proceeding first west, then in a clockwise manner along the boundary of the state of Iowa to the point of origin.

15. The fifteenth representative district in Pottawattamie county shall consist of:

a. The city of Carter Lake.

b. That portion of the city of Council Bluffs bounded by a line commencing at the point the corporate limits of the city of Council Bluffs and the boundary of the state of Iowa intersect the Union Pacific Railroad tracks, then proceeding easterly along the Union Pacific Railroad tracks until it intersects Ninth avenue, then proceeding east along Ninth avenue until it intersects South Twelfth street, then proceeding northerly along South Twelfth street until it intersects Seventh avenue, then proceeding east along Seventh avenue until it intersects South Ninth street, then proceeding north along South Ninth street until it intersects West Broadway, then proceeding east along West Broadway until it intersects North Eighth street, then proceeding north along North Eighth street until it intersects West Washington avenue, then proceeding easterly along West Washington avenue until it intersects North Main street, then proceeding southerly along North Main street until it intersects Kaneshville boulevard, then proceeding northeasterly along Kaneshville boulevard until it intersects North First street and its extension, then proceeding southerly along North First street and its extension until it intersects East Broadway, then proceeding northeasterly along East Broadway until it intersects Union street, then proceeding southeasterly along Union street until it intersects East Pierce street, then proceeding northeasterly along East Pierce street until it intersects Frank street, then proceeding northwesterly along Frank street until it intersects East Broadway, then proceeding northeasterly along East Broadway until it intersects East Kaneshville boulevard, then proceeding southwesterly along East Kaneshville boulevard until it intersects Harrison street, then proceeding northerly along Harrison street until it intersects Mount Vernon street, then proceeding easterly along Mount Vernon street until it intersects Trail Ridge drive, then proceeding northerly along Trail Ridge drive until it intersects Grand avenue, then proceeding northerly along Grand avenue until it intersects South Sierra drive, then proceeding easterly, then northerly, along South Sierra drive until it intersects North Sierra drive, then proceeding westerly along North Sierra drive until it intersects Grand avenue, then proceeding northerly along Grand avenue until it intersects the north corporate limit of the city of Council Bluffs, then proceeding first west, then in a counterclockwise manner along the corporate limits of the city of Council Bluffs to the point of origin.

16. The sixteenth representative district in Pottawattamie county shall consist of that portion of the city of Council Bluffs bounded by a line commencing at the point the corporate limits of the city of Council Bluffs and the boundary of the state of Iowa intersect the Union Pacific Railroad tracks, then proceeding easterly along the Union Pacific Railroad tracks until it intersects Ninth avenue, then proceeding east along Ninth avenue until it intersects South Twelfth street, then proceeding northerly along South Twelfth street until it intersects Seventh avenue, then proceeding east along Seventh avenue until it intersects South Ninth street, then proceeding north along South Ninth street until it intersects West Broadway, then proceeding east along West Broadway until it intersects North Eighth street, then proceeding north along North Eighth street until it intersects West Washington avenue, then proceeding easterly along West Washington avenue until it intersects North Main street, then proceeding southerly along North Main street until it intersects Kaneshville boulevard, then proceeding easterly along Kaneshville boulevard until it intersects North First street and its extension, then proceeding southerly along North First street and its extension

until it intersects East Broadway, then proceeding northeasterly along East Broadway until it intersects Union street, then proceeding southeasterly along Union street until it intersects East Pierce street, then proceeding northeasterly along East Pierce street until it intersects Frank street, then proceeding northwesterly along Frank street until it intersects East Broadway, then proceeding northeasterly along East Broadway until it intersects East Kaneshville boulevard, then proceeding southwesterly along East Kaneshville boulevard until it intersects Harrison street, then proceeding northerly along Harrison street until it intersects Mount Vernon street, then proceeding easterly along Mount Vernon street until it intersects Trail Ridge drive, then proceeding northerly along Trail Ridge drive until it intersects Grand avenue, then proceeding northerly along Grand avenue until it intersects South Sierra drive, then proceeding easterly, then northerly, along South Sierra drive until it intersects North Sierra drive, then proceeding westerly along North Sierra drive until it intersects Grand avenue, then proceeding northerly along Grand avenue until it intersects the north corporate limit of the city of Council Bluffs, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Council Bluffs until it intersects McPherson avenue, then proceeding westerly along McPherson avenue until it intersects Gleason avenue, then proceeding westerly along Gleason avenue until it intersects Morningside avenue, then proceeding north along Morningside avenue until it intersects Park lane, then proceeding westerly along Park lane until it intersects Lincoln avenue, then proceeding southerly along Lincoln avenue until it intersects Franklin avenue, then proceeding southeasterly along Franklin avenue until it intersects Bennett avenue, then proceeding southwesterly along Bennett avenue until it intersects Madison avenue, then proceeding southeasterly along Madison avenue until it intersects Valley View drive, then proceeding southerly along Valley View drive until it intersects the east corporate limit of the city of Council Bluffs, then proceeding first southerly, then in a clockwise manner along the corporate limits of the city of Council Bluffs to the point of origin.

17. The seventeenth representative district shall consist of:

- a. Ida county.
- b. Monona county.
- c. In Harrison county, Allen, Boyer, Calhoun, Cincinnati, Clay, Jackson, Lincoln, Little Sioux, Magnolia, Morgan, Raglan, St. John, and Taylor townships.
- d. In Woodbury county:
 - (1) The city of Anthon.
 - (2) Liston, Little Sioux, Miller, Morgan, Oto, Sloan, and Willow townships, and that portion of Rock township lying outside the corporate limits of the city of Correctionville.

18. The eighteenth representative district shall consist of:

- a. Shelby county.
- b. In Crawford county:
 - (1) The city of Denison.
 - (2) Boyer, Charter Oak, Denison, Goodrich, Hanover, Morgan, Otter Creek, Paradise, Soldier, Union, Washington, and Willow townships.
- c. In Harrison county, Cass, Douglas, Harrison, Jefferson, La Grange, Union, and Washington townships.

19. The nineteenth representative district shall consist of:

- a. The city of Granger.
- b. In Polk county:
 - (1) That portion of the city of Sheldahl in Polk county.
 - (2) That portion of Polk county bounded by a line commencing at the point the west boundary of Polk county intersects the middle channel of the Des Moines river, then proceeding first north, then east, along the boundary of Polk county until it intersects the west boundary of Lincoln township, then proceeding south along the boundary of Lincoln township until it intersects the north corporate limit of the city of Polk City, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Polk City until it intersects the east boundary of census block 191530115002185, then proceeding south along the east boundary of census block 191530115002185 and census block 191530115002184 until it intersects the middle channel of the Des Moines river, then proceeding northwesterly along the middle channel of the Des Moines river to the point of origin.

c. In Dallas county, Adams, Adel, Beaver, Colfax, Des Moines, Grant, Sugar Grove, and Union townships, and those portions of Boone, Van Meter, and Walnut townships not contained in the forty-fourth representative district.

20. The twentieth representative district shall consist of:

a. Adair county.

b. Guthrie county.

c. In Cass county, Benton, Franklin, Grant, and Lincoln townships.

d. In Dallas county, Dallas, Lincoln, Linn, Spring Valley, and Washington townships.

21. The twenty-first representative district shall consist of:

a. Adams county.

b. Union county.

c. In Cass county, Bear Grove, Brighton, Cass, Edna, Grove, Massena, Noble, Pleasant, Pymosa, Union, Victoria, and Washington townships.

d. In Pottawattamie county, Grove, Layton, Lincoln, Waveland, and Wright townships, and that portion of Center township lying outside the corporate limits of the city of Oakland.

22. The twenty-second representative district in Pottawattamie county shall consist of:

a. The city of Oakland.

b. Belknap, Boomer, Carson, Crescent, Hardin, Hazel Dell, James, Keg Creek, Knox, Macedonia, Minden, Neola, Norwalk, Pleasant, Rockford, Silver Creek, Valley, Washington, and York townships, and those portions of Garner, Lake, and Lewis townships lying outside the corporate limits of the city of Council Bluffs.

c. That portion of the city of Council Bluffs bounded by a line commencing at the point the east corporate limit of the city of Council Bluffs intersects McPherson avenue, then proceeding westerly along McPherson avenue until it intersects Gleason avenue, then proceeding westerly along Gleason avenue until it intersects Morningside avenue, then proceeding north along Morningside avenue until it intersects Park lane, then proceeding westerly along Park lane until it intersects Lincoln avenue, then proceeding southerly along Lincoln avenue until it intersects Franklin avenue, then proceeding southeasterly along Franklin avenue until it intersects Bennett avenue, then proceeding southwesterly along Bennett avenue until it intersects Madison avenue, then proceeding southeasterly along Madison avenue until it intersects Valley View drive, then proceeding southerly along Valley View drive until it intersects the corporate limits of the city of Council Bluffs, then proceeding first easterly, then in a counterclockwise manner along the corporate limits of the city of Council Bluffs to the point of origin.

23. The twenty-third representative district shall consist of:

a. Fremont county.

b. Mills county.

c. In Montgomery county, Douglas, Garfield, Lincoln, Pilot Grove, Red Oak, Sherman, and Washington townships, and that portion of Frankfort township lying outside the corporate limits of the city of Stanton.

24. The twenty-fourth representative district shall consist of:

a. Page county.

b. Ringgold county.

c. Taylor county.

d. In Montgomery county:

(1) The city of Stanton.

(2) East, Grant, Scott, and West townships.

25. The twenty-fifth representative district shall consist of:

a. The city of Bevington.

b. Madison county.

c. In Warren county:

(1) The cities of Milo and Norwalk.

(2) Jackson, Otter, Squaw, Virginia, and White Oak townships, and that portion of Linn township not contained in the forty-second representative district.

26. The twenty-sixth representative district in Warren county shall consist of:

a. The city of Indianola.

b. Allen, Liberty, Lincoln, Palmyra, Richland, Union, and White Breast townships, that portion of Belmont township lying outside the corporate limits of the city of Milo, that portion of Greenfield township lying outside the corporate limits of the city of Norwalk, and that portion of Jefferson township lying outside the corporate limits of the city of Bevington.

27. The twenty-seventh representative district shall consist of:

- a. Clarke county.
- b. Decatur county.
- c. Wayne county.
- d. In Lucas County:

(1) That portion of the city of Chariton and Lincoln township bounded by a line commencing at the point the north corporate limit of the city of Chariton intersects the east boundary of Whitebreast township, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Chariton to the point of origin.

(2) Jackson, Otter Creek, Union, Warren, and Whitebreast townships.

28. The twenty-eighth representative district shall consist of:

a. In Jasper county, Elk Creek, Fairview, and Lynn Grove townships, and that portion of Palo Alto township lying outside the corporate limits of the city of Newton.

b. In Lucas county, Benton, Cedar, English, Liberty, Pleasant, and Washington townships, and that portion of Lincoln township not contained in the twenty-seventh representative district.

c. In Marion county, Clay, Dallas, Franklin, Indiana, Knoxville, Liberty, Pleasant Grove, Red Rock, Summit, Union, and Washington townships.

29. The twenty-ninth representative district in Jasper county shall consist of:

a. The city of Newton.

b. Buena Vista, Clear Creek, Des Moines, Hickory Grove, Independence, Kellogg, Malaka, Mariposa, Mound Prairie, Newton, Poweshiek, Richland, Rock Creek, Sherman, and Washington townships.

30. The thirtieth representative district in Polk county shall consist of:

a. The city of Altoona.

b. Beaver, Camp, Elkhart, Franklin, and Washington townships.

c. That portion of Douglas township not contained in the thirty-seventh representative district, that portion of Allen township not contained in the thirty-third representative district, and those portions of Clay and Four Mile townships not contained in the thirty-first representative district.

31. The thirty-first representative district shall consist of that portion of Polk county bounded by a line commencing at the point East Fifteenth street intersects the eastbound lanes of Interstate 235, then proceeding easterly along the eastbound lanes of Interstate 235 until it intersects East University avenue, then proceeding east along East University avenue until it intersects East Twenty-seventh street, then proceeding northerly along East Twenty-seventh street until it intersects Guthrie avenue, then proceeding west along Guthrie avenue until it intersects Hubbell avenue, then proceeding northeasterly along Hubbell avenue until it intersects Arthur avenue, then proceeding east along Arthur avenue until it intersects East Twenty-ninth street, then proceeding north along East Twenty-ninth street until it intersects East Euclid avenue, then proceeding easterly along East Euclid avenue until it intersects Hubbell avenue, then proceeding northeasterly along Hubbell avenue until it intersects East Douglas avenue, then proceeding easterly along East Douglas avenue until it intersects the corporate limits of the city of Des Moines, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Des Moines until it intersects East Four Mile creek, then proceeding south, then west, along the corporate limits of the city of Des Moines until it intersects the east boundary of Delaware township, then proceeding south along the boundary of Delaware township until it intersects Iowa Interstate Railroad tracks, then proceeding south along the boundary of Delaware township until it intersects the corporate limits of the city of Pleasant Hill, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Pleasant Hill until it intersects the south boundary of Clay township, then proceeding easterly along the boundary of Clay township until it intersects the east corporate limit of the city of Pleasant Hill, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Pleasant Hill until

it intersects Dean avenue, then proceeding westerly along Dean avenue until it intersects East Thirtieth street, then proceeding south along East Thirtieth street until it intersects Southeast Thirtieth street, then proceeding south along Southeast Thirtieth street until it intersects Iowa Interstate Railroad tracks, then proceeding westerly along Iowa Interstate Railroad tracks until it intersects Southeast Eighteenth street, then proceeding north along Southeast Eighteenth street until it intersects East Eighteenth street, then proceeding north along East Eighteenth street until it intersects Dean avenue, then proceeding west along Dean avenue until it intersects East Seventeenth street, then proceeding northerly along East Seventeenth street until it intersects Lyon street, then proceeding westerly along Lyon street and its extension until it intersects East Fifteenth street, then proceeding northerly along East Fifteenth street to the point of origin.

32. The thirty-second representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point East Fifteenth street intersects the eastbound lanes of Interstate 235, then proceeding easterly along the eastbound lanes of Interstate 235 until it intersects East University avenue, then proceeding east along East University avenue until it intersects East Twenty-seventh street, then proceeding northerly along East Twenty-seventh street until it intersects Guthrie avenue, then proceeding west along Guthrie avenue until it intersects Hubbell avenue, then proceeding northeasterly along Hubbell avenue until it intersects Arthur avenue, then proceeding east along Arthur avenue until it intersects East Twenty-ninth street, then proceeding north along East Twenty-ninth street until it intersects East Euclid avenue, then proceeding easterly along East Euclid avenue until it intersects Hubbell avenue, then proceeding northeasterly along Hubbell avenue until it intersects East Douglas avenue, then proceeding easterly along East Douglas avenue, until it intersects the corporate limits of the city of Des Moines, then proceeding first north, then in a counterclockwise manner along the corporate limits of the city of Des Moines until it intersects East Fourteenth street, then proceeding south along East Fourteenth street until it intersects East Euclid avenue, then proceeding west along East Euclid avenue until it intersects North Union street, then proceeding northerly along North Union street until it intersects East Madison avenue, then proceeding west along East Madison avenue until it intersects Cambridge street, then proceeding south along Cambridge street until it intersects East Euclid avenue, then proceeding west along East Euclid avenue until it intersects Euclid avenue, then proceeding west along Euclid avenue until it intersects Second avenue, then proceeding south along Second avenue until it intersects the middle channel of the Des Moines river, then proceeding southerly along the middle channel of the Des Moines river until it intersects Court avenue, then proceeding easterly along Court avenue until it intersects East Court avenue, then proceeding easterly along East Court avenue until it intersects East Seventh street, then proceeding southerly along East Seventh street until it intersects Iowa Interstate Railroad tracks, then proceeding easterly along Iowa Interstate Railroad tracks until it intersects Southeast Fourteenth street, then proceeding south along Southeast Fourteenth street until it intersects Union Pacific Railroad tracks, then proceeding easterly along Union Pacific Railroad tracks until it intersects Iowa Interstate Railroad tracks, then proceeding easterly along Iowa Interstate Railroad tracks until it intersects Southeast Eighteenth street, then proceeding north along Southeast Eighteenth street until it intersects East Eighteenth street, then proceeding north along East Eighteenth street until it intersects Dean avenue, then proceeding west along Dean avenue until it intersects East Seventeenth street, then proceeding northerly along East Seventeenth street until it intersects Lyon street, then proceeding westerly along Lyon street and its extension until it intersects East Fifteenth street, then proceeding northerly along East Fifteenth street to the point of origin.

33. The thirty-third representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point the south boundary of Polk county intersects U.S. highway 69, then proceeding northwesterly along U.S. highway 69 until it intersects Southeast Fourteenth street, then proceeding northerly along Southeast Fourteenth street until it intersects East Army Post road, then proceeding west along East Army Post road until it intersects Southeast Fifth street, then proceeding north along Southeast Fifth street until it intersects East Watrous avenue, then proceeding west along East Watrous avenue until it intersects South Union street, then proceeding north along

South Union street until it intersects Olinda avenue, then proceeding west along Olinda avenue until it intersects Southwest Ninth street, then proceeding northerly along Southwest Ninth street until it intersects the middle channel of the Raccoon river, then proceeding easterly along the middle channel of the Raccoon river until it intersects the middle channel of the Des Moines river, then proceeding northerly along the middle channel of the Des Moines river until it intersects Court avenue, then proceeding easterly along Court avenue until it intersects East Court avenue, then proceeding easterly along East Court avenue until it intersects East Seventh street, then proceeding southerly along East Seventh street until it intersects Iowa Interstate Railroad tracks, then proceeding easterly along Iowa Interstate Railroad tracks until it intersects Southeast Fourteenth street, then proceeding south along Southeast Fourteenth street until it intersects Union Pacific Railroad tracks, then proceeding easterly along Union Pacific Railroad tracks until it intersects Iowa Interstate Railroad tracks, then proceeding easterly along Iowa Interstate Railroad tracks until it intersects Southeast Thirtieth street, then proceeding north along Southeast Thirtieth street until it intersects East Thirtieth street, then proceeding north along East Thirtieth street until it intersects Dean avenue, then proceeding easterly along Dean avenue until it intersects the east corporate limit of the city of Des Moines, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Des Moines until it intersects Southeast Sixty-fourth avenue, then proceeding first west, then southerly, along the corporate limits of the city of Des Moines until it intersects the south boundary of Polk county, then proceeding easterly along the south boundary of Polk county to the point of origin.

34. The thirty-fourth representative district in Polk county shall consist of that portion of Bloomfield township and the city of Des Moines bounded by a line commencing at the point the south boundary of Polk county intersects U.S. highway 69, then proceeding northwesterly along U.S. highway 69 until it intersects Southeast Fourteenth street, then proceeding northerly along Southeast Fourteenth street until it intersects East Army Post road, then proceeding west along East Army Post road until it intersects Southeast Fifth street, then proceeding north along Southeast Fifth street until it intersects East Watrous avenue, then proceeding west along East Watrous avenue until it intersects South Union street, then proceeding north along South Union street until it intersects Olinda avenue, then proceeding west along Olinda avenue until it intersects Southwest Ninth street, then proceeding northerly along Southwest Ninth street until it intersects the middle channel of the Raccoon river, then proceeding easterly along the middle channel of the Raccoon river until it intersects the middle channel of the Des Moines river, then proceeding northerly along the middle channel of the Des Moines river until it intersects the eastbound lanes of Interstate 235, then proceeding westerly along the eastbound lanes of Interstate 235 until it intersects Martin Luther King Jr. parkway, then proceeding south along Martin Luther King Jr. parkway until it intersects School street, then proceeding easterly along School street until it intersects the entrance ramp to the eastbound lanes of Interstate 235, then proceeding easterly along the entrance ramp to the eastbound lanes of Interstate 235 until it intersects Eighteenth street and its extension, then proceeding south along Eighteenth street and its extension until it intersects Center street, then proceeding east along Center street until it intersects Seventeenth street, then proceeding southerly along Seventeenth street until it intersects Grand avenue, then proceeding westerly along Grand avenue until it intersects Eighteenth street, then proceeding southerly along Eighteenth street until it intersects Fleur drive, then proceeding southerly along Fleur drive until it intersects the south boundary of Polk county, then proceeding easterly along the boundary of Polk county to the point of origin.

35. The thirty-fifth representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point Lower Beaver road intersects the south boundary of Webster township, then proceeding easterly along the south boundary of Webster township until it intersects the corporate limits of the city of Des Moines, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Des Moines until it intersects East Fourteenth street, then proceeding south along East Fourteenth street until it intersects East Euclid avenue, then proceeding west along East Euclid avenue until it intersects North Union street, then proceeding northerly along North Union street until it intersects East Madison avenue, then proceeding west

along East Madison avenue until it intersects Cambridge street, then proceeding south along Cambridge street until it intersects East Euclid avenue, then proceeding west along East Euclid avenue until it intersects Euclid avenue, then proceeding west along Euclid avenue until it intersects Second avenue, then proceeding south along Second avenue until it intersects the middle channel of the Des Moines river, then proceeding southerly along the middle channel of the Des Moines river until it intersects the eastbound lanes of Interstate 235, then proceeding westerly along the eastbound lanes of Interstate 235 until it intersects Twenty-eighth street, then proceeding north along Twenty-eighth street until it intersects School street, then proceeding east along School street until it intersects Twenty-fifth street, then proceeding north along Twenty-fifth street until it intersects University avenue, then proceeding west along University avenue until it intersects Thirtieth street and its extension, then proceeding north along Thirtieth street and its extension until it intersects Euclid avenue, then proceeding northwesterly along Euclid avenue until it intersects Douglas avenue, then proceeding easterly along Douglas avenue until it intersects Thirtieth street, then proceeding north along Thirtieth street until it intersects Fleming avenue, then proceeding west along Fleming avenue until it intersects Lawnwoods drive, then proceeding north along Lawnwoods drive until it intersects Madison avenue, then proceeding west along Madison avenue until it intersects Lower Beaver road, then proceeding northerly along Lower Beaver road to the point of origin.

36. The thirty-sixth representative district shall consist of that portion of Polk county bounded by a line commencing at the point the west corporate limit of the city of Des Moines intersects University avenue, then proceeding east along University avenue until it intersects Forty-first street, then proceeding north along Forty-first street until it intersects Forest avenue, then proceeding east along Forest avenue until it intersects Thirtieth street, then proceeding northerly along Thirtieth street until it intersects Euclid avenue, then proceeding northwesterly along Euclid avenue until it intersects Douglas avenue, then proceeding easterly along Douglas avenue until it intersects Thirtieth street, then proceeding north along Thirtieth street until it intersects Fleming avenue, then proceeding west along Fleming avenue until it intersects Lawnwoods drive, then proceeding north along Lawnwoods drive until it intersects Madison avenue, then proceeding west along Madison avenue until it intersects Lower Beaver road, then proceeding northerly along Lower Beaver road until it intersects the south boundary of Webster township, then proceeding easterly along the south boundary of Webster township until it intersects the middle channel of the Des Moines river, then proceeding northerly along the middle channel of the Des Moines river until it intersects the south corporate limit of the city of Johnston, then proceeding first west, then in a clockwise manner along the corporate limits of the city of Johnston until it intersects the north corporate limit of the city of Urbandale, then proceeding south along the corporate limits of the city of Urbandale until it intersects the north corporate limit of the city of Des Moines, then proceeding first south, then in a counterclockwise manner along the corporate limits of the city of Des Moines to the point of origin.

37. The thirty-seventh representative district in Polk county shall consist of:

a. That portion of Lincoln township lying outside the corporate limits of the cities of Polk City and Sheldahl.

b. That portion of Polk county bounded by a line commencing at the point the west corporate limit of the city of Ankeny intersects the south boundary of Lincoln township, then proceeding first south, then in a counterclockwise manner along the corporate limits of the city of Ankeny until it intersects Southwest Magazine drive, then proceeding east along Southwest Magazine drive until it intersects Northwest Sixteenth street, then proceeding northerly along Northwest Sixteenth street until it intersects West First street, then proceeding east along West First street until it intersects Union Pacific Railroad tracks, then proceeding southeasterly along Union Pacific Railroad tracks until it intersects Southwest Maple street, then proceeding southerly along Southwest Maple street until it intersects Southwest Third street, then proceeding east along Southwest Third street until it intersects Southwest Cherry street, then proceeding south along Southwest Cherry street until it intersects Union Pacific Railroad tracks, then proceeding southeasterly along Union Pacific Railroad tracks until it intersects South Ankeny boulevard, then proceeding south along South Ankeny boulevard until it intersects Southeast Magazine road, then

proceeding east along Southeast Magazine road until it intersects Southeast Trilein drive, then proceeding north along Southeast Trilein drive until it intersects Southeast Peterson drive, then proceeding east along Southeast Peterson drive until it intersects Northeast Twenty-second street, then proceeding north along Northeast Twenty-second street until it intersects East First street, then proceeding east along East First street until it intersects the corporate limits of the city of Ankeny, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Ankeny until it intersects the south boundary of Douglas township, then proceeding east along the boundary of Douglas township until it intersects the west corporate limit of the city of Bondurant, then proceeding first north, then in a clockwise manner along the corporate limits of the city of Bondurant until it intersects the east boundary of Douglas township, then proceeding first north, then west, along the boundary of Douglas township until it intersects the south boundary of Lincoln township, then proceeding west along the boundary of Lincoln township to the point of origin.

38. The thirty-eighth representative district shall consist of that portion of Polk county bounded by a line commencing at the point the north corporate limit of the city of Des Moines intersects the middle channel of the Des Moines river, then proceeding northerly along the middle channel of the Des Moines river until it intersects the south boundary of census block 191530114042143 and the corporate limits of the city of Johnston, then proceeding northerly along the corporate limits of the city of Johnston until it intersects Saylorville reservoir lake and the middle channel of the Des Moines river, then proceeding northerly along the middle channel of the Des Moines river until it intersects the east boundary of census block 191530115002184, then proceeding north along the east boundary of census block 191530115002184 and census block 191530115002185 until it intersects the corporate limits of the city of Polk City, then proceeding first east, then in a counterclockwise manner along the corporate limits of the city of Polk City until it intersects the south boundary of Lincoln township, then proceeding east along the boundary of Lincoln township until it intersects the west corporate limit of the city of Ankeny, then proceeding first south, then in a counterclockwise manner along the corporate limits of the city of Ankeny until it intersects Southwest Magazine drive, then proceeding east along Southwest Magazine drive until it intersects Northwest Sixteenth street, then proceeding northerly along Northwest Sixteenth street until it intersects West First street, then proceeding east along West First street until it intersects Union Pacific Railroad tracks, then proceeding southeasterly along Union Pacific Railroad tracks until it intersects Southwest Maple street, then proceeding southerly along Southwest Maple street until it intersects Southwest Third street, then proceeding east along Southwest Third street until it intersects Southwest Cherry street, then proceeding south along Southwest Cherry street until it intersects Union Pacific Railroad tracks, then proceeding southeasterly along Union Pacific Railroad tracks until it intersects South Ankeny boulevard, then proceeding south along South Ankeny boulevard until it intersects Southeast Magazine road, then proceeding east along Southeast Magazine road until it intersects Southeast Trilein drive, then proceeding north along Southeast Trilein drive until it intersects Southeast Peterson drive, then proceeding east along Southeast Peterson drive until it intersects Northeast Twenty-second street, then proceeding north along Northeast Twenty-second street until it intersects East First street, then proceeding east along East First street until it intersects the corporate limits of the city of Ankeny, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Ankeny until it intersects the north boundary of Delaware township, then proceeding first east, then south along the boundary of Delaware township until it intersects the north corporate limit of the city of Altoona, then proceeding first west, then in a counterclockwise manner along the corporate limits of the city of Altoona until it bisects the east boundary of Delaware township, then proceeding south along the boundary of Delaware township until it intersects the north corporate limit of the city of Des Moines, then proceeding first northwest, then in a counterclockwise manner along the corporate limits of the city of Des Moines to the point of origin.

39. The thirty-ninth representative district shall consist of that portion of Polk county bounded by a line commencing at the point the west boundary of Polk county intersects the middle channel of the Des Moines river, then proceeding southeasterly along the middle channel of the Des Moines river until it intersects the corporate limit of the city of Johnston,

then proceeding southerly along the corporate limits of the city of Johnston until it intersects the south boundary of census block 191530114042143 and the middle channel of the Des Moines river, then proceeding southerly along the middle channel of the Des Moines river until it intersects the south corporate limit of the city of Johnston, then proceeding westerly along the corporate limits of the city of Johnston until it intersects the north corporate limit of the city of Urbandale, then proceeding first westerly, then in a counterclockwise manner along the corporate limits of the city of Urbandale until it intersects Northwest Seventy-second street, then proceeding southerly along Northwest Seventy-second street until it intersects Seventy-second street, then proceeding southerly along Seventy-second street and its extension until it intersects Aurora avenue, then proceeding west along Aurora avenue until it intersects Seventy-fifth street, then proceeding northerly along Seventy-fifth street until it intersects Meredith drive, then proceeding west along Meredith drive until it intersects Eighty-sixth street, then proceeding north along Eighty-sixth street until it intersects the corporate limits of the city of Urbandale, then proceeding first north, then in a counterclockwise manner along the corporate limits of the city of Urbandale until it intersects the west boundary of Polk county, then proceeding north along the boundary of Polk county until it intersects the corporate limits of the city of Granger, then proceeding first southeasterly, then in a counterclockwise manner along the corporate limits of the city of Granger until it intersects the west boundary of Polk county, then proceeding north along the boundary of Polk county to the point of origin.

40. The fortieth representative district in Polk county shall consist of that portion of the city of Urbandale bounded by a line commencing at the point the south corporate limit of the city of Urbandale intersects the west boundary of Polk county, then proceeding north along the boundary of Polk county until it intersects the corporate limit of the city of Urbandale, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Urbandale until it intersects Eighty-sixth street, then proceeding south along Eighty-sixth street until it intersects Meredith drive, then proceeding east along Meredith drive until it intersects Seventy-fifth street, then proceeding southerly along Seventy-fifth street until it intersects Aurora avenue, then proceeding east along Aurora avenue until it intersects Seventy-second street, then proceeding northerly along Seventy-second street and its extension until it intersects Northwest Seventy-second street, then proceeding northerly along Northwest Seventy-second street until it intersects the north corporate limit of the city of Urbandale, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Urbandale to the point of origin.

41. The forty-first representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point the south boundary of Polk county intersects the east corporate limit of the city of West Des Moines, then proceeding north along the corporate limits of the city of West Des Moines until it intersects the south corporate limit of the city of Des Moines, then proceeding first north, then in a clockwise manner along the corporate limits of the city of Des Moines until it intersects University avenue, then proceeding east along University avenue until it intersects Forty-first street, then proceeding north along Forty-first street until it intersects Forest avenue, then proceeding east along Forest avenue until it intersects Thirtieth street, then proceeding south along Thirtieth street until it intersects Thirtieth street and its extension, then proceeding south along Thirtieth street and its extension until it intersects University avenue, then proceeding east along University avenue until it intersects Twenty-fifth street, then proceeding south along Twenty-fifth street until it intersects School street, then proceeding west along School street until it intersects Twenty-eighth street, then proceeding south along Twenty-eighth street until it intersects the eastbound lanes of Interstate 235, then proceeding easterly along the eastbound lanes of Interstate 235 until it intersects Martin Luther King Jr. parkway, then proceeding south along Martin Luther King Jr. parkway until it intersects School street, then proceeding easterly along School street until it intersects the entrance ramp to the eastbound lanes of Interstate 235, then proceeding easterly along the entrance ramp to the eastbound lanes of Interstate 235 until it intersects Eighteenth street and its extension, then proceeding south along Eighteenth street and its extension until it intersects Center street, then proceeding east along Center street until it intersects Seventeenth street, then proceeding southerly along Seventeenth street until it intersects Grand avenue, then proceeding

westerly along Grand avenue until it intersects Eighteenth street, then proceeding southerly along Eighteenth street until it intersects Fleur drive, then proceeding southerly along Fleur drive until it intersects the south boundary of Polk county, then proceeding westerly along the boundary of Polk county to the point of origin.

42. The forty-second representative district shall consist of:

a. In Polk county, that portion of Bloomfield township and the city of West Des Moines bounded by a line commencing at the point the west boundary of Polk county intersects Ashworth road, then proceeding east along Ashworth road until it intersects Interstate 35, then proceeding south along Interstate 35 until it intersects E.P. True parkway, then proceeding easterly along E.P. True parkway until it intersects Thirty-ninth street, then proceeding north along Thirty-ninth street until it intersects Ashworth road, then proceeding east along Ashworth road until it intersects Vine street, then proceeding southeasterly along Vine street until it intersects Grand avenue, then proceeding northeasterly along Grand avenue until it intersects Sixteenth street, then proceeding northerly along Sixteenth street until it intersects Ashworth road, then proceeding west along Ashworth road until it intersects Sixteenth street, then proceeding northerly along Sixteenth street until it intersects Pleasant street, then proceeding westerly along Pleasant street until it intersects Seventeenth street, then proceeding northerly along Seventeenth street until it intersects the eastbound lanes of Interstate 235, then proceeding easterly along the eastbound lanes of Interstate 235 until it intersects the east corporate limit of the city of West Des Moines, then proceeding first south, then in a clockwise manner along the corporate limits of the city of West Des Moines until it intersects the south boundary of Polk county, then proceeding first west, then in a clockwise manner along the boundary of Polk county to the point of origin.

b. In Warren county, that portion of Linn township bounded by a line commencing at the point the north boundary of Warren county intersects the west corporate limit of the city of Norwalk, then proceeding south along the corporate limits of the city of Norwalk until it intersects the north corporate limit of the city of Cumming, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Cumming until it intersects the west boundary of Warren county, then proceeding first north, then in a clockwise manner along the boundary of Warren county to the point of origin.

43. The forty-third representative district shall consist of that portion of Polk county bounded by a line commencing at the point the west boundary of Polk county intersects Ashworth road, then proceeding east along Ashworth road until it intersects Interstate 35, then proceeding south along Interstate 35 until it intersects E.P. True parkway, then proceeding easterly along E.P. True parkway until it intersects Thirty-ninth street, then proceeding north along Thirty-ninth street until it intersects Ashworth road, then proceeding east along Ashworth road until it intersects Vine street, then proceeding southeasterly along Vine street until it intersects Grand avenue, then proceeding northeasterly along Grand avenue until it intersects Sixteenth street, then proceeding northerly along Sixteenth street until it intersects Ashworth road, then proceeding west along Ashworth road until it intersects Sixteenth street, then proceeding northerly along Sixteenth street until it intersects Pleasant street, then proceeding westerly along Pleasant street until it intersects Seventeenth street, then proceeding northerly along Seventeenth street until it intersects the eastbound lanes of Interstate 235, then proceeding easterly along the eastbound lanes of Interstate 235 until it intersects the west corporate limit of the city of Windsor Heights, then proceeding first south, then in a counterclockwise manner along the corporate limits of the city of Windsor Heights until it intersects Sixty-third street, then proceeding north along Sixty-third street until it intersects Hickman road, then proceeding west along Hickman road until it intersects the west corporate limit of the city of Des Moines, then proceeding north along the corporate limits of the city of Des Moines until it intersects the south corporate limit of the city of Urbandale, then proceeding west along the corporate limits of the city of Urbandale until it intersects the west boundary of Polk county, then proceeding southerly along the boundary of Polk county to the point of origin.

44. The forty-fourth representative district in Dallas county shall consist of:

a. The city of Waukee, that portion of the city of Clive in Dallas county, and that portion of the city of West Des Moines in Dallas county.

b. That portion of Boone township bounded by a line commencing at the point the west boundary of Boone township intersects the south boundary of Walnut township, then proceeding east along the south boundary of Walnut township until it intersects the corporate limits of the city of Waukee, then proceeding first east, then in a counterclockwise manner along the corporate limits of the city of Waukee until it intersects the west boundary of Boone township, then proceeding north along the boundary of Boone township to the point of origin.

45. The forty-fifth representative district in Story County shall consist of:

a. The city of Kelley.

b. That portion of Milford township lying outside the corporate limits of the city of Ames, those portions of Washington township lying outside the corporate limits of the city of Kelley and the city of Ames, and those portions of Grant township lying outside the corporate limits of the city of Ames and not contained in the forty-ninth representative district.

c. That portion of the city of Ames bounded by a line commencing at the point the north corporate limit of the city of Ames intersects Grand avenue, then proceeding south along Grand avenue until it intersects Twenty-eighth street, then proceeding east along Twenty-eighth street until it intersects Luther drive, then proceeding southerly along Luther drive until it intersects Jensen avenue, then proceeding south along Jensen avenue until it intersects Twenty-fourth street, then proceeding west along Twenty-fourth street until it intersects Grand avenue, then proceeding south along Grand avenue until it intersects Lincoln way, then proceeding west along Lincoln way until it intersects Beach avenue, then proceeding south along Beach avenue until it intersects Greeley street, then proceeding westerly along Greeley street until it intersects Pearson avenue, then proceeding westerly along Pearson avenue until it intersects Sunset drive, then proceeding westerly along Sunset drive until it intersects Ash avenue, then proceeding south along Ash avenue until it intersects Knapp street, then proceeding west along Knapp street until it intersects Hayward avenue, then proceeding north along Hayward avenue until it intersects Lincoln way, then proceeding west along Lincoln way until it intersects Colorado avenue, then proceeding north along Colorado avenue until it intersects West street, then proceeding west along West street until it intersects North Franklin avenue, then proceeding north along North Franklin avenue until it intersects Oakland street, then proceeding easterly along Oakland street until it intersects Hyland avenue, then proceeding north along Hyland avenue until it intersects Clear creek, then proceeding westerly along Clear creek until it intersects North Dakota avenue, then proceeding north along North Dakota avenue until it intersects Ontario street, then proceeding west along Ontario street until it intersects Idaho avenue, then proceeding northerly along Idaho avenue until it intersects the north corporate limit of the city of Ames, then proceeding first west, then in a counterclockwise manner along the corporate limits of the city of Ames to the point of origin.

46. The forty-sixth representative district in Story county shall consist of that portion of the city of Ames bounded by a line commencing at the point the north corporate limit of the city of Ames intersects Grand avenue, then proceeding south along Grand avenue until it intersects Twenty-eighth street, then proceeding east along Twenty-eighth street until it intersects Luther drive, then proceeding southerly along Luther drive until it intersects Jensen avenue, then proceeding south along Jensen avenue until it intersects Twenty-fourth street, then proceeding west along Twenty-fourth street until it intersects Grand avenue, then proceeding south along Grand avenue until it intersects Lincoln way, then proceeding west along Lincoln way until it intersects Beach avenue, then proceeding south along Beach avenue until it intersects Greeley street, then proceeding westerly along Greeley street until it intersects Pearson avenue, then proceeding westerly along Pearson avenue until it intersects Sunset drive, then proceeding westerly along Sunset drive until it intersects Ash avenue, then proceeding south along Ash avenue until it intersects Knapp street, then proceeding west along Knapp street until it intersects Hayward avenue, then proceeding north along Hayward avenue until it intersects Lincoln way, then proceeding west along Lincoln way until it intersects Colorado avenue, then proceeding north along Colorado avenue until it intersects West street, then proceeding west along West street until it intersects North Franklin avenue, then proceeding north along North Franklin avenue until it intersects Oakland street, then proceeding easterly along Oakland street until it

intersects Hyland avenue, then proceeding north along Hyland avenue until it intersects Clear creek, then proceeding westerly along Clear creek until it intersects North Dakota avenue, then proceeding north along North Dakota avenue until it intersects Ontario street, then proceeding west along Ontario street until it intersects Idaho avenue, then proceeding northerly along Idaho avenue until it intersects the north corporate limit of the city of Ames, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Ames to the point of origin.

47. The forty-seventh representative district shall consist of:

a. Greene county.

b. In Boone county:

(1) The cities of Fraser and Luther.

(2) Amaqua, Beaver, Cass, Des Moines, Grant, Marcy, Peoples, Pilot Mound, Union, Worth, and Yell townships, and that portion of Douglas township lying outside the corporate limits of the city of Madrid.

48. The forty-eighth representative district shall consist of:

a. Hamilton county.

b. In Boone county:

(1) The city of Madrid.

(2) Garden, Harrison, and Jackson townships, that portion of Colfax township lying outside the corporate limits of the city of Luther, and that portion of Dodge township lying outside the corporate limits of the city of Fraser.

c. In Story county:

(1) That portion of Franklin township lying outside the corporate limits of the city of Ames and that portion of Lafayette township lying outside the corporate limits of the city of Story City.

(2) That portion of Palestine township bounded by a line commencing at the point the east corporate limit of the city of Sheldahl intersects the south boundary of Story county, then proceeding north along the corporate limits of the city of Sheldahl until it intersects the south corporate limit of the city of Slater, then proceeding first east, then in a counterclockwise manner along the corporate limits of the city of Slater until it intersects the west boundary of Story county, then proceeding first south, then east, along the boundary of Story county to the point of origin.

d. In Webster county, Burnside, Dayton, Hardin, Otho, Pleasant Valley, Sumner, Webster, and Yell townships, and that portion of Washington township lying outside the corporate limits of the city of Duncombe.

49. The forty-ninth representative district shall consist of:

a. In Hardin county:

(1) The city of Eldora.

(2) Concord, Eldora, Grant, Pleasant, Providence, Sherman, Tipton, and Union townships.

b. In Story county:

(1) The city of Story City.

(2) Collins, Howard, Indian Creek, Lincoln, Nevada, New Albany, Richland, Sherman, Union, and Warren townships, and that portion of Palestine township lying outside the corporate limits of the city of Kelley and not contained in the forty-eighth representative district.

(3) That portion of the city of Nevada and Grant township bounded by a line commencing at the point the south corporate limit of the city of Nevada intersects the east boundary of Grant township, then proceeding first west, then in a clockwise manner along the corporate limits of the city of Nevada until it intersects the north boundary of Grant township, then proceeding east along the boundary of Grant township until it intersects the west boundary of Nevada township and the north corporate limit of the city of Nevada, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Nevada to the point of origin.

50. The fiftieth representative district shall consist of:

a. Grundy county.

b. In Butler county, Albion, Beaver, Jefferson, Monroe, Ripley, and Shell Rock townships.

c. In Hardin county, Alden, Buckeye, Clay, Ellis, Etna, Hardin, and Jackson townships.

51. The fifty-first representative district shall consist of:
 - a. Howard county.
 - b. Mitchell county.
 - c. Worth county.
 - d. In Winneshiek county, Bluffton, Burr Oak, Fremont, Lincoln, Madison, and Orleans townships.
52. The fifty-second representative district shall consist of:
 - a. Chickasaw county.
 - b. Floyd county.
 - c. In Cerro Gordo county, Dougherty, Falls, Owen, and Portland townships.
53. The fifty-third representative district in Cerro Gordo county shall consist of:
 - a. The city of Mason City.
 - b. Bath, Geneseo, Lime Creek, and Mason townships.
54. The fifty-fourth representative district shall consist of:
 - a. Franklin county.
 - b. In Butler county, Bennezzette, Butler, Coldwater, Dayton, Fremont, Jackson, Madison, Pittsford, Washington, and West Point townships.
 - c. In Cerro Gordo county:
 - (1) The city of Clear Lake.
 - (2) Clear Lake, Grant, Grimes, Lake, Lincoln, Mount Vernon, Pleasant Valley, and Union townships.
55. The fifty-fifth representative district shall consist of:
 - a. In Clayton county, Boardman, Highland, and Marion townships.
 - b. In Fayette county:
 - (1) The cities of Fayette and West Union.
 - (2) Auburn, Bethel, Clermont, Dover, Eden, Illyria, Pleasant Valley, Union, Westfield, and Windsor townships.
 - c. In Winneshiek county, Bloomfield, Calmar, Canoe, Decorah, Frankville, Glenwood, Hesper, Highland, Jackson, Military, Pleasant, Springfield, Sumner, and Washington townships.
56. The fifty-sixth representative district shall consist of:
 - a. Allamakee county.
 - b. In Clayton county, Buena Vista, Cass, Clayton, Cox Creek, Elk, Farmersburg, Garnavillo, Giard, Grand Meadow, Jefferson, Lodomillo, Mallory, Mendon, Millville, Monona, Read, Sperry, Volga, and Wagner townships.
57. The fifty-seventh representative district in Dubuque county consists of:
 - a. The city of Asbury.
 - b. That portion of Center township bounded by a line commencing at the point the east boundary of Center township intersects the north corporate limits of the city of Asbury, then proceeding first south, then in a counterclockwise manner along the corporate limits of the city of Asbury until it intersects the corporate limits of the city of Dubuque, then proceeding first west, then in a counterclockwise manner along the corporate limits of the city of Dubuque until it intersects the east boundary of Center township, then proceeding south along the east boundary of Center township until it intersects the corporate limits of the city of Dubuque, then proceeding first south, then in a counterclockwise manner along the corporate limits of the city of Dubuque until it intersects the south boundary of Center township, then proceeding first west, then in a clockwise manner along the boundary of Center township to the point of origin.
 - c. Liberty, Concord, Jefferson, Peru, New Wine, Iowa, Dodge, Taylor, Mosalem, Prairie Creek, and Vernon townships, and that portion of Washington township lying outside the corporate limits of the city of Zwingle.
 - d. That portion of Table Mound township not contained in the ninety-ninth representative district.
58. The fifty-eighth representative district shall consist of:
 - a. The city of Zwingle.
 - b. Jackson county.
 - c. In Dubuque county, Cascade and Whitewater townships.

d. In Jones county, Clay, Greenfield, Hale, Madison, Oxford, Richland, Rome, Scotch Grove, Washington, and Wyoming townships, and that portion of Fairview township not contained in the ninety-sixth representative district.

59. The fifty-ninth representative district in Black Hawk county consists of that portion of the city of Cedar Falls bounded by a line commencing at the point the east corporate limits of the city of Cedar Falls intersects East Greenhill road, then proceeding westerly along East Greenhill road until it intersects Cedar Heights drive, then proceeding north along Cedar Heights drive until it intersects Greenhill drive and its extension, then proceeding west along Greenhill drive and its extension until it intersects Hillside drive, then proceeding north along Hillside drive until it intersects Valley High drive, then proceeding west along Valley High drive until it intersects Clearview drive, then proceeding north along Clearview drive until it intersects Primrose drive, then proceeding west along Primrose drive until it intersects Rownd street, then proceeding north along Rownd street until it intersects Primrose drive, then proceeding westerly along Primrose drive until it intersects Maryhill drive, then proceeding southerly along Maryhill drive until it intersects Carlton drive, then proceeding northerly along Carlton drive until it intersects Orchard drive, then proceeding west along Orchard drive until it intersects South Main street, then proceeding north along South Main street until it intersects Oregon road, then proceeding easterly along Oregon road until it intersects Dallas drive, then proceeding north along Dallas drive until it intersects Utah road, then proceeding east along Utah road until it intersects Tucson drive, then proceeding north along Tucson drive until it intersects Idaho road, then proceeding east along Idaho road until it intersects Boulder drive, then proceeding north along Boulder drive until it intersects University avenue, then proceeding west along University avenue until it intersects Grove street, then proceeding north along Grove street until it intersects East Seerley boulevard, then proceeding westerly along East Seerley boulevard until it intersects West Seerley boulevard, then proceeding westerly along West Seerley boulevard until it intersects College street, then proceeding south along College street until it intersects University avenue, then proceeding southwestly along University avenue until it intersects the corporate limits of the city of Cedar Falls, then proceeding first west, then in a clockwise manner along the corporate limits of the city of Cedar Falls to the point of origin.

60. The sixtieth representative district in Black Hawk county consists of:

a. Black Hawk, Cedar Falls, and Lincoln townships.

b. That portion of the city of Cedar Falls bounded by a line commencing at the point the east corporate limits of the city of Cedar Falls intersects East Greenhill road, then proceeding westerly along East Greenhill road until it intersects Cedar Heights drive, then proceeding north along Cedar Heights drive until it intersects Greenhill drive and its extension, then proceeding west along Greenhill drive and its extension until it intersects Hillside drive, then proceeding north along Hillside drive until it intersects Valley High drive, then proceeding west along Valley High drive until it intersects Clearview drive, then proceeding north along Clearview drive until it intersects Primrose drive, then proceeding west along Primrose drive until it intersects Rownd street, then proceeding north along Rownd street until it intersects Primrose drive, then proceeding westerly along Primrose drive until it intersects Maryhill drive, then proceeding southerly along Maryhill drive until it intersects Carlton drive, then proceeding northerly along Carlton drive until it intersects Orchard drive, then proceeding west along Orchard drive until it intersects South Main street, then proceeding north along South Main street until it intersects Oregon road, then proceeding easterly along Oregon road until it intersects Dallas drive, then proceeding north along Dallas drive until it intersects Utah road, then proceeding east along Utah road until it intersects Tucson drive, then proceeding north along Tucson drive until it intersects Idaho road, then proceeding east along Idaho road until it intersects Boulder drive, then proceeding north along Boulder drive until it intersects University avenue, then proceeding west along University avenue until it intersects Grove street, then proceeding north along Grove street until it intersects East Seerley boulevard, then proceeding westerly along East Seerley boulevard until it intersects West Seerley boulevard, then proceeding westerly along West Seerley boulevard until it intersects College street, then proceeding south along College street until it intersects University avenue, then proceeding southwestly along University avenue until it intersects the corporate limits of the city of Cedar Falls, then proceeding first

east, then in a counterclockwise manner along the corporate limits of the city of Cedar Falls to the point of origin.

c. That portion of the city of Waterloo bounded by a line commencing at the point Rainbow drive intersects the west corporate limit of the city of Waterloo, then proceeding southeasterly along Rainbow drive until it intersects Hanna boulevard, then proceeding southerly along Hanna boulevard until it intersects Maxine avenue, then proceeding west along Maxine avenue until it intersects Auburn street, then proceeding south along Auburn street until it intersects Maynard avenue, then proceeding west along Maynard avenue until it intersects Beverly Hill street, then proceeding southerly along Beverly Hill street until it intersects Carriage Hill drive, then proceeding southeasterly along Carriage Hill drive until it intersects Stephan avenue, then proceeding southerly along Stephan avenue until it intersects Falls avenue, then proceeding southwestwardly along Falls avenue until it intersects University avenue, then proceeding southeasterly along University avenue until it intersects Ansborough avenue, then proceeding south along Ansborough avenue until it intersects Black Hawk creek, then proceeding easterly along Black Hawk creek until it intersects Fletcher avenue, then proceeding south along Fletcher avenue until it intersects Campbell avenue, then proceeding east along Campbell avenue until it intersects West Fourth street, then proceeding northeasterly along West Fourth street until it intersects Bayard street, then proceeding southerly along Bayard street until it intersects Byron avenue, then proceeding west along Byron avenue until it intersects Hale street, then proceeding south along Hale street until it intersects Carolina avenue, then proceeding west along Carolina avenue until it intersects Kimball avenue, then proceeding south along Kimball avenue until it intersects East San Marnan drive, then proceeding east along East San Marnan drive until it intersects Hawkeye road, then proceeding south along Hawkeye road until it intersects the south corporate limit of the city of Waterloo, then proceeding first west, then in a clockwise manner along the corporate limits of the city of Waterloo to the point of origin.

61. The sixty-first representative district in Black Hawk county shall consist of:

a. Orange, Cedar, Fox, and Spring Creek townships.

b. That portion of Poyner township bounded by a line commencing at the point Indian Creek road intersects the east boundary of Poyner township, then proceeding first south, and then in a clockwise manner along the boundary of Poyner township until it intersects Gilbertville road, then proceeding southeasterly along Gilbertville road until it intersects Indian Creek road, then proceeding southeasterly, then east, along Indian Creek road to the point of origin.

c. That portion of the city of Waterloo bounded by a line commencing at the point the east corporate limit of the city of Waterloo intersects the main channel of the Cedar river, then proceeding northwesterly along the main channel of the Cedar river until it intersects Conger street, then proceeding southwestwardly along Conger street until it intersects West Conger street, then proceeding southwestwardly along West Conger street until it intersects Westfield avenue, then proceeding southeasterly along Westfield avenue until it intersects Black Hawk creek, then proceeding southwestwardly along Black Hawk creek until it intersects Fletcher avenue, then proceeding south along Fletcher avenue until it intersects Campbell avenue, then proceeding east along Campbell avenue until it intersects West Fourth street, then proceeding northeasterly along West Fourth street until it intersects Bayard street, then proceeding southerly along Bayard street until it intersects Byron avenue, then proceeding west along Byron avenue until it intersects Hale street, then proceeding south along Hale street until it intersects Carolina avenue, then proceeding west along Carolina avenue until it intersects Kimball avenue, then proceeding south along Kimball avenue until it intersects East San Marnan drive, then proceeding east along East San Marnan drive until it intersects Hawkeye road, then proceeding south along Hawkeye road until it intersects the south corporate limit of the city of Waterloo, then proceeding first east, then in a counterclockwise manner along the corporate limits of the city of Waterloo to the point of origin.

62. The sixty-second representative district in Black Hawk county shall consist of:

a. The cities of Elk Run Heights, Evansdale, and Raymond.

b. That portion of the city of Waterloo bounded by a line commencing at the point Rainbow drive intersects the west corporate limit of the city of Waterloo, then proceeding first north, then in a clockwise manner along the corporate limits of the city of Waterloo until it

intersects the main channel of the Cedar river, then proceeding northwesterly along the main channel of the Cedar river until it intersects Conger street, then proceeding southwesterly along Conger street until it intersects West Conger street, then proceeding southwesterly along West Conger street until it intersects Westfield avenue, then proceeding southeasterly along Westfield avenue until it intersects Black Hawk creek, then proceeding southwesterly along Black Hawk creek until it intersects Ansborough avenue, then proceeding north along Ansborough avenue until it intersects University avenue, then proceeding northwesterly along University avenue until it intersects Falls avenue, then proceeding northerly along Falls avenue until it intersects Stephan avenue, then proceeding northerly along Stephan avenue until it intersects Carriage Hill drive, then proceeding westerly along Carriage Hill drive until it intersects Beverly Hill street, then proceeding northerly along Beverly Hill street until it intersects Maynard avenue, then proceeding east along Maynard avenue until it intersects Auburn street, then proceeding north along Auburn street until it intersects Maxine avenue, then proceeding east along Maxine avenue until it intersects Hanna boulevard, then proceeding northerly along Hanna boulevard until it intersects Rainbow drive, then proceeding northwesterly along Rainbow drive to the point of origin.

63. The sixty-third representative district shall consist of:

a. Bremer county.

b. In Black Hawk county, Barclay, Bennington, East Waterloo, Lester, Mount Vernon, Union, and Washington townships, and that portion of Poyner township not contained in the sixty-first and sixty-second representative districts.

64. The sixty-fourth representative district shall consist of:

a. In Buchanan county, Buffalo, Byron, Fairbank, Fremont, Hazleton, Jefferson, Liberty, Madison, Perry, Sumner, Washington, and Westburg townships.

b. In Fayette county:

(1) That portion of the city of Sumner in Fayette county.

(2) Banks, Center, Fairfield, Fremont, Harlan, Jefferson, Oran, Putnam, Scott, and Smithfield townships.

65. The sixty-fifth representative district in Linn county consists of that portion of the city of Cedar Rapids and Bertram township bounded by a line commencing at the point the east corporate limit of the city of Cedar Rapids intersects Thirty-fifth street drive Southeast, then proceeding westerly along Thirty-fifth street drive Southeast until it intersects First avenue East, then proceeding southerly along First avenue East until it intersects Nineteenth street Northeast, then proceeding northwesterly along Nineteenth street Northeast until it intersects E avenue Northeast, then proceeding northeasterly along E avenue Northeast until it intersects Twentieth street Northeast, then proceeding northerly along Twentieth street Northeast until it intersects Prairie drive Northeast, then proceeding northwesterly along Prairie drive Northeast until it intersects Robinwood lane Northeast, then proceeding westerly along Robinwood lane Northeast until it intersects Elmhurst drive Northeast, then proceeding westerly along Elmhurst drive Northeast until it intersects Oakland road Northeast, then proceeding southerly along Oakland road Northeast until it intersects F avenue Northeast, then proceeding southwesterly along F avenue Northeast until it intersects Interstate 380, then proceeding southerly along Interstate 380 until it intersects Union Pacific Railroad tracks, then proceeding southerly along Union Pacific Railroad tracks until it intersects Cedar Rapids and Iowa City Railway tracks, then proceeding first southerly, then westerly along Cedar Rapids and Iowa City Railway tracks until it intersects First street Southwest, then proceeding southerly along First street Southwest until it intersects C street Southwest, then proceeding southeasterly along C street Southwest until it intersects Sixteenth avenue Southwest, then proceeding southwesterly along Sixteenth avenue Southwest until it intersects Second street Southwest, then proceeding southerly along Second street Southwest until it intersects Seventeenth avenue Southwest, then proceeding easterly along Seventeenth avenue Southwest until it intersects Second street Southwest, then proceeding south along Second street Southwest until it intersects Wilson avenue Southwest, then proceeding west along Wilson avenue Southwest until it intersects Second street Southwest, then proceeding south along Second street Southwest until it intersects Twenty-sixth avenue Southwest, then proceeding west along Twenty-sixth avenue Southwest until it intersects J street Southwest, then proceeding southerly along J street

Southwest until it intersects Union Pacific Railroad tracks, then proceeding easterly along Union Pacific Railroad tracks until it intersects the middle channel of the Cedar river, then proceeding easterly along the middle channel of the Cedar river until it intersects the corporate limits of the city of Cedar Rapids, then proceeding first north, then in a counterclockwise manner along the corporate limits of the city of Cedar Rapids to the point of origin.

66. The sixty-sixth representative district in Linn county consists of that portion of the city of Cedar Rapids and Monroe township bounded by a line commencing at the point the corporate limit of the city of Cedar Rapids and the south corporate limit of the city of Robins intersects Council street Northeast, then proceeding south along Council street Northeast until it intersects Collins road Northeast, then proceeding easterly along Collins road Northeast until it intersects Twixt Town road Northeast, then proceeding northerly along Twixt Town road Northeast until it intersects the corporate limits of the city of Cedar Rapids, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Cedar Rapids until it intersects Thirty-fifth street drive Southeast, then proceeding westerly along Thirty-fifth street drive Southeast until it intersects First avenue East, then proceeding southerly along First avenue East until it intersects Nineteenth street Northeast, then proceeding northwesterly along Nineteenth street Northeast until it intersects E avenue Northeast, then proceeding northeasterly along E avenue Northeast until it intersects Twentieth street Northeast, then proceeding northerly along Twentieth street Northeast until it intersects Prairie drive Northeast, then proceeding northwesterly along Prairie drive Northeast until it intersects Robinwood lane Northeast, then proceeding westerly along Robinwood lane Northeast until it intersects Elmhurst drive Northeast, then proceeding westerly along Elmhurst drive Northeast until it intersects Oakland road Northeast, then proceeding southerly along Oakland road Northeast until it intersects F avenue Northeast, then proceeding southwesterly along F avenue Northeast until it intersects Interstate 380, then proceeding southerly along Interstate 380 until it intersects Union Pacific Railroad tracks, then proceeding northwesterly along Union Pacific Railroad tracks until it intersects the middle channel of the Cedar river, then proceeding westerly along the middle channel of the Cedar river until it intersects the east boundary of Clinton township and the corporate limits of the city of Cedar Rapids, then proceeding first southwesterly, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to the point of origin.

67. The sixty-seventh representative district in Linn county consists of:

a. That portion of the city of Robins, the city of Hiawatha, and Monroe township, bounded by a line commencing at the point the south corporate limit of the city of Robins intersects the corporate limits of the city of Cedar Rapids, then proceeding southwesterly along the corporate limits of the city of Cedar Rapids until it intersects the corporate limits of the city of Hiawatha, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Hiawatha until it intersects the west corporate limit of the city of Robins, then proceeding first north, then in a clockwise manner along the corporate limits of the city of Robins to the point of origin.

b. That portion of the city of Marion and Marion township bounded by a line commencing at the point the corporate limits of the city of Marion and the south boundary of that portion of Marion township lying outside the corporate limits of the city of Marion intersect Winslow road, then proceeding southerly along Winslow road until it intersects Indian Creek road, then proceeding southwesterly along Indian Creek road until it intersects Twenty-ninth avenue, then proceeding east along Twenty-ninth avenue until it intersects Twenty-fourth street, then proceeding southerly along Twenty-fourth street until it intersects Seventeenth avenue, then proceeding west along Seventeenth avenue until it intersects Northview drive, then proceeding south along Northview drive until it intersects Fifteenth avenue, then proceeding westerly along Fifteenth avenue until it intersects Douglas court, then proceeding north along Douglas court until it intersects Henderson drive, then proceeding westerly along Henderson drive until it intersects English boulevard, then proceeding southerly along English boulevard until it intersects Park avenue, then proceeding west along Park avenue until it intersects Lincoln drive, then proceeding southerly along Lincoln drive until it intersects Thirteenth avenue, then proceeding west along Thirteenth avenue until it intersects Seventh street, then proceeding south along Seventh street until it intersects

Central avenue, then proceeding northwesterly along Central avenue until it intersects Alburnett road, then proceeding northwesterly along Alburnett road until it intersects Indian creek, then proceeding southwesterly along Indian creek until it intersects West Eighth avenue, then proceeding westerly along West Eighth avenue until it intersects Lindale drive, then proceeding southwesterly along Lindale drive until it intersects Chicago Central and Pacific Railroad tracks, then proceeding westerly along Chicago Central and Pacific Railroad tracks until it intersects the corporate limits of the city of Marion, then proceeding first north, then in a clockwise manner along the corporate limits of the city of Marion to the point of origin.

c. That portion of the city of Cedar Rapids bounded by a line commencing at the point the corporate limit of the city of Cedar Rapids and the south corporate limit of the city of Robins intersects Council street Northeast, then proceeding south along Council street Northeast until it intersects Collins road Northeast, then proceeding easterly along Collins road Northeast until it intersects Twixt Town road Northeast, then proceeding northerly along Twixt Town road Northeast until it intersects the corporate limits of the city of Cedar Rapids, then proceeding first west, then in a counterclockwise manner along the corporate limits of the city of Cedar Rapids to the point of origin.

68. The sixty-eighth representative district in Linn county consists of:

a. The city of Ely.

b. Putnam township, and that portion of Bertram township not contained in the sixty-fifth representative district.

c. That portion of the city of Marion and Marion township bounded by a line commencing at the point the corporate limit of the city of Marion and the south boundary of that portion of Marion township lying outside the corporate limits of the city of Marion intersect Winslow road, then proceeding southerly along Winslow road until it intersects Indian Creek road, then proceeding southwesterly along Indian Creek road until it intersects Twenty-ninth avenue, then proceeding east along Twenty-ninth avenue until it intersects Twenty-fourth street, then proceeding southerly along Twenty-fourth street until it intersects Seventeenth avenue, then proceeding west along Seventeenth avenue until it intersects Northview drive, then proceeding south along Northview drive until it intersects Fifteenth avenue, then proceeding westerly along Fifteenth avenue until it intersects Douglas court, then proceeding north along Douglas court until it intersects Henderson drive, then proceeding westerly along Henderson drive until it intersects English boulevard, then proceeding southerly along English boulevard until it intersects Park avenue, then proceeding west along Park avenue until it intersects Lincoln drive, then proceeding southerly along Lincoln drive until it intersects Thirteenth avenue, then proceeding west along Thirteenth avenue until it intersects Seventh street, then proceeding south along Seventh street until it intersects Central avenue, then proceeding northwesterly along Central avenue until it intersects Alburnett road, then proceeding northwesterly along Alburnett road until it intersects Indian creek, then proceeding southwesterly along Indian creek until it intersects West Eighth avenue, then proceeding westerly along West Eighth avenue until it intersects Lindale drive, then proceeding southwesterly along Lindale drive until it intersects Chicago Central and Pacific Railroad tracks, then proceeding westerly along Chicago Central and Pacific Railroad tracks until it intersects the east corporate limit of the city of Cedar Rapids, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Cedar Rapids until it intersects the north boundary of Bertram township, then proceeding east along the boundary of Bertram township until it intersects U.S. highway 151, then proceeding north along U.S. highway 151 until it intersects the south corporate limit of the city of Marion, then proceeding first east, then in a counterclockwise manner along the corporate limits of the city of Marion to the point of origin.

69. The sixty-ninth representative district in Linn county consists of:

a. Fairfax township and that portion of College township lying outside the corporate limits of the city of Ely.

b. That portion of the city of Cedar Rapids bounded by a line commencing at the point the west corporate limit of the city of Cedar Rapids intersects Sixteenth avenue Southwest, then proceeding easterly along Sixteenth avenue Southwest until it intersects Eighteenth street Southwest, then proceeding northerly along Eighteenth street Southwest until it

intersects First avenue Northwest, then proceeding easterly along First avenue Northwest until it intersects Twelfth street Southwest, then proceeding southeasterly along Twelfth street Southwest until it intersects Third avenue Southwest, then proceeding east along Third avenue Southwest until it intersects Union Pacific Railroad tracks, then proceeding first northeasterly, then southeasterly along Union Pacific Railroad tracks until it intersects Cedar Rapids and Iowa City Railway tracks, then proceeding first southerly, then westerly along Cedar Rapids and Iowa City Railway tracks until it intersects First street Southwest, then proceeding southerly along First street Southwest until it intersects C street Southwest, then proceeding southeasterly along C street Southwest until it intersects Sixteenth avenue Southwest, then proceeding southwesterly along Sixteenth avenue Southwest until it intersects Second street Southwest, then proceeding southerly along Second street Southwest until it intersects Seventeenth avenue Southwest, then proceeding easterly along Seventeenth avenue Southwest until it intersects Second street Southwest, then proceeding south along Second street Southwest until it intersects Wilson avenue Southwest, then proceeding west along Wilson avenue Southwest until it intersects Second street Southwest, then proceeding south along Second street Southwest until it intersects Twenty-sixth avenue Southwest, then proceeding west along Twenty-sixth avenue Southwest until it intersects J street Southwest, then proceeding southerly along J street Southwest until it intersects Union Pacific Railroad tracks, then proceeding easterly along Union Pacific Railroad tracks until it intersects the middle channel of the Cedar river, then proceeding easterly along the middle channel of the Cedar river until it intersects the corporate limit of the city of Cedar Rapids, then proceeding first north, then easterly along the corporate limits of the city of Cedar Rapids until it intersects the west boundary of Putnam township, then proceeding southerly along the boundary of Putnam township until it intersects the corporate limit of the city of Cedar Rapids, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to the point of origin.

70. The seventieth representative district in Linn county consists of:

a. Clinton township.

b. That portion of the city of Cedar Rapids bounded by a line commencing at the point the west corporate limit of the city of Cedar Rapids intersects Sixteenth avenue Southwest, then proceeding easterly along Sixteenth avenue Southwest until it intersects Eighteenth street Southwest, then proceeding northerly along Eighteenth street Southwest until it intersects First avenue Northwest, then proceeding easterly along First avenue Northwest until it intersects Twelfth street Southwest, then proceeding southeasterly along Twelfth street Southwest until it intersects Third avenue Southwest, then proceeding east along Third avenue Southwest until it intersects Union Pacific Railroad tracks, then proceeding northeasterly along Union Pacific Railroad tracks until it intersects the middle channel of the Cedar river, then proceeding westerly along the middle channel of the Cedar river until it intersects the east boundary of Clinton township and the corporate limits of the city of Cedar Rapids, then proceeding first south, then in a counterclockwise manner along the corporate limits of the city of Cedar Rapids to the point of origin.

71. The seventy-first representative district in Marshall county shall consist of:

a. The city of Marshalltown.

b. Bangor, Liscomb, Marion, Taylor, and Vienna townships.

72. The seventy-second representative district shall consist of:

a. Tama county.

b. In Black Hawk county, Big Creek and Eagle townships.

c. In Marshall county, Eden, Greencastle, Jefferson, Liberty, Logan, Marietta, Minerva, State Center, and Washington townships, and those portions of Le Grand and Timber Creek townships lying outside the corporate limits of the city of Marshalltown.

73. The seventy-third representative district shall consist of:

a. The city of Wilton.

b. Cedar county.

c. In Johnson county, Big Grove, Cedar, Graham, Newport, and Scott townships.

74. The seventy-fourth representative district in Johnson county shall consist of:

a. The city of Coralville.

b. That portion of the city of Iowa City and West Lucas township bounded by a line commencing at the point the west corporate limit of the city of Iowa City intersects state highway 1, then proceeding northeasterly along state highway 1 until it intersects Sunset street, then proceeding northwesterly along Sunset street until it intersects Aber avenue, then proceeding westerly along Aber avenue until it intersects Teg drive, then proceeding first westerly, then northerly, along Teg drive until it intersects West Benton street, then proceeding west along West Benton street until it intersects Keswick drive, then proceeding first northerly, then easterly, along Keswick drive until it intersects Westgate street, then proceeding northerly along Westgate street until it intersects Melrose avenue, then proceeding westerly along Melrose avenue until it intersects Mormon Trek boulevard, then proceeding northerly along Mormon Trek boulevard until it intersects the south corporate limit of the city of Coralville, then proceeding westerly along the corporate limits of the city of Coralville until it intersects the west boundary of West Lucas township, then proceeding south along the boundary of West Lucas township until it intersects the corporate limits of the city of Iowa City, then proceeding first west, then in a counterclockwise manner along the corporate limits of the city of Iowa City to the point of origin.

c. That portion of Penn township and East Lucas township bounded by a line commencing at the point the west boundary of Penn township intersects the north corporate limit of the city of North Liberty, then proceeding first north, then in a clockwise manner along the boundary of Penn township until it intersects the north boundary of East Lucas township, then proceeding first east, then in a clockwise manner along the boundary of East Lucas township until it intersects the boundary of Penn township, then proceeding westerly along the boundary of Penn township until it intersects the corporate limits of the city of Coralville, then proceeding first west, then in a counterclockwise manner along the corporate limits of the city of Coralville until it intersects the south corporate limit of the city of North Liberty, then proceeding first northerly, then in a counterclockwise manner along the corporate limits of the city of North Liberty to the point of origin.

75. The seventy-fifth representative district shall consist of:

a. Benton county.

b. In Iowa county, Honey Creek, Marengo, and Washington townships, and that portion of Hilton township lying outside the corporate limits of the city of Williamsburg.

76. The seventy-sixth representative district shall consist of:

a. Poweshiek county.

b. In Iowa county:

(1) The city of Williamsburg.

(2) Dayton, English, Fillmore, Greene, Hartford, Iowa, Lenox, Lincoln, Pilot, Sumner, Troy, and York townships.

77. The seventy-seventh representative district in Johnson county shall consist of:

a. The city of North Liberty.

b. Fremont, Hardin, Jefferson, Lincoln, Madison, Monroe, Oxford, Pleasant Valley, Sharon, and Washington townships.

c. Those portions of Clear Creek and Union townships lying outside the corporate limits of the city of Coralville, that portion of Penn township not contained in the seventy-fourth representative district, that portion of Liberty township not contained in the eighty-sixth representative district, and that portion of West Lucas township not contained in the seventy-fourth or eighty-sixth representative district.

78. The seventy-eighth representative district shall consist of:

a. Keokuk county.

b. In Washington county, Cedar, Clay, Dutch Creek, English River, Franklin, Highland, Iowa, Jackson, Lime Creek, Oregon, Seventy-Six, and Washington townships.

79. The seventy-ninth representative district shall consist of:

a. In Mahaska county:

(1) The cities of Oskaloosa and University Park.

(2) Black Oak, Garfield, Jefferson, Lincoln, Madison, Prairie, Richland, Scott, and West Des Moines townships.

(3) That portion of East Des Moines township lying outside the corporate limits of the city of Eddyville, and that portion of Spring Creek township not contained in the eightieth representative district.

b. In Marion county, Lake Prairie township.

80. The eightieth representative district shall consist of:

a. The city of Eddyville.

b. Appanoose county.

c. Monroe county.

d. In Mahaska county:

(1) Adams, Cedar, Harrison, Monroe, Pleasant Grove, Union, and White Oak townships.

(2) That portion of Spring Creek township bounded by a line commencing at the point the north corporate limit of the city of University Park and the east corporate limit of the city of Oskaloosa intersects the west boundary of Spring Creek township, then proceeding first north, then in a clockwise manner along the boundary of Spring Creek township until it intersects the corporate limits of the city of University Park, then proceeding first north, then west, along the corporate limits of the city of University Park to the point of origin.

e. In Wapello county:

(1) Adams, Cass, Columbia, Highland, and Polk townships, and that portion of Richland township lying outside the corporate limits of the city of Ottumwa.

(2) That portion of Center township bounded by a line commencing at the point the north boundary of Center township intersects the west corporate limit of the city of Ottumwa, then proceeding first west, then in a counterclockwise manner along the boundary of Center township until it intersects the south corporate limit of the city of Ottumwa, then proceeding first west, then in a clockwise manner along the corporate limits of the city of Ottumwa to the point of origin.

81. The eighty-first representative district in Wapello county shall consist of:

a. The city of Ottumwa.

b. Agency, Competine, Dahlonga, Green, Keokuk, Pleasant, and Washington townships, and that portion of Center township not contained in the eightieth representative district.

82. The eighty-second representative district shall consist of:

a. Davis county.

b. Van Buren county.

c. In Jefferson county:

(1) The city of Fairfield.

(2) Black Hawk, Cedar, Center, Des Moines, Liberty, Locust Grove, Penn, and Polk townships.

83. The eighty-third representative district in Lee county shall consist of:

a. The city of Keokuk.

b. Des Moines, Green Bay, Jackson, Jefferson, Madison, Montrose, Van Buren, and Washington townships, and that portion of Charleston township lying outside the corporate limits of the city of Donnellson.

84. The eighty-fourth representative district shall consist of:

a. Henry county.

b. In Jefferson county, Buchanan, Lockridge, Round Prairie, and Walnut townships.

c. In Lee county:

(1) The city of Donnellson.

(2) Cedar, Denmark, Franklin, Harrison, Marion, Pleasant Ridge, and West Point townships.

d. In Washington county, Brighton, Crawford, and Marion townships.

85. The eighty-fifth representative district in Johnson county shall consist of that portion of the city of Iowa City bounded by a line commencing at the point the west corporate limit of the city of Iowa City intersects Second street, then proceeding southeasterly along Second street until it intersects South Riverside drive, then proceeding southerly along South Riverside drive until it intersects Newton road, then proceeding east along Newton road until it intersects the Iowa river, then proceeding southerly along the Iowa river until it intersects West Burlington street, then proceeding east along West Burlington street until it intersects East Burlington street, then proceeding east along East Burlington street until it

intersects South Gilbert street, then proceeding southerly along South Gilbert street until it intersects the Iowa Interstate Railroad tracks, then proceeding southeasterly along the Iowa Interstate Railroad tracks until it intersects South Lucas street and its extension, then proceeding northerly along South Lucas street and its extension until it intersects Bowery street, then proceeding east along Bowery street until it intersects South Governor street, then proceeding north along South Governor street until it intersects East Burlington street, then proceeding east along East Burlington street until it intersects Muscatine avenue, then proceeding first southeasterly, then east, along Muscatine avenue until it intersects American Legion road Southeast, then proceeding east along American Legion road Southeast until it intersects the east corporate limit of the city of Iowa City, then proceeding first north, then in a counterclockwise manner along the corporate limits of the city of Iowa City to the point of origin.

86. The eighty-sixth representative district in Johnson county consists of:

a. The cities of Hills and University Heights.

b. That portion of Liberty, East Lucas, and West Lucas townships, and the city of Iowa City, bounded by a line commencing at the point First avenue intersects Second street on the corporate limit of the city of Iowa City, then proceeding southeasterly along Second street until it intersects South Riverside drive, then proceeding southerly along South Riverside drive until it intersects Newton road, then proceeding east along Newton road until it intersects the Iowa river, then proceeding southerly along the Iowa river until it intersects West Burlington street, then proceeding east along West Burlington street until it intersects East Burlington street, then proceeding east along East Burlington street until it intersects South Gilbert street, then proceeding southerly along South Gilbert street until it intersects the Iowa Interstate Railroad tracks, then proceeding southeasterly along the Iowa Interstate Railroad tracks until it intersects South Lucas street and its extension, then proceeding northerly along South Lucas street and its extension until it intersects Bowery street, then proceeding east along Bowery street until it intersects South Governor street, then proceeding north along South Governor street until it intersects East Burlington street, then proceeding east along East Burlington street until it intersects Muscatine avenue, then proceeding first southeasterly, then east, along Muscatine avenue until it intersects American Legion road Southeast, then proceeding east along American Legion road Southeast until it intersects the east corporate limit of the city of Iowa City, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Iowa City until it intersects the east boundary of East Lucas township, then proceeding south along the boundary of East Lucas township until it intersects the north boundary of Pleasant Valley township, then proceeding first west, then in a counterclockwise manner along the boundary of Pleasant Valley township until it intersects the corporate limit of the city of Hills, then proceeding first west, then in a counterclockwise manner along the corporate limits of the city of Hills until it intersects the south corporate limit of the city of Iowa City, then proceeding first west, then in a clockwise manner along the corporate limits of the city of Iowa City until it intersects state highway 1, then proceeding northeasterly along state highway 1 until it intersects Sunset street, then proceeding northwesterly along Sunset street until it intersects Aber avenue, then proceeding westerly along Aber avenue until it intersects Teg drive, then proceeding first westerly, then northerly, along Teg drive until it intersects West Benton street, then proceeding west along West Benton street until it intersects Keswick drive, then proceeding first northerly, then easterly, along Keswick drive until it intersects Westgate street, then proceeding northerly along Westgate street until it intersects Melrose avenue, then proceeding westerly along Melrose avenue until it intersects Mormon Trek boulevard, then proceeding northerly along Mormon Trek boulevard until it intersects First avenue, then proceeding northeasterly along First avenue to the point of origin.

87. The eighty-seventh representative district in Des Moines county shall consist of:

a. The cities of Burlington and West Burlington.

b. Concordia and Tama townships.

88. The eighty-eighth representative district shall consist of:

a. Louisa county.

b. In Des Moines county:

(1) The cities of Danville, Mediapolis, and Middletown.

(2) Benton, Danville, Flint River, Franklin, Huron, Jackson, Pleasant Grove, Union, Washington, and Yellow Springs townships.

c. In Muscatine county:

(1) Cedar, Goshen, Lake, Orono, Pike, and Wapsinonoc townships, those portions of Moscow and Wilton townships lying outside the corporate limits of the city of Wilton, and that portion of Seventy-Six township lying outside the corporate limits of the city of Muscatine.

(2) That portion of Fruitland township bounded by a line commencing at the point the north boundary of Fruitland township intersects the west corporate limit of the city of Muscatine, then proceeding first west, then in a counterclockwise manner along the boundary of Fruitland township until it intersects the corporate limits of the city of Muscatine, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Muscatine to the point of origin.

89. The eighty-ninth district in Scott county consists of that portion of the city of Davenport bounded by a line commencing at the point the west corporate limit of the city of Davenport intersects the Iowa Interstate Railroad tracks, then proceeding easterly along the Iowa Interstate Railroad tracks until it intersects West Forty-sixth street, then proceeding east along West Forty-sixth street until it intersects Wisconsin avenue, then proceeding north along Wisconsin avenue until it intersects West Kimberly road, then proceeding southeasterly along West Kimberly road until it intersects Wyoming avenue, then proceeding north along Wyoming avenue until it intersects West Silver creek, then proceeding easterly along West Silver creek until it intersects North Fairmount street, then proceeding south along North Fairmount street until it intersects West Forty-ninth street, then proceeding easterly along West Forty-ninth street until it intersects North Pine street, then proceeding north along North Pine street until it intersects Northwest boulevard, then proceeding northerly along Northwest boulevard until it intersects Ridgeview drive, then proceeding northeasterly along Ridgeview drive until it intersects North Division street, then proceeding southerly along North Division street until it intersects Northwest boulevard, then proceeding southeasterly along Northwest boulevard until it intersects North Harrison street, then proceeding southerly along North Harrison street until it intersects West Thirty-fifth street, then proceeding easterly along West Thirty-fifth street until it intersects Fair avenue, then proceeding north along Fair avenue until it intersects East Thirty-seventh street, then proceeding east along East Thirty-seventh street until it intersects North Brady street, then proceeding southerly along North Brady street until it intersects Brady street, then proceeding southerly along Brady street until it intersects East Thirtieth street, then proceeding west along East Thirtieth street until it intersects Dubuque street, then proceeding south along Dubuque street until it intersects East Thirtieth street, then proceeding west along East Thirtieth street until it intersects West Thirtieth street, then proceeding west along West Thirtieth street until it intersects Sheridan street, then proceeding south along Sheridan street until it intersects West Columbia avenue, then proceeding west along West Columbia avenue until it intersects North Main street, then proceeding south along North Main street until it intersects West Central Park avenue, then proceeding west along West Central Park avenue until it intersects North Harrison street, then proceeding southerly along North Harrison street until it intersects West Rusholme street, then proceeding westerly along West Rusholme street until it intersects Warren street, then proceeding southerly along Warren street until it intersects West Fifteenth street, then proceeding west along West Fifteenth street until it intersects North Marquette street, then proceeding south along North Marquette street until it intersects West Fifteenth street, then proceeding west along West Fifteenth street until it intersects North Sturdevant street, then proceeding south along North Sturdevant street until it intersects West Fourteenth street, then proceeding west along West Fourteenth street and its extension until it intersects the Iowa Interstate Railroad tracks, then proceeding northerly along the Iowa Interstate Railroad tracks until it intersects West Pleasant street and its extension, then proceeding easterly along West Pleasant street and its extension until it intersects North Howell street, then proceeding northerly along North Howell street until it intersects Frisco drive, then proceeding northerly along Frisco drive until it intersects Hickory Grove road, then proceeding northwesterly along Hickory Grove road until it intersects West Central Park

avenue, then proceeding west along West Central Park avenue until it intersects North Michigan avenue, then proceeding south along North Michigan avenue until it intersects West Lombard street, then proceeding east along West Lombard street until it intersects North Clark street, then proceeding southerly along North Clark street until it intersects Waverly road, then proceeding southeasterly along Waverly road until it intersects Telegraph road, then proceeding westerly along Telegraph road until it intersects Wisconsin avenue, then proceeding northerly along Wisconsin avenue until it intersects West Locust street, then proceeding west along West Locust street until it intersects One Hundred Sixtieth street, then proceeding west along One Hundred Sixtieth street until it intersects the west corporate limit of the city of Davenport, then proceeding first west, then in a clockwise manner along the corporate limits of the city of Davenport to the point of origin.

90. The ninetieth district in Scott county consists of:

a. That portion of the city of Buffalo and Buffalo township commencing at the point the west boundary of Scott county intersects the boundary of the state of Iowa, then proceeding north along the boundary of Scott county until it intersects the south corporate limit of the city of Buffalo, then proceeding first north, then in a clockwise manner along the corporate limits of the city of Buffalo until it intersects the west corporate limit of the city of Davenport, then proceeding south along the corporate limits of the city of Davenport until it intersects the boundary of the state of Iowa, then proceeding westerly along the boundary of the state of Iowa to the point of origin.

b. That portion of Blue Grass township and the city of Davenport bounded by a line commencing at the point the boundary of the state of Iowa and the corporate limits of the city of Davenport intersect the extension of Mound street to the Mississippi river, then proceeding northerly along Mound street and its extension until it intersects East Thirteenth street, then proceeding easterly along East Thirteenth street until it intersects Kirkwood boulevard, then proceeding westerly along Kirkwood boulevard until it intersects Bridge avenue, then proceeding north along Bridge avenue until it intersects East Locust street, then proceeding west along East Locust street until it intersects Iowa street, then proceeding south along Iowa street until it intersects Kirkwood boulevard, then proceeding westerly along Kirkwood boulevard until it intersects Brady street, then proceeding south along Brady street until it intersects West Sixteenth street, then proceeding west along West Sixteenth street until it intersects North Harrison street, then proceeding north along North Harrison street until it intersects West Locust street, then proceeding west along West Locust street until it intersects Ripley street, then proceeding north along Ripley street until it intersects West Pleasant street, then proceeding westerly along West Pleasant street until it intersects Scott street, then proceeding north along Scott street until it intersects West Rusholme street, then proceeding westerly along West Rusholme street until it intersects Warren street, then proceeding southerly along Warren street until it intersects West Fifteenth street, then proceeding west along West Fifteenth street until it intersects North Marquette street, then proceeding south along North Marquette street until it intersects West Fifteenth street, then proceeding west along West Fifteenth street until it intersects North Sturdevant street, then proceeding south along North Sturdevant street until it intersects West Fourteenth street, then proceeding west along West Fourteenth street and its extension until it intersects the Iowa Interstate Railroad tracks, then proceeding northerly along the Iowa Interstate Railroad tracks until it intersects West Pleasant street and its extension, then proceeding easterly along West Pleasant street and its extension until it intersects North Howell street, then proceeding northerly along North Howell street until it intersects Frisco drive, then proceeding northerly along Frisco drive until it intersects Hickory Grove road, then proceeding northwesterly along Hickory Grove road until it intersects West Central Park avenue, then proceeding west along West Central Park avenue until it intersects North Michigan avenue, then proceeding south along North Michigan avenue until it intersects West Lombard street, then proceeding east along West Lombard street until it intersects North Clark street, then proceeding southerly along North Clark street until it intersects Waverly road, then proceeding southeasterly along Waverly road until it intersects Telegraph road, then proceeding westerly along Telegraph road until it intersects Wisconsin avenue, then proceeding northerly along Wisconsin avenue until it intersects West Locust street, then proceeding west along West Locust street until it intersects One Hundred Sixtieth street,

then proceeding west along One Hundred Sixtieth street until it intersects the west corporate limit of the city of Davenport, then proceeding first south, then in a counterclockwise manner along the corporate limits of the city of Davenport to the point of origin.

91. The ninety-first representative district in Muscatine county shall consist of:

a. The city of Muscatine.

b. Bloomington, Fulton, Montpelier, and Sweetland townships, and those portions of Fruitland township not contained in the eighty-eighth representative district.

92. The ninety-second representative district in Scott county consists of:

a. The cities of Dixon, Donahue, and Long Grove.

b. Liberty, Cleona, Hickory Grove, and Sheridan townships, and those portions of Blue Grass and Buffalo townships not contained in the ninetieth representative district.

c. That portion of the city of Davenport bounded by a line commencing at the point the west corporate limit of the city of Davenport intersects the Iowa Interstate Railroad tracks, then proceeding easterly along the Iowa Interstate Railroad tracks until it intersects West Forty-sixth street, then proceeding east along West Forty-sixth street until it intersects Wisconsin avenue, then proceeding north along Wisconsin avenue until it intersects West Kimberly road, then proceeding southeasterly along West Kimberly road until it intersects Wyoming avenue, then proceeding north along Wyoming avenue until it intersects West Silver Creek, then proceeding easterly along West Silver Creek until it intersects North Fairmount street, then proceeding south along North Fairmount street until it intersects West Forty-ninth street, then proceeding easterly along West Forty-ninth street until it intersects North Pine street, then proceeding north along North Pine street until it intersects Northwest boulevard, then proceeding northerly along Northwest boulevard until it intersects Ridgeview drive, then proceeding northeasterly along Ridgeview drive until it intersects North Division street, then proceeding southerly along North Division street until it intersects Northwest boulevard, then proceeding southeasterly along Northwest boulevard until it intersects North Harrison street, then proceeding southerly along North Harrison street until it intersects West Thirty-fifth street, then proceeding easterly along West Thirty-fifth street until it intersects Fair avenue, then proceeding north along Fair avenue until it intersects East Thirty-seventh street, then proceeding east along East Thirty-seventh street until it intersects Fair avenue, then proceeding northerly along Fair avenue until it intersects East Kimberly road, then proceeding easterly along East Kimberly road until it intersects North Brady street, then proceeding northerly along North Brady street until it intersects East Fifty-third street, then proceeding west along East Fifty-third street until it intersects Welcome way, then proceeding north along Welcome way until it intersects East Sixty-first street and its extension, then proceeding westerly along East Sixty-first street and its extension until it intersects West Sixty-first street, then proceeding westerly along West Sixty-first street until it intersects North Ripley street, then proceeding northerly along North Ripley street until it intersects West Sixty-fifth street, then proceeding easterly along West Sixty-fifth street until it intersects East Sixty-fifth, then proceeding easterly along East Sixty-fifth street until it intersects North Brady street, then proceeding northerly along North Brady street until it intersects U.S. highway 61, then proceeding northerly along U.S. highway 61 until it intersects the corporate limits of the city of Davenport, then proceeding first northerly, then in a counterclockwise manner along the corporate limits of the city of Davenport to the point of origin.

93. The ninety-third representative district in Scott county consists of that portion of the city of Bettendorf and the city of Davenport bounded by a line commencing at the point the boundary of the state of Iowa and the corporate limits of the city of Davenport intersect the extension of Mound street to the Mississippi river, then proceeding northerly along Mound street and its extension until it intersects East Thirteenth street, then proceeding east along East Thirteenth street until it intersects Kirkwood boulevard, then proceeding westerly along Kirkwood boulevard until it intersects Bridge avenue, then proceeding north along Bridge avenue until it intersects East Locust street, then proceeding west along East Locust street until it intersects Iowa street, then proceeding south along Iowa street until it intersects Kirkwood boulevard, then proceeding westerly along Kirkwood boulevard until it intersects Brady street, then proceeding south along Brady street until it intersects West Sixteenth street, then proceeding west along West Sixteenth street until it intersects North Harrison

street, then proceeding north along North Harrison street until it intersects West Locust street, then proceeding west along West Locust street until it intersects Ripley street, then proceeding north along Ripley street until it intersects West Pleasant street, then proceeding westerly along West Pleasant street until it intersects Scott street, then proceeding north along Scott street until it intersects West Rusholme street, then proceeding east along West Rusholme street until it intersects North Harrison street, then proceeding northerly along North Harrison street until it intersects West Central Park avenue, then proceeding east along West Central Park avenue until it intersects North Main street, then proceeding north along North Main street until it intersects West Columbia avenue, then proceeding east along West Columbia avenue until it intersects Sheridan street, then proceeding north along Sheridan street until it intersects West Thirtieth street, then proceeding east along West Thirtieth street until it intersects East Thirtieth street, then proceeding east along East Thirtieth street until it intersects Dubuque street, then proceeding north along Dubuque street until it intersects East Thirtieth street, then proceeding east along East Thirtieth street until it intersects Brady street, then proceeding northerly along Brady street until it intersects North Brady street, then proceeding northerly along North Brady street until it intersects East Thirty-seventh street, then proceeding west along East Thirty-seventh street until it intersects Fair avenue, then proceeding northerly along Fair avenue until it intersects East Kimberly road, then proceeding easterly along East Kimberly road until it intersects North Brady street, then proceeding northerly along North Brady street until it intersects East Fifty-third street, then proceeding east along East Fifty-third street until it intersects Eastern avenue, then proceeding south along Eastern avenue until it intersects East Forty-sixth street, then proceeding east along East Forty-sixth street until it intersects Jersey Ridge road, then proceeding north along Jersey Ridge road until it intersects East Fifty-third street, then proceeding east along East Fifty-third street until it intersects the east corporate limit of the city of Davenport, then proceeding first south, then west, along the corporate limits of the city of Davenport until it intersects Hamilton drive, then proceeding southerly along Hamilton drive until it intersects Queens drive, then proceeding easterly along Queens drive until it intersects Greenbrier drive, then proceeding southerly along Greenbrier drive until it intersects Tanglefoot lane, then proceeding east along Tanglefoot lane until it intersects Parkdale drive, then proceeding south along Parkdale drive until it intersects Brookside drive, then proceeding east along Brookside drive until it intersects Eighteenth street, then proceeding southerly along Eighteenth street until it intersects Middle road, then proceeding westerly along Middle road until it intersects Fourteenth street, then proceeding southerly along Fourteenth street until it intersects Mississippi boulevard, then proceeding easterly along Mississippi boulevard until it intersects Twenty-second street, then proceeding south along Twenty-second street until it intersects Grant street, then proceeding easterly along Grant street until it intersects Twenty-third street, then proceeding southerly along Twenty-third street and its extension until it intersects the boundary of the state of Iowa, then proceeding westerly along the boundary of the state of Iowa to the point of origin.

94. The ninety-fourth representative district in Scott county consists of:

a. The cities of Riverdale and Panorama Park.

b. That portion of Pleasant Valley township lying outside the corporate limits of the city of Bettendorf.

c. That portion of the city of Bettendorf and the city of Davenport commencing at the point the boundary of the state of Iowa and the corporate limits of the city of Bettendorf intersect Twenty-third street and its extension, then proceeding northerly along Twenty-third street and its extension until it intersects Grant street, then proceeding westerly along Grant street until it intersects Twenty-second street, then proceeding north along Twenty-second street until it intersects Mississippi boulevard, then proceeding westerly along Mississippi boulevard until it intersects Fourteenth street, then proceeding northerly along Fourteenth street until it intersects Middle road, then proceeding easterly along Middle road until it intersects Eighteenth street, then proceeding northeasterly along Eighteenth street until it intersects Brookside drive, then proceeding west along Brookside drive until it intersects Parkdale drive, then proceeding north along Parkdale drive until it intersects Tanglefoot lane, then proceeding west along Tanglefoot lane until it intersects Greenbrier drive, then proceeding northerly along Greenbrier drive until it intersects Queens drive, then proceeding

westerly along Queens drive until it intersects Hamilton drive, then proceeding northerly along Hamilton drive until it intersects the corporate limits of the city of Davenport, then proceeding first east, then north, along the corporate limits of the city of Davenport until it intersects East Fifty-third street, then proceeding west along East Fifty-third street until it intersects Jersey Ridge road, then proceeding south along Jersey Ridge road until it intersects East Forty-sixth street, then proceeding west along East Forty-sixth street until it intersects Eastern avenue, then proceeding north along Eastern avenue until it intersects East Fifty-third street, then proceeding west along East Fifty-third street until it intersects Welcome way, then proceeding north along Welcome way until it intersects East Sixty-first street and its extension, then proceeding westerly along East Sixty-first street and its extension until it intersects West Sixty-first street, then proceeding westerly along West Sixty-first street until it intersects North Ripley street, then proceeding northerly along North Ripley street until it intersects West Sixty-fifth street, then proceeding easterly along West Sixty-fifth street until it intersects East Sixty-fifth street, then proceeding easterly along East Sixty-fifth street until it intersects North Brady street, then proceeding northerly along North Brady street until it intersects U.S. highway 61, then proceeding northerly along U.S. highway 61 until it intersects the corporate limits of the city of Davenport, then proceeding first southerly, then in a clockwise manner along the corporate limits of the city of Davenport until it intersects the west corporate limit of the city of Bettendorf, then proceeding first north, then in a clockwise manner along the corporate limits of the city of Bettendorf to the point of origin.

95. The ninety-fifth representative district shall consist of:

a. In Buchanan county, Cono, Homer, Middlefield, and Newton townships.

b. In Linn county, Boulder, Brown, Buffalo, Fayette, Franklin, Grant, Jackson, Linn, Maine, Otter Creek, Spring Grove, and Washington townships, that portion of Marion township not contained in the sixty-seventh or sixty-eighth representative district, and that portion of Monroe township not contained in the sixty-sixth or sixty-seventh representative district.

96. The ninety-sixth representative district shall consist of:

a. Delaware county.

b. In Jones county:

(1) Cass, Castle Grove, Jackson, Lovell, and Wayne townships.

(2) That portion of Fairview township bounded by a line commencing at the point the south corporate limit of the city of Anamosa intersects the east boundary of Fairview township, then proceeding first west, then in a clockwise manner along the corporate limits of the city of Anamosa, until it intersects the north boundary of Fairview township, then proceeding first east, then in a clockwise manner along the boundary of Fairview township to the point of origin.

97. The ninety-seventh representative district shall consist of:

a. In Clinton county, Bloomfield, Brookfield, De Witt, Grant, Liberty, Olive, Orange, Sharon, Spring Rock, Washington, and Welton townships, that portion of Eden township lying outside the corporate limits of the city of Low Moor, and that portion of Camanche township bounded by a line commencing at the point the boundary of the state of Iowa intersects the east corporate limit of the city of Camanche, then proceeding southwestwardly along the boundary of the state of Iowa until it intersects the south boundary of Camanche township, then proceeding first westerly, then in a clockwise manner along the boundary of Camanche township until it intersects the west corporate limit of the city of Camanche, then proceeding first east, then in a clockwise manner along the corporate limits of the city of Camanche to the point of origin.

b. In Scott county, Butler, Le Claire, Lincoln, and Princeton townships, that portion of Allens Grove township lying outside the corporate limits of the cities of Dixon and Donahue, and that portion of Winfield township lying outside the corporate limits of the city of Long Grove.

98. The ninety-eighth representative district in Clinton county shall consist of:

a. The cities of Clinton and Low Moor.

b. Center, Deep Creek, Elk River, Hampshire, and Waterford townships, and those portions of Camanche township not contained in the ninety-seventh representative district.

99. The ninety-ninth representative district in Dubuque county shall consist of:

a. Those portions of Center, Dubuque, and Table Mound townships, and the city of Dubuque, bounded by a line commencing at the point the north corporate limit of the city of Dubuque intersects John F. Kennedy road, then proceeding southerly along John F. Kennedy road until it intersects Sunset Park circle, then proceeding southwesterly along Sunset Park circle until it intersects Meggan street, then proceeding west along Meggan street until it intersects Bonson road, then proceeding south along Bonson road until it intersects Kaufmann avenue, then proceeding easterly along Kaufmann avenue until it intersects Chaney road, then proceeding southerly along Chaney road until it intersects Asbury road, then proceeding southeasterly along Asbury road until it intersects Rosedale avenue, then proceeding east along Rosedale avenue until it intersects North Grandview avenue, then proceeding first east, then southerly along North Grandview avenue until it intersects Loras boulevard, then proceeding easterly along Loras boulevard until it intersects Bluff street, then proceeding southerly along Bluff street until it intersects West Eleventh street, then proceeding easterly along West Eleventh street until it intersects Locust street, then proceeding southerly along Locust street until it intersects West Tenth street, then proceeding westerly along West Tenth street until it intersects Bluff street, then proceeding southerly along Bluff street until it intersects Jones street, then proceeding easterly along Jones street and its extension until it intersects Locust street, then proceeding easterly along Jones street and its extension until it intersects Main street, then proceeding southerly along Main street until it intersects Jones street, then proceeding easterly along Jones street until it intersects Terminal street, then proceeding southerly along Terminal street until it intersects Dodge street, then proceeding easterly along Dodge street and the Julien Dubuque bridge until it intersects the corporate limits of the city of Dubuque, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Dubuque until it intersects the east boundary of Table Mound township, then proceeding south along the boundary of Table Mound township until it intersects the corporate limits of the city of Dubuque, then proceeding first south, then in a clockwise manner along the corporate limits of the city of Dubuque until it intersects the south boundary of Dubuque township, then proceeding west along the south boundary of Dubuque township until it intersects the corporate limits of the city of Dubuque, then proceeding first west, then in a clockwise manner along the corporate limits of the city of Dubuque until it intersects the west boundary of Dubuque township, then proceeding north along the west boundary of Dubuque township until it intersects the corporate limits of the city of Dubuque, then proceeding first north, then in a clockwise manner along the corporate limits of the city of Dubuque to the point of origin.

b. That portion of Center township lying outside the corporate limits of the city of Asbury and the city of Dubuque and not contained in the fifty-seventh representative district.

100. The one hundredth representative district in Dubuque county shall consist of:

a. That portion of Dubuque township not contained in the fifty-seventh or ninety-ninth representative district.

b. That portion of the city of Dubuque bounded by a line commencing at the point the north corporate limit of the city of Dubuque intersects John F. Kennedy road, then proceeding southerly along John F. Kennedy road until it intersects Sunset Park circle, then proceeding southwesterly along Sunset Park circle until it intersects Meggan street, then proceeding west along Meggan street until it intersects Bonson road, then proceeding south along Bonson road until it intersects Kaufmann avenue, then proceeding easterly along Kaufmann avenue until it intersects Chaney road, then proceeding southerly along Chaney road until it intersects Asbury road, then proceeding southeasterly along Asbury road until it intersects Rosedale avenue, then proceeding east along Rosedale avenue until it intersects North Grandview avenue, then proceeding first east, then southerly along North Grandview avenue until it intersects Loras boulevard, then proceeding easterly along Loras boulevard until it intersects Bluff street, then proceeding southerly along Bluff street until it intersects West Eleventh street, then proceeding easterly along West Eleventh street until it intersects Locust street, then proceeding southerly along Locust street until it intersects West Tenth street, then proceeding westerly along West Tenth street until it intersects Bluff street, then proceeding southerly along Bluff street until it intersects Jones street, then proceeding easterly along Jones street and its extension until it intersects Locust street, then proceeding easterly along Jones street and its extension until it intersects Main street, then proceeding

southerly along Main street until it intersects Jones street, then proceeding easterly along Jones street until it intersects Terminal street, then proceeding southerly along Terminal street until it intersects Dodge street, then proceeding easterly along Dodge street and the Julien Dubuque bridge until it intersects the corporate limits of the city of Dubuque, then proceeding first north, then in a counterclockwise manner along the corporate limits of the city of Dubuque to the point of origin.

Sec. 3. MEMBERSHIP.

1. CONGRESSIONAL DISTRICTS. Each congressional district established by section 1 of this Act shall elect one representative for a term of two years in 2012 and every subsequent even-numbered year.

2. STATE SENATE AND HOUSE DISTRICTS. The membership of the senate and house of representatives in the Eighty-Fifth General Assembly and subsequent general assemblies shall be determined as follows:

a. Each representative district established by section 2 of this Act shall elect one representative for a term of two years in 2012 and every subsequent even-numbered year.

b. Each even-numbered senatorial district established by section 41.2 which the general assembly adopts by reference, and section 2 of this Act, shall elect a senator in 2012 for a four-year term commencing in January 2013. If an incumbent senator who was elected to a four-year term which commenced in January 2011, or was subsequently elected to fill a vacancy in such a term, is residing in an even-numbered senatorial district on February 1, 2012, that senator's term of office shall be terminated on January 1, 2013.

c. Each odd-numbered senatorial district established by section 41.2 which the general assembly adopts by reference, and section 2 of this Act, shall elect a senator in 2014 for a four-year term commencing in January 2015.

(1) If one and only one incumbent state senator is residing in an odd-numbered senatorial district on February 1, 2012, and that senator meets all of the following requirements, the senator shall represent the district in the senate for the Eighty-fifth General Assembly:

(a) The senator was elected to a four-year term which commenced in January 2011 or was subsequently elected to fill a vacancy in such a term.

(b) The senatorial district in the plan which includes the place of residence of the state senator on the date of the senator's last election to the senate is the same as the odd-numbered senatorial district in which the senator resides on February 1, 2012, or is contiguous to such odd-numbered senatorial district and the senator's declared residence as of February 1, 2012, was within the district from which the senator was last elected. Areas which meet only at the points of adjoining corners are not contiguous.

(2) Each odd-numbered senatorial district to which subparagraph (1) of this paragraph "c" is not applicable shall elect a senator in 2012 for a two-year term commencing in January 2013. However, if more than one incumbent state senator is residing in an odd-numbered senatorial district on February 1, 2012, and, on or before February 15, 2012, all but one of the incumbent senators resigns from office effective no later than January 1, 2013, the remaining incumbent senator shall represent the district in the senate for the Eighty-fifth General Assembly if that senator meets the requirements of subparagraph (1), subparagraph divisions (a) and (b) of this paragraph "c". A copy of the resignation must be filed in the office of the secretary of state no later than 5:00 p.m. on February 15, 2012.

d. To fulfill the purposes of this subsection, the secretary of state shall prescribe a form to be completed by all senators to declare their residences as of February 1, 2012. The form shall be filed with the secretary of state no later than 5:00 p.m. on February 1, 2012.

Sec. 4. VACANCIES.

1. MEMBER OF CONGRESS. If a special election to fill a vacancy for a representative in Congress occurs or exists after the effective date of this Act, at a time which makes it necessary to fill the vacancy at a special election held pursuant to section 69.14, the vacancy shall be filled from the same district provided in chapter 40, Code 2011, which elected the representative whose seat is vacant. This subsection does not apply if a special election is not required under section 69.14.

2. MEMBER OF GENERAL ASSEMBLY. If a vacancy in the Eighty-fourth General Assembly occurs or exists after the effective date of this Act, at a time which makes it necessary to fill the vacancy at a special election held pursuant to section 69.14, the vacancy shall be filled from the same district provided in chapter 41, Code 2011, which elected the senator or representative whose seat is vacant. This subsection does not apply if a special election is not required under section 69.14.

3. REPEAL. This section is repealed January 1, 2013.

Sec. 5. GEOGRAPHY. For purposes of this Act, each reference to a specific city or township means the city or township as its boundary existed on January 1, 2010, the official date for establishing such boundaries under the 2010 United States decennial census. Also, for purposes of this Act, such reference to a street or other boundary means such street or boundary as they are delineated on the official Pub. L. No. 94-171 census maps.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 19, 2011

CHAPTER 77

ALTERNATE ENERGY PRODUCTION FACILITY — DEFINITION

S.F. 243

AN ACT expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

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

Section 1. Section 476.42, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. A solar, wind turbine, waste management, resource recovery, refuse-derived fuel, agricultural crops or residues, or woodburning facility. For purposes of this definition only, "waste management" includes a facility using plasma gasification to produce synthetic gas, either as a stand-alone fuel or for blending with natural gas, the output of which is used to generate electricity or steam. For purposes of this definition only, "plasma gasification" means the thermal dissociation of carbonaceous material into fragments of compounds in an oxygen-starved environment.

Approved April 20, 2011

CHAPTER 78**JUDICIAL NOMINATING COMMISSIONERS AND JUDICIAL OFFICERS —
APPOINTMENT AND QUALIFICATION**

S.F. 326

AN ACT relating to the appointment of district judicial nominating commissioners, judicial officers, and senior judges.

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

Section 1. Section 46.3, Code 2011, is amended to read as follows:

46.3 Appointment of district judicial nominating commissioners.

1. The governor shall appoint five eligible electors of each judicial election district to the district judicial nominating commission.

2. Appointments The appointments made by the governor shall be to staggered terms of six years each and shall be made in the month of January for terms commencing February 1 of even-numbered years.

3. No more than a simple majority of the commissioners appointed shall be of the same gender.

4. Beginning with terms commencing February 1, 2012, there shall not be more than one appointed commissioner from a county within a judicial election district unless each county within the judicial election district has an appointed or elected commissioner or the number of appointed commissioners exceeds the number of counties within the judicial election district. This subsection shall not be used to remove an appointed commissioner from office prior to the expiration of the commissioner's term.

Sec. 2. NEW SECTION. 602.2301 Judicial officer appointment — delay.

1. Notwithstanding section 46.12, the chief justice may order the state commissioner of elections to delay, for budgetary reasons, the sending of a notification to the proper judicial nominating commission that a vacancy in the supreme court, court of appeals, or district court has occurred or will occur.

2. Notwithstanding sections 602.6304, 602.7103B, and 633.20B, the chief justice may order any county magistrate appointing commission to delay, for budgetary reasons, publicizing the notice of a vacancy for a district associate judgeship, associate juvenile judgeship, or associate probate judgeship.

3. Notwithstanding section 602.6403, subsection 3, if a magistrate position is vacant due to a death, resignation, retirement, an increase in the number of positions authorized, or to the removal of a magistrate, the chief justice may order any county magistrate appointing commission to delay, for budgetary reasons, the appointment of a magistrate to serve the remainder of an unexpired term.

4. Any delay authorized by the chief justice pursuant to this section shall not exceed one year in duration, and not more than eight delays authorized by the chief justice shall be in effect at any one time.

Sec. 3. NEW SECTION. 602.6113 Apportionment of certain judicial officers — substantial disparity.

Notwithstanding section 602.6201, 602.6301, 602.6304, 602.7103B, or 633.20B, if a vacancy occurs in the office of a district judge, district associate judge, associate juvenile judge, or associate probate judge, and the chief justice of the supreme court makes a finding that a substantial disparity exists in the allocation of such judgeships and judicial workload between judicial election districts, the chief justice may apportion the vacant office from the judicial election district where the vacancy occurs to another judicial election district based upon the substantial disparity finding. However, such a judgeship shall not be apportioned pursuant to this section unless a majority of the judicial council approves the apportionment. This section does not apply to a district associate judge office authorized by section 602.6302 or 602.6307.

Sec. 4. Section 602.6305, subsections 2 and 3, Code 2011, are amended to read as follows:

2. A person does not qualify for appointment to the office of district associate judge unless the person is at the time of appointment a resident of the ~~county~~ judicial election district in which the vacancy exists, licensed to practice law in Iowa, and ~~will be able, measured~~ by the person's age at the time of appointment, to complete the initial term of office prior to reaching age seventy-two. An applicant for district associate judge shall file a certified application form, to be provided by the supreme court, with the chairperson of the county magistrate appointing commission.

3. A district associate judge must be a resident of ~~a county~~ the judicial election district in which the office is held during the entire term of office. A district associate judge shall serve within the judicial district in which appointed, as directed by the chief judge, and is subject to reassignment under section 602.6108.

Sec. 5. Section 602.6404, subsection 1, Code 2011, is amended to read as follows:

1. A magistrate shall be a resident of the county of appointment ~~or a resident of a county contiguous to the county of appointment~~ during the magistrate's term of office. A magistrate shall serve within the judicial district in which appointed, as directed by the chief judge, provided that the chief judge may assign a magistrate to hold court outside of the county of ~~the magistrate's residence~~ appointment for the orderly administration of justice. A magistrate is subject to reassignment under section 602.6108.

Sec. 6. Section 602.9203, subsection 1, Code 2011, is amended to read as follows:

1. A supreme court judge, court of appeals judge, district judge, district associate judge, full-time associate juvenile judge, or full-time associate probate judge, who qualifies under subsection 2 may become a senior judge by filing with the clerk of the supreme court a written election in the form specified by the ~~court administrator~~ supreme court. The election shall be filed within six months of the date of retirement.

Sec. 7. Section 602.9203, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. Agrees in writing on a form prescribed by the ~~court administrator~~ supreme court to be available as long as the judicial officer is a senior judge to perform judicial duties as assigned by the supreme court for an aggregate period of thirteen weeks out of each successive twelve-month period.

Sec. 8. Section 602.9203, subsection 5, paragraph b, Code 2011, is amended to read as follows:

b. A senior judge may be reappointed to ~~an additional two-year~~ a one-year term upon attaining seventy-eight years of age ~~and to a succeeding one-year term~~, at the discretion of the supreme court, if the judicial officer meets the requirements of subsection 2.

Approved April 20, 2011

CHAPTER 79

IOWA STATE FAIR BOARD, FOUNDATION, AND FUNDING

S.F. 361

AN ACT authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

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

Section 1. Section 8.7, Code 2011, 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. 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 and the Iowa state fair board pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this section.

Sec. 2. Section 22.7, subsection 52, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to the board of the Iowa state fair foundation when the record relates to a gift for deposit in or expenditure from the Iowa state fairgrounds trust fund as provided in section 173.22A, to a foundation acting solely for the support of an institution governed by chapter 260C, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body:

Sec. 3. Section 173.11, subsection 3, Code 2011, is amended to read as follows:

3. Administer the funds foundation fund under the control of the Iowa state fair foundation, in its capacity as the board of the Iowa state fair foundation, as directed by the board and. The treasurer shall administer the fund in accordance with procedures of the treasurer of state, and maintain a correct account of receipts and disbursements of assets of the foundation fund.

Sec. 4. Section 173.14, subsection 11, Code 2011, is amended to read as follows:

11. Administer the Iowa state fair foundation created in section 173.22 in its capacity as the board of the Iowa state fair foundation.

~~a. In administering~~ The board shall administer the foundation ~~the board shall authorize fund by authorizing~~ all payments from the foundation fund. The board on behalf of the foundation fund may contract, sue and be sued, and adopt rules necessary to carry out the provisions of this subsection, but the board in administering the foundation fund shall not in any manner, directly or indirectly, pledge the credit of the state.

~~b. The board shall administer the Iowa state fairgrounds trust fund as trustees of an institutional endowment fund as provided in section 173.22A.~~

Sec. 5. Section 173.22, Code 2011, is amended to read as follows:

173.22 Iowa state fair foundation — foundation fund.

1. An Iowa state fair foundation is established under the authority of the Iowa state fair board.

2. A foundation fund is created within the state treasury composed of moneys appropriated or available to and obtained or accepted by the foundation. The foundation fund shall include moneys credited to the fund as provided in section 422.12D.

3. The foundation may solicit or accept gifts, including donations and bequests. A gift, to the greatest extent possible, shall be used according to the expressed desires of the person providing the gift.

4. Assets of Moneys in the foundation fund shall be used to support foundation activities, including foundation administration, or capital projects or major maintenance improvements at the Iowa state fairgrounds or to property under the control of the board.

5. *a.* Foundation moneys credited to the foundation fund may be expended on a matching basis with public moneys or Iowa state fair authority receipts. All interest earned on moneys in the foundation fund ~~or through other foundation assets~~ shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund.

b. The auditor of state shall conduct regular audits of the foundation fund and shall make a certified report relating to the condition of the ~~foundation and the~~ foundation fund to the treasurer of the state, and to the treasurer and secretary of the state fair board.

Sec. 6. **NEW SECTION. 173.22A Iowa state fairgrounds trust fund.**

1. An Iowa state fairgrounds trust fund is created as an endowment fund under the authority and in the custody of the Iowa state fair board in its capacity as the board of the Iowa state fair foundation. The Iowa state fairgrounds trust fund is not part of the state treasury. The fund shall be composed exclusively of gifts accepted by the board in trust from private donors or testators. The board may accept these gifts in trust and shall fulfill its duties as trustee of gifts accepted notwithstanding section 633.63. The trust beneficiaries shall include all future attendees of events held on the Iowa state fairgrounds. The fund shall be an endowment fund to be used exclusively for the maintenance and improvement of the Iowa state fairgrounds and for no other purpose. The board shall decline any gifts not consistent with these purposes.

2. Moneys in the Iowa state fairgrounds trust fund shall not be deposited in the state treasury, but shall be held separate and apart from both the state fair's operating moneys and the state fair foundation fund established in section 173.22. The board as trustee shall hold only legal title to these moneys, which shall not form any part of the general fund of the state. The moneys shall not be subject to appropriation by the general assembly or subject to transfer pursuant to chapter 8. The moneys are not and shall not be deemed public funds for any purpose. The fund shall be an institutional endowment fund within the meaning of and subject to chapter 540A. The fund shall not be subject to audit by the auditor of state, but shall be audited annually by a certified public accountant. The annual audit shall be delivered to the auditor of state, who may include it in any further report that the auditor of state deems appropriate. However, an annual audit shall be a confidential record to the extent required in section 22.7, subsection 52. The moneys may be held in perpetuity, subject to the provisions for release or modification of restrictions on the moneys as provided in chapter 540A.

Sec. 7. Section 422.12D, subsections 1 and 2, Code 2011, are amended to read as follows:

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 foundation fund of the Iowa state fair foundation as established in section 173.22. If the refund due on the return or the payment remitted with the return is insufficient to pay the amount designated by the taxpayer to the ~~Iowa state fair foundation fund~~, the amount designated shall be reduced to the remaining amount of the refund or the remaining amount remitted with the return. The designation of a contribution to the ~~Iowa state fair foundation 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 ~~Iowa state fair foundation fund~~ on the tax return. The department, on or before January 31, shall transfer the total amount designated on the tax form due in the preceding year to the foundation fund ~~created pursuant to section 173.22.~~

Approved April 20, 2011

CHAPTER 80**DENTISTS — LICENSING RECIPROCITY**

S.F. 438

AN ACT relating to licensing by reciprocity for dentists.

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

Section 1. Section 153.21, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

153.21 License by credentials.

The board may issue a license under this chapter without examination to an applicant who furnishes satisfactory proof that the applicant meets all of the following requirements:

1. Holds a license from a similar dental board of another state, territory, or district of the United States under requirements equivalent or substantially equivalent to those of this state.

2. Has satisfied at least one of the following:

a. Passed an examination administered by a regional or national testing service, which examination has been approved by the dental board in accordance with section 147.34, subsection 1.

b. Has for three consecutive years immediately prior to the filing of the application in this state been in a legal practice of dentistry or dental hygiene in such other state, territory, or district of the United States.

3. Furnishes such other evidence as to the applicant's qualifications and lawful practice as the board may require.

Approved April 20, 2011

CHAPTER 81**LIVESTOCK — CARE AND FEEDING — LIENS — NEGLECT**

S.F. 478

AN ACT relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

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

Section 1. Section 459.501, subsections 1, 3, and 5, Code 2011, are amended to read as follows:

1. A ~~manure storage indemnity~~ livestock remediation fund is created as a separate fund in the state treasury under the control of the department. The general fund of the state is not liable for claims presented against the fund.

3. a. The moneys collected under this section shall be deposited in the fund and shall be appropriated to the department for the following ~~exclusive purpose of providing purposes:~~

(1) To provide moneys for cleanup of abandoned facilities as provided in section 459.505, and to pay the department for costs related to administering the provisions of this subchapter. For each fiscal year, the department shall not use more than one percent of the total amount which is available in the fund or ten thousand dollars, whichever is less, to pay for the costs of administration.

(2) To allocate moneys to the department of agriculture and land stewardship for the payment of expenses incurred by the department of agriculture and land stewardship associated with providing for the sustenance and disposition of livestock in immediate need of sustenance pursuant to chapter 717. The department of natural resources shall

allocate any amount of unencumbered and unobligated moneys demanded in writing by the department of agriculture and land stewardship as provided in this subparagraph. The department of natural resources shall complete the allocation upon receiving the demand.

b. Moneys in the fund shall not be subject to appropriation or expenditure for any other purpose than provided in this section.

5. The following shall apply to moneys in the fund:

a. (1) The executive council may allocate moneys from the general fund of the state as provided in section 7D.10A in an amount necessary to support the fund, including the following:

(a) The payment of claims as provided in section 459.505.

(b) The allocation of moneys to the department of agriculture and land stewardship for the payment of expenses incurred by the department of agriculture and land stewardship associated with providing for the sustenance and disposition of livestock pursuant to chapter 717.

(2) However, an Notwithstanding subparagraph (1), the allocation of moneys from the general fund of the state shall be made only if the amount of moneys in the fund, which are not obligated or encumbered, and not counting the department's estimate of the cost to the fund for pending or unsettled claims, the amount to be allocated to the department of agriculture and land stewardship, and any amount required to be credited to the general fund of the state under this subsection, is less than one million dollars.

b. The department of natural resources shall credit an amount to the general fund of the state which is equal to an amount allocated to the fund by the executive council under paragraph "a". The department shall credit the moneys to the general fund of the state if the moneys in the fund which are not obligated or encumbered, and not counting the department's estimate of the cost to the fund for pending or unsettled claims, the amount to be allocated to the department of agriculture and land stewardship, and any amount required to be transferred to the general fund under this paragraph, are in excess of two million five hundred thousand dollars. The department is not required to credit the total amount to the general fund of the state during any one fiscal year.¹

Sec. 2. Section 579A.2, subsection 5, Code 2011, is amended to read as follows:

5. a. ~~Except as provided in this paragraph, a~~ A custom cattle feedlot lien that is perfected under this section is superior to and shall have priority over a conflicting lien or security interest in the cattle, including a lien or security interest that was perfected prior to the perfection of the custom cattle feedlot lien. ~~However~~

b. Notwithstanding paragraph "a", a custom cattle feedlot lien shall not be superior to a court-ordered lien provided in section 717.4 or a veterinarian's lien created under chapter 581, that if such lien is perfected as an agricultural lien as provided in chapter 554, article 9.

~~b. c.~~ A custom cattle feedlot lien that is effective but not perfected under this section has priority as provided in section 554.9322.

Sec. 3. Section 579B.4, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. (1) Except as provided in this paragraph, a A commodity production contract lien that is perfected under this section is superior to and shall have priority over a conflicting lien or security interest in the commodity, including a lien or security interest that was perfected prior to the perfection of the commodity production contract lien under this chapter. ~~However~~

(2) Notwithstanding subparagraph (1), a commodity production contract lien shall not be superior to a court ordered lien provided in section 717.4 or a veterinarian's lien created under chapter 581, that if such lien is perfected as an agricultural lien.

Sec. 4. Section 581.2, subsection 2, Code 2011, is amended to read as follows:

2. a. A veterinarian's lien that is perfected under section 581.3 shall have priority over any conflicting security interest or lien in livestock treated by a veterinarian, regardless of when such security interest or lien is perfected.

¹ See chapter 131, §§5, 158 herein

b. Notwithstanding paragraph “a”, a veterinarian’s lien shall not be superior to a court ordered lien provided in section 717.4, if such lien is perfected as an agricultural lien.

Sec. 5. Section 717.1, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 01. “*Department*” means the department of agriculture and land stewardship.

NEW SUBSECTION. 001. “*Electronic mail*” means any message transmitted through the internet including but not limited to messages transmitted from or to any address affiliated with an internet site.

Sec. 6. NEW SECTION. 717.3 Livestock in immediate need of sustenance — court order.

1. This section applies only to livestock which are cattle, sheep, swine, or poultry.

2. For purposes of this section, “*interested person*” means all of the following:

a. An owner of the livestock.

b. A person caring for the livestock, if different from the owner of the livestock.

c. A person holding a perfected agricultural lien or security interest in the livestock under chapter 554.

3. The department may determine that some or all of the livestock kept by a person are in immediate need of sustenance. Upon making the determination the department may file a petition with a district court in a county where some or all of the livestock are kept requesting the court to issue an order to provide sustenance of the livestock. The petition may be made separately or with a petition filed pursuant to section 717.5. The petition must at least include all of the following:

a. A statement signed by a veterinarian licensed pursuant to chapter 169 stating that the livestock are in immediate need of sustenance.

b. The address of each location where the livestock are kept.

c. A brief description of the livestock.

d. The name and address of each interested person, if known.

e. The name and address of each qualified person appointed by the department to provide sustenance to the livestock.

4. Upon receiving the petition, the court may do any of the following:

a. Notify any interested person that the petition has been filed with the court. The notification must be made in writing and may be delivered by ordinary, certified, or restricted certified mail by United States postal service; delivered by a common carrier; or transmitted by electronic mail.

b. Hold a hearing to determine whether the livestock are in immediate need of sustenance.

5. If the court determines that the livestock are in immediate need of sustenance, the court shall issue an order which at least declares all of the following:

a. That the livestock are in immediate need of sustenance.

b. That the department shall assume supervision of and provide for the sustenance of the livestock and² as provided in section 717.4.

c. That a lien is created attaching to the livestock and associated proceeds and products as provided in section 717.4.

6. The department shall assume supervision of the livestock as provided in the court order. The department may directly provide for the sustenance of the livestock or appoint a qualified person to provide for such sustenance.

Sec. 7. NEW SECTION. 717.4 Livestock in immediate need of sustenance — lien.

1. This section applies to a lien created by a court order entered pursuant to section 717.3 or 717.5. The court ordered lien is an agricultural lien subject to chapter 554 except as otherwise provided in this section.

2. The court ordered lien shall be for the benefit of the department. The amount of the lien shall be not more than expenses incurred in providing sustenance to the livestock pursuant to section 717.3 and providing for the disposition of the livestock pursuant to section 717.5.³

² See chapter 131, §74, 158 herein

³ See chapter 131, §75, 158 herein

3. The court ordered lien shall attach to the livestock, identifiable proceeds from the disposition of the livestock, and products from the livestock in the products' unmanufactured states.

4. The court ordered lien becomes effective on the date that the court order is entered. To perfect the lien, the department must file a financing statement in the office of the secretary of state as provided in sections 554.9308 and 554.9310 on or after but not later than twenty days after the effective date of the lien. For purposes of chapter 554, article 9, the department is a secured party; the owner of the livestock is a debtor; and the livestock and associated proceeds and products as provided in subsection 3 are the collateral.

5. The court ordered lien that is perfected under this section is superior to and shall have priority over a conflicting lien or security interest in the livestock and associated proceeds and products as provided in subsection 3, including a lien or security interest that was perfected prior to the perfection of the court ordered lien.

Sec. 8. NEW SECTION. 717.4A Livestock in immediate need of sustenance — livestock remediation fund.

The department may utilize the moneys deposited into the livestock remediation fund pursuant to section 459.501 to pay for any expenses associated with providing sustenance to or the disposition of the livestock pursuant to a court order entered pursuant to section 717.3 or 717.5. The department shall utilize moneys from the fund only to the extent that the department determines that expenses cannot be timely paid by utilizing the available provisions of sections 717.4 and 717.5. The department shall deposit any unexpended and unobligated moneys in the fund. The department shall pay⁴ the fund the proceeds from the disposition of the livestock and associated products less expenses incurred by the department in providing for the sustenance and disposition of the livestock, as provided in section 717.5.

Sec. 9. Section 717.5, subsections 1 through 3, Code 2011, are amended to read as follows:

1. a. A court shall order the disposition of livestock neglected as provided in section 717.2 ~~after a hearing upon application or petition to the court~~ or livestock in immediate need of sustenance and associated products as provided in sections 717.3 and 717.4 in accordance with this section.

(1) A petition may be filed by a local authority or a person owning or caring for the livestock pursuant to section 717.2.

(2) A petition may be filed by the department. The court shall notify interested persons in the same manner as provided in section 717.3. The petition may be filed separately or with a petition filed pursuant to section 717.3.

b. The matter shall be heard by the court within ten days from the filing of a the petition ~~by the local authority or the person.~~

(1) The For livestock alleged to be neglected under section 717.2, the court may continue the hearing for up to forty days upon petition by the person. However, the person shall post a bond or other security with the local authority in an amount determined by the court, which shall not be more than the amount sufficient to provide for the maintenance of the livestock for forty days. The court may grant a subsequent continuance by the person for the same length of time if the person submits a new bond or security.

(2) For livestock alleged to be in immediate need of sustenance under section 717.3, the court may continue the hearing for up to forty days upon petition by the department. The department may file and the court may grant one or more subsequent continuances each for up to forty days. The department is not required to post a bond or other security.

c. ~~However, the~~ Notwithstanding paragraph "b", the court shall order the immediate disposition of the livestock if the livestock is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

2. The hearing to determine if livestock has been neglected under section 717.2 for purposes of disposition shall be a civil proceeding. If the case is related to a criminal

⁴ See chapter 131, §76, 158 herein

proceeding under section 717.2, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of section 717.2.

3. A court may order a person owning the ~~neglected~~ livestock ~~neglected under section 717.2~~ or in immediate need of sustenance under section 717.3 to pay an amount associated with expenses associated with the livestock as follows:

a. ~~(1) which~~ For livestock neglected under section 717.2, the amount shall not be more than the for expenses incurred by the local authority in maintaining and disposing the neglected livestock rescued pursuant to section 717.2A, and reasonable attorney fees and expenses related to the investigation of the case. The remaining amount of a bond or other security posted pursuant to this section subsection 1 shall be used to reimburse the local authority.

(2) For livestock in immediate need of sustenance under section 717.3, the amount shall not be more than for expenses incurred by the department in providing sustenance to and disposing of the neglected livestock as provided in section 717.3 and this section. The amount paid to the department shall be sufficient to allow the department to repay the livestock remediation fund as provided in section 459.501.

b. If more than one person has a divisible ownership interest in the livestock, the amount required to be paid shall be prorated based on the percentage of interest in the livestock owned by each person. The moneys shall be paid to the local authority or department incurring the expense as provided in paragraph "a". The amount shall be subtracted from proceeds owed to the owner or owners of the livestock, which are received from the sale of the livestock ordered by the court.

c. (1) Moneys owed to the local authority from the sale of neglected livestock that have been rescued by a local authority pursuant to section 717.2A shall be paid to the local authority before satisfying indebtedness secured by any security interest in or lien on the livestock. Moneys owed to the department from the sale of livestock in immediate need of sustenance and associated products shall be paid to the department according to its priority status as a lienholder as provided in section 717.4.

(2) If an owner of the livestock is a landowner, the local authority may submit an amount of the moneys owed to the clerk of the county board of supervisors who shall report the amount to the county treasurer. The amount shall equal the balance remaining after the sale of the livestock. If the livestock owner owns a percentage of the livestock, the reported amount shall equal the remaining balance owed by all landowners who own a percentage of the livestock. That amount shall be prorated among the landowners based on the percentage of interest in the livestock attributable to each landowner. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.

Sec. 10. NEW SECTION. 717.6 Rulemaking.

The department may adopt rules pursuant to chapter 17A as required to implement and administer sections 717.3 through 717.5.

Sec. 11. CODE EDITOR DIRECTIVE. Sections 7D.10A,⁵ 459.303, 459.503A, and 460.206, Code 2011, are amended by striking from the sections the words "manure storage indemnity fund" and inserting in lieu thereof the words "livestock remediation fund".

Approved April 20, 2011

⁵ See chapter 131, §11, 158 herein

CHAPTER 82**PUBLIC FUNDS DEPOSIT AND INVESTMENT — IRAN***H.F. 484*

AN ACT concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

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

Section 1. NEW SECTION. **12H.1 Legislative findings and intent.**

The general assembly is deeply concerned over the support the country of Iran has provided for acts of international terrorism. Therefore, the general assembly intends that state funds and funds administered by the state, including public employee retirement funds, should not be invested in companies that provide power production-related services, mineral extraction activities, oil-related activities, or military equipment to the government of Iran.

Sec. 2. NEW SECTION. **12H.2 Definitions.**

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

1. “*Active business operations*” means all business operations that are not inactive business operations.

2. “*Business operations*” means engaging in commerce in any form in Iran, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

3. “*Company*” means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for profit-making purposes.

4. “*Direct holdings*” in a company means all securities of that company held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

5. “*Inactive business operations*” means the mere continued holding or renewal of rights to property previously operated for the purpose of generating revenues but not presently deployed for such purpose.

6. “*Indirect holdings*” in a company means all securities of that company held in an account or fund managed by one or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to the provisions of this chapter. Indirect holdings include but are not limited to mutual funds, fund of funds, private equity funds, hedge funds, and real estate funds.

7. “*Military equipment*” means weapons, arms, military supplies, and equipment that readily may be used for military purposes including but not limited to radar systems or military-grade transport vehicles, or supplies or services sold or provided directly or indirectly to any terrorist organization.

8. “*Mineral extraction activities*” include exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides, including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc, as well as facilitating such activities, including by providing supplies or services in support of such activities.

9. “*Oil-related activities*” include but are not limited to owning rights to oil blocks; exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; constructing, maintaining, or operating a pipeline, refinery, or other oil field infrastructure; and facilitating such activities, including by providing supplies or services in support of such activities, provided that the mere retail sale of gasoline and related consumer products shall not be considered oil-related activities.

10. “*Power production activities*” means any business operation that involves a project commissioned by any Iranian government entity whose purpose is to facilitate power-generation and delivery including but not limited to establishing power generating

plants or hydroelectric dams, selling or installing components for the project, providing service contracts related to the installation or maintenance of the project, as well as facilitating such activities, including by providing supplies or services in support of such activities.

11. “*Public fund*” means the treasurer of state, the state board of regents, the public safety peace officers’ retirement system created in chapter 97A, the Iowa public employees’ retirement system created in chapter 97B, the statewide fire and police retirement system created in chapter 411, or the judicial retirement system created in chapter 602.

12. “*Scrutinized company*” means any company that is not a social development company that meets any of the following criteria:

a. The company has business operations that involve contracts with or provision of supplies or services to the government of Iran, companies in which the government of Iran has any direct or indirect equity share, Iranian government-commissioned consortiums or projects, or companies involved in Iranian government-commissioned consortiums or projects; and meets any of the additional following criteria:

(1) More than ten percent of the company’s revenues or assets linked to Iran involve oil-related activities or mineral extraction activities and the company has failed to take substantial action.

(2) More than ten percent of the company’s revenues or assets linked to Iran involve power production activities and the company has failed to take substantial action.

b. The company supplies military equipment to Iran, unless it clearly shows that the military equipment cannot be used to facilitate international acts of terrorism.

13. “*Social development company*” means a company whose primary purpose in Iran is to provide humanitarian goods or services, including medicine or medical equipment, agricultural supplies or infrastructure, educational opportunities, journalism-related activities, information or information materials, spiritual-related activities, services of a purely clerical or reporting nature, food, clothing, or general consumer goods that are unrelated to oil-related activities, mineral extraction activities, or power production activities.

14. “*Substantial action*” means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations.

Sec. 3. NEW SECTION. **12H.3 Identification of companies — notice.**

1. a. By March 1, 2012, the public fund shall make its best efforts to identify or have identified all scrutinized companies in which the public fund has direct or indirect holdings or could possibly have such holdings in the future and shall create and make available to the public a scrutinized companies list for that public fund. The list shall further identify whether the company has inactive business operations or active business operations. The public fund shall review and update, if necessary, the scrutinized companies list and the determination of whether a company has inactive or active business operations on a quarterly basis thereafter.

b. In making its best efforts to identify or have identified scrutinized companies and companies with inactive business operations or active business operations, the public fund may review and rely, in the best judgment of the public fund, on publicly available information regarding companies with business operations in Iran, and including other information that may be provided by nonprofit organizations, research firms, international organizations, and government entities. The public fund may also contact asset managers and institutional investors for the public fund to identify scrutinized companies based upon industry-recognized lists of such companies that the public fund may have indirect holdings in.

c. The Iowa public employees’ retirement system, acting on behalf of the system and other public funds subject to this section, may develop and issue a request for proposals for third-party services to complete the identification of scrutinized companies and the compilation of a scrutinized companies list. The request for proposals may request bids for optional services related to this purpose, including but not limited to provision of notice of such scrutinized companies as required in subsection 2. The Iowa public employees’ retirement system shall consult with all other public funds on the development of the request

for proposals, however selection of a successful proposal and the final scope of services to be provided shall be determined only by those public funds that have agreed to utilize the third-party services. If more than one public fund decides to utilize the third-party services, the participating public funds shall equally share the costs of such services.

2. *a.* For each company on the scrutinized companies list with only inactive business operations in which the public fund has direct or indirect holdings, the public fund shall send or have sent a written notice informing the company of the requirements of this chapter and encouraging it to continue to refrain from initiating active business operations in Iran until it is able to avoid scrutinized business operations. The public fund or its representative shall continue to provide such written notice on an annual basis if the company remains a scrutinized company with inactive business operations.

b. For each company on the scrutinized companies list with active business operations in which the public fund has direct or indirect holdings, the public fund shall send or have sent a written notice informing the company of its status as a scrutinized company with active business operations and that it may become subject to divestment and restrictions on investing in the company by the public fund. The notice shall offer the company the opportunity to clarify its Iran-related activities and shall encourage the company to either cease its scrutinized business operations or convert such operations to inactive business operations in order to avoid becoming subject to divestment and restrictions on investment in the company by the public fund. The public fund or its representative shall continue to provide such written notice on an annual basis if the company remains a scrutinized company with active business operations.

Sec. 4. NEW SECTION. 12H.4 Prohibited investments — divestment.

1. The public fund shall not acquire publicly traded securities of a company on the public fund's most recent scrutinized companies list with active business operations so long as such company remains on the public fund's scrutinized companies list as a company with active business operations as provided in this section.

2. *a.* The public fund shall sell, redeem, divest, or withdraw all publicly traded securities of a company on the public fund's list of scrutinized companies with active business operations, so long as the company remains on that list, no sooner than ninety days, but no later than eighteen months, following the first written notice sent to the scrutinized company with active business operations as required by section 12H.3.

b. This subsection shall not be construed to require the premature or otherwise imprudent sale, redemption, divestment, or withdrawal of an investment, but such sale, redemption, divestment, or withdrawal shall be completed as provided by this subsection.

3. The requirements of this section shall not apply to the following:

a. A company which the United States government affirmatively declares to be excluded from its present or any future federal sanctions regime relating to Iran.

b. Indirect holdings of a scrutinized company with active business operations. The public fund shall, however, submit letters to the managers of such investment funds containing companies with scrutinized active business operations requesting that they consider removing such companies from the fund or create a similar fund with indirect holdings devoid of such companies. If the manager creates a similar fund, the public fund is encouraged to replace all applicable investments with investments in the similar fund consistent with prudent investing standards.

Sec. 5. NEW SECTION. 12H.5 Reports.

1. *Scrutinized companies list.* Each public fund shall, within thirty days after the scrutinized companies list is created or updated as required by section 12H.3, make the list available to the public.

2. *Annual report.* On October 1, 2012, and each October 1 thereafter, each public fund shall make available to the public, and file with the general assembly, an annual report covering the prior fiscal year that includes the following:

a. The scrutinized companies list as of the end of the fiscal year.

b. A summary of all written notices sent as required by section 12H.3 during the fiscal year.

c. All investments sold, redeemed, divested, or withdrawn as provided in section 12H.4 during the fiscal year.

Sec. 6. NEW SECTION. 12H.6 Legal obligations.

With respect to actions taken in compliance with this chapter, including all good faith determinations regarding companies as required by this chapter, the public fund shall be exempt from any conflicting statutory or common law obligations, including any such obligations in respect to choice of asset managers, investment funds, or investments for the public fund's securities portfolios.

Sec. 7. NEW SECTION. 12H.7 Applicability.

1. The requirements of sections 12H.3, 12H.4, and 12H.5 shall not apply upon the occurrence of any of the following:

a. The Congress or president of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this chapter interferes with the conduct of United States foreign policy.

b. A controlling circuit or district court of the United States issues an opinion that declares the mandatory divestment of the type provided for in this chapter or similar statutes of other states is preempted by the federal law of the United States.

2. The requirements of sections 12H.3, 12H.4, and 12H.5 shall not apply to Iran if the United States revokes all sanctions imposed against the government of Iran.

Sec. 8. Section 12.8, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The treasurer of state shall invest or deposit, subject to ~~chapter~~ chapters 12F and 12H and as provided by law, any of the public funds not currently needed for operating expenses and shall do so upon receipt of monthly notice from the director of the department of administrative services of the amount not so needed. In the event of loss on redemption or sale of securities invested as prescribed by law, and if the transaction is reported to the executive council, neither the treasurer nor director of the department of administrative services is personally liable but the loss shall be charged against the funds which would have received the profits or interest of the investment and there is appropriated from the funds the amount so required.

Sec. 9. Section 97A.7, subsection 1, Code 2011, is amended to read as follows:

1. The board of trustees shall be the trustees of the retirement fund created by this chapter as provided in section 97A.8 and shall have full power to invest and reinvest funds subject to the terms, conditions, limitations, and restrictions imposed by subsection 2 of this section and ~~chapter~~ chapters 12F and 12H, and subject to like terms, conditions, limitations, and restrictions said trustees shall have full power to hold, purchase, sell, assign, transfer, or dispose of any of the securities and investments of the retirement fund which have been invested, as well as of the proceeds of said investments and any moneys belonging to the retirement fund. The board of trustees may authorize the treasurer of state to exercise any of the duties of this section. When so authorized the treasurer of state shall report any transactions to the board of trustees at its next monthly meeting.

Sec. 10. Section 97B.4, subsection 5, Code 2011, is amended to read as follows:

5. *Investments.* The system, through the chief investment officer, shall invest, subject to ~~chapter~~ chapters 12F and 12H and in accordance with the investment policy and goal statement established by the board, the portion of the retirement fund which, in the judgment of the system, is not needed for current payment of benefits under this chapter subject to the requirements of section 97B.7A.

Sec. 11. Section 262.14, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The board may invest funds belonging to the institutions, subject to ~~chapter~~ chapters 12F and 12H and the following regulations:

Sec. 12. Section 411.7, subsection 1, Code 2011, is amended to read as follows:

1. The board of trustees is the trustee of the fire and police retirement fund created in section 411.8 and shall annually establish an investment policy to govern the investment and reinvestment of the moneys in the fund, subject to the terms, conditions, limitations, and restrictions imposed by subsection 2 and ~~chapter~~ chapters 12F and 12H. Subject to like terms, conditions, limitations, and restrictions the system has full power to hold, purchase, sell, assign, transfer, or dispose of any of the securities and investments in which the fund has been invested, as well as of the proceeds of the investments and any moneys belonging to the fund.

Sec. 13. Section 602.9111, subsection 1, Code 2011, is amended to read as follows:

1. So much of the judicial retirement fund as may not be necessary to be kept on hand for the making of disbursements under this article shall be invested by the treasurer of state in any investments authorized for the Iowa public employees' retirement system in section 97B.7A and subject to the requirements of ~~chapter~~ chapters 12F and 12H, and the earnings therefrom shall be credited to the fund. The treasurer of state may execute contracts and agreements with investment advisors, consultants, and investment management and benefit consultant firms in the administration of the judicial retirement fund.

Approved April 20, 2011

CHAPTER 83

REGULATION OF ASSISTED LIVING PROGRAMS

H.F. 537

AN ACT relating to assisted living programs, including voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

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

Section 1. Section 231C.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Assisted living program" or "program" means an entity that provides assisted living.

Sec. 2. Section 231C.5, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. (1) A statement regarding the impact of the fee structure on third-party payments, and whether third-party payments and resources are accepted by the assisted living program.

(2) The occupancy agreement shall specifically include a statement regarding each of the following:

(a) Whether the program requires disclosure of a tenant's personal financial information for occupancy or continued occupancy.

(b) The program's policy regarding the continued tenancy of a tenant following exhaustion of private resources.

(c) Contact information for the department of human services and the senior health insurance information program to assist tenants in accessing third-party payment sources.

Sec. 3. NEW SECTION. 231C.11A Voluntary cessation of program operations — decertification.

1. The department shall adopt rules regarding the voluntary cessation of program operations of an assisted living program, including decertification. The rules shall address notification of the tenants, tenant legal representatives, the department, and the tenant

advocate at least ninety days prior to the anticipated date of cessation of program operations; the requirements for the safe and orderly transfer or transition of all tenants; and monitoring of the program during the process and after cessation of program operations.

2. Within seven days following provision of notice of cessation of program operations, the assisted living program shall hold a meeting and invite all tenants, tenant legal representatives, families of tenants, representatives of the department, and the tenant advocate to discuss the pending cessation of the program and to answer any questions. The department and the tenant advocate shall have access to attend the meeting and provide information to the tenants regarding their legal rights.

3. The tenant advocate shall monitor the decertification process and shall undertake any investigations necessary to ensure that the rights of tenants are protected during the process and after cessation of program operations. The tenant advocate shall assist tenants during the transition, including assisting tenants in finding necessary and appropriate service providers if the assisted living program is unable to provide such necessary and appropriate services during the transition period. The assisted living program shall cooperate with the tenant advocate by providing contact information for service providers within a thirty mile radius of the program.

4. Following cessation of program operations and decertification, the department shall retain authority to monitor the decertified program to ensure that the entity does not continue to act as an uncertified assisted living program or other unlicensed, uncertified, or unregistered entity otherwise regulated by the state following decertification. If a decertified assisted living program continues to or subsequently acts in a manner that meets the definition of assisted living pursuant to section 231C.2, the decertified program is subject to the criminal penalties and injunctive relief provisions of section 231C.15, and any other penalties applicable by law.

Approved April 20, 2011

CHAPTER 84

SWINE HEALTH REGULATION — EXHIBITIONS

H.F. 557

AN ACT relating to swine moved to and from exhibitions, and the duties of veterinarians, and including effective date provisions.

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

Section 1. Section 163.2, subsection 5, Code 2011, is amended to read as follows:

5. “*Infectious or contagious disease*” means glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, hog cholera, tuberculosis, brucellosis, vesicular exanthema, scrapie, rinderpest, avian influenza or Newcastle disease as provided in chapter 165B, pseudorabies as provided in chapter 166D, or any other transmissible, transferable, or communicable disease so designated by the department.

Sec. 2. **NEW SECTION. 163.32 Exhibitions.**

1. As used in this section, “*exhibition*” means an exhibit, demonstration, show, or competition involving swine which occurs as follows:

a. As part of an event on the Iowa state fairgrounds under the control of the Iowa state fair authority under chapter 173.

b. A fair event under the control of a fair under chapter 174.

c. An event classified as an exhibition by rules adopted by the department.

2. This section applies to swine which is moved from a premises to the location where an exhibition occurs.

3. The sponsor of an exhibition must retain a veterinarian licensed pursuant to chapter 169 to supervise the health of swine moved to the location of the exhibition. The sponsor of the exhibition shall submit an exhibition report to the department on a form and according to procedures required by the department. The exhibition report must contain information required by the department which must at least include all of the following:

- a. The name of the exhibition and the address of its location.
- b. The name and address of the veterinarian.
- c. The date that the exhibition occurred.
- d. The name and address of the owner of the swine.

e. The address of the premises from which the swine was moved to the exhibition. The exhibition report must also include the address of the premises to which the swine was moved after the exhibition if such premises is a different premises.

Sec. 3. Section 166D.2, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 14A. “*Exhibition*” means the same as defined in section 163.32.

Sec. 4. Section 166D.13, subsection 2, Code 2011, is amended by striking the subsection.

Sec. 5. EFFECTIVE DATE. This Act takes effect on January 1, 2012.

Approved April 20, 2011

CHAPTER 85

AGRICULTURAL EDUCATION ADVISORY COUNCIL

H.F. 592

AN ACT establishing the council for agricultural education.

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

Section 1. NEW SECTION. **256.32 Council for agricultural education.**

1. An advisory council for agricultural education is established, which consists of nine members appointed by the governor. The nine members shall include the following:

- a. Five persons representing all areas of agriculture and diverse geographical areas.
- b. The individual representing agriculture on the state council for vocational education.
- c. A secondary school program instructor, a postsecondary school program instructor, and a teacher educator.

2. The council may also include as ex officio members the following persons, as determined by the voting members of the council:

- a. The state future farmers of America president.
- b. The current state future farmers of America alumni association president.
- c. The current postsecondary agriculture students president.
- d. The current young farmers educational association president.
- e. A state consultant in agricultural education.
- f. The secretary of agriculture or the secretary’s designee.

g. Two members of each house of the general assembly. This membership shall be bipartisan in composition and one member each shall be selected by the president of the senate, after consultation with the majority leader of the senate, and by the minority leader of the senate, and one member each shall be selected by the speaker of the house of representatives and by the minority leader of the house of representatives.

3. The duties of the council are to review, develop, and recommend standards for secondary and postsecondary agricultural education. The council shall annually issue a report to the state board of education and the chairpersons of the house and senate

agriculture and education committees regarding both short-term and long-term curricular standards for agricultural education and the council's activities. The council shall meet a minimum of twice annually, and must have a quorum consisting of a majority of voting members present to hold an official meeting and to take any final council action. However, hearings may be held without a quorum. The chairperson shall be elected annually by and from the voting membership. The initial organizational meeting shall be called by the director of the department of education.

4. The term of membership is three years. The terms shall be staggered so that three of the terms end each year, but no member serving on the initial council shall serve less than one year. The governor shall determine the length of the initial terms of office. However, the terms of office for members of the general assembly shall be as provided in section 69.16B.

Approved April 20, 2011

CHAPTER 86

LOBBYIST REGISTRATIONS AND CLIENT REPORTS

H.F. 126

AN ACT relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly.

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

Section 1. Section 68B.36, Code 2011, is amended to read as follows:

68B.36 Applicability — lobbyist registration required.

1. All lobbyists shall, on or before the day their lobbying activity begins, register by electronically 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 and whether the lobbyist will also be lobbying the executive branch. Lobbyists engaged in lobbying activities before the general assembly and before the office of the governor or any state agency 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~~ establish an internet site for the electronic filing of lobbyist registrations.

2. Registration shall be valid from the date of registration until ~~the expiration of the registration period for the type of lobbying in which the person will be engaging~~ the end of the calendar year. Any change in or addition to the information shall be registered within ten days after the change or addition is known to the lobbyist. ~~Changes or additions for executive branch lobbyists shall be filed with the board.~~ Changes or additions for registrations of lobbyists of the general assembly shall be filed with either the chief clerk of the house or the secretary of the senate.

3. ~~For persons registered to lobby before the general assembly, registration expires upon the commencement of the next regular session of the general assembly, except that the chief clerk of the house and the secretary of the senate may adopt and implement a reasonable preregistration procedure in advance of each regular session during which persons may register for that session and the following legislative interim. For persons registered to lobby before the office of the governor or a state agency, registration expires upon the commencement of a new calendar year. The board may adopt and implement a reasonable~~

~~preregistration procedure in advance of each new calendar year during which persons may register for that year. Beginning December 1 of each year, a person may preregister to lobby for the following calendar year.~~

~~4. If a lobbyist's service on behalf of all clients, employers, or causes is concluded prior to the end of the calendar year, the lobbyist may cancel the registration on appropriate forms supplied by the board, the chief clerk of the house, or the secretary of the senate. The cancellation forms shall be filed by the lobbyist in the place where the lobbyist filed the original registration by electronically filing a notice of cancellation with the chief clerk of the house or the secretary of the senate. Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of any employer, client, or cause until reregistering and complying with the rules of the board or the general assembly.~~

~~5. 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.~~

~~6. The chief clerk of the house or the secretary of the senate shall post all lobbyist registrations in a searchable database on an internet site. The board shall establish a link on the internet site of the board to the lobbyist registration information on the general assembly's internet site.~~

Sec. 2. Section 68B.38, Code 2011, is amended to read as follows:

68B.38 Lobbyist's client reporting.

1. On or before July 31 of each year, a lobbyist's client shall electronically file with the general assembly ~~and board~~ a report that contains information on all salaries, fees, retainers, and reimbursement of expenses 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.

~~2. Reports by a lobbyist's clients shall be filed with the same entity with which the lobbyist filed the lobbyist's registration. The chief clerk of the house and the secretary of the senate shall establish an internet site for the filing of lobbyist's client reports in an electronic format.~~

~~3. The secretary of the senate, chief clerk of the house, and the board shall develop forms to implement this section. The chief clerk of the house and the secretary of the senate shall post all lobbyist's client reports filed pursuant to this section in a searchable database on an internet site. The board shall establish a link on the internet site of the board to the lobbyist's client report information on the general assembly's internet site.~~

Approved April 26, 2011

CHAPTER 87

BANK AND CREDIT UNION RECORDS AND RELATED CIVIL PROCEEDINGS

H.F. 405

AN ACT relating to records requirements applicable to state banks and state credit unions, and causes of action and duties in relation thereto.

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

Section 1. Section 524.221, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A state bank is not required to preserve its records for a period longer than ~~eleven~~ seven years after the first day of January of the year following the time of the making or filing of such records, provided, however, that account records showing unpaid balances due to

depositors shall not be destroyed. A copy of an original may be kept in lieu of any such original record. For purposes of this subsection, a copy includes any duplicate, rerecording or reproduction of an original record from any photograph, photostat, microfilm, microcard, miniature or microphotograph, computer printout, electronically stored data or image, or other process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original record.

Sec. 2. Section 524.221, subsections 2 and 3, Code 2011, are amended to read as follows:

2. All causes of action, other than actions for relief on the grounds of fraud or mistake, against a state bank based upon a claim or claims founded on a written contract, or a claim or claims inconsistent with an entry or entries in a state bank record, made in the regular course of business, shall be deemed to have accrued, and shall accrue for the purpose of the statute of limitations one year after the breach or failure of performance of a written contract, or one year after the date of such entry or entries. No action founded upon such a cause may be brought after the expiration of ~~ten~~ six years from the date of such accrual.

3. The provisions of this section, insofar as applicable, shall apply to the records of a national bank or a federally chartered savings bank or a federally chartered savings and loan association.

Sec. 3. Section 533.322, subsection 1, Code 2011, is amended to read as follows:

1. The superintendent may adopt rules regarding the preservation of records and files of a state credit union or any other person supervised or regulated by the superintendent. A state credit union is not required to preserve its records for a period longer than ~~eleven~~ seven years after the first day of January of the year following the time of the making or filing of such records. However, account records showing unpaid balances due to depositors shall not be destroyed.

Sec. 4. Section 533.324, Code 2011, is amended to read as follows:

533.324 ~~Liability for destruction~~ Preservation of records — statute of limitations.

1. ~~With the exception of certain account records which shall not be destroyed pursuant to section 533.322, liability shall not accrue against a state credit union for destroying records if the records were maintained for the minimum time provided for in this chapter. All causes of action, other than actions for relief on the grounds of fraud or mistake, against a state credit union based upon a claim or claims founded on a written contract, or a claim or claims inconsistent with an entry or entries in a state credit union record, made in the ordinary course of business, shall be deemed to have accrued, and shall accrue for the purpose of the statute of limitations one year after the breach or failure of performance of a written contract, or one year after the date of such entry or entries. No action founded upon such a cause may be brought after the expiration of six years from the date of such accrual.~~

2. In any cause or proceeding in which state credit union records or files may be called in question or be demanded of the state credit union, or any officer or employee of the state credit union, a showing that such records or files have been destroyed in accordance with the provisions of this chapter or rules adopted pursuant to this chapter shall be a sufficient excuse for the failure to produce them.

Sec. 5. Section 554.4406, subsection 2, Code 2011, is amended to read as follows:

2. If the items are not returned to the customer, the person retaining the items shall either retain the items or, if the items are destroyed, maintain the capacity to furnish legible copies of the items until the expiration of ~~eleven~~ seven years after receipt of the items. A customer may request an item from the bank that paid the item, and that bank must provide in a reasonable time either the item or, if the item has been destroyed or is not otherwise obtainable, a legible copy of the item.

CHAPTER 88**PUBLIC EMPLOYEE COMPENSATION — FELONY CONVICTIONS — CIVIL PENALTIES***H.F. 493*

AN ACT requiring public employees charged with a felony to pay a civil penalty equal to the cash wages received during a paid leave of absence and any contract termination payments if convicted.

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

Section 1. NEW SECTION. **70A.27 Leave of absence for charge of a crime — civil penalty.**

1. For the purposes of this section:

a. “*Convicted*” means convicted of an indictable offense and includes a guilty plea or other finding of guilt by a court of competent jurisdiction.

b. “*Public employee*” means any individual employed by a public employer. “*Public employee*” includes heads of executive branch agencies.

c. “*Public employer*” means the state, its boards, commissions, agencies, and departments, and its political subdivisions including school districts and other special purpose districts. “*Public employer*” includes the general assembly and the governor.

2. a. A public employee on a leave of absence with full or partial compensation because the public employee is charged, by indictment or information, with the commission of a public offense classified as a class “D” felony or greater offense shall pay to the public employer employing the public employee a civil penalty equal to the cash wages that the public employee received during the period of the leave of absence if the public employee is convicted of a public offense classified as a class “D” felony or greater offense.

b. A public employee shall pay to the public employer employing the public employee a civil penalty equal to any payments that the public employee received pursuant to the terms of the public employee’s employment contract that result from the termination of the contract, if the termination was caused by the employee being charged, by indictment or information, with the commission of a public offense classified as a class “D” felony or greater offense, and if the public employee is convicted of a public offense classified as a class “D” felony or greater offense.

Approved April 26, 2011

CHAPTER 89**REGULATION OF GRADE “A” MILK***H.F. 658*

AN ACT providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

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

Section 1. Section 192.109, Code 2011, is amended to read as follows:

192.109 Certification of grade “A” label.

The Iowa department of ~~public health~~ agriculture and land stewardship shall annually survey and certify all milk labeled grade “A” pasteurized and grade “A” raw milk for pasteurization, and, in the event a survey shows the requirements for production, processing, and distribution for such grade are not being complied with, the fact thereof shall be certified

by the ~~Iowa department of public health~~ to the secretary of agriculture who shall proceed with the provisions of section 192.107 for suspending the permit of the violator or who, if the secretary did not issue such permit, shall withdraw the grade "A" declared on the label.

Sec. 2. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

1. Any rule, regulation, form, order, or directive promulgated by the department of public health as required to administer and enforce the provisions of section 192.109 shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of agriculture and land stewardship.

2. An administrative hearing or court proceeding arising out of an enforcement action under section 192.109 pending on the effective date of this Act shall not be affected due to this Act. Any cause of action or statute of limitation relating to an action taken by the department of public health shall not be affected as a result of this Act and such cause or statute of limitation shall apply to the department of agriculture and land stewardship.

3. Any personnel in the state merit system of employment who are mandatorily transferred due to the effect of this Act shall be so transferred without any loss in salary, benefits, or accrued years of service.

4. Any replacement of signs, logos, stationery, insignia, uniforms, and related items that is made necessary due to the effect of this Act shall be done as part of the normal replacement cycle for such items.

Sec. 3. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP — CERTIFICATION OF MILK. 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, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of performing functions pursuant to section 192.109, including conducting a survey of grade "A" milk and certifying the results to the secretary of agriculture, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	189,196
.....	FTEs	2.00

Approved April 26, 2011

CHAPTER 90

DISCLOSURE OF NEW MOTOR VEHICLE REPAIRS

S.F. 418

AN ACT relating to disclosure of specified information in connection with new motor vehicle repairs.

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

Section 1. **NEW SECTION. 321.69A Disclosure of repairs to new vehicles.**

1. *a.* A person licensed as a new motor vehicle dealer pursuant to chapter 322 shall not be required to disclose to a prospective or actual buyer or lessee of a new motor vehicle repairs of damage to or adjustments on or replacements of parts with new parts on the motor vehicle if all of the following are true:

(1) The repairs, adjustments, or replacements were made to achieve compliance with factory specifications.

(2) The actual cost of any labor or parts charged to or performed by the dealer for any such repairs, adjustments, or parts does not exceed four percent of the dealer's adjusted cost.

(3) The dealer posts in a conspicuous place notice that repairs, adjustments, or replacements will be disclosed upon request.

(4) The dealer discloses any such repairs, adjustments, or replacements upon request.

b. The provisions of this section take precedence over and shall supersede section 714.16, subsection 2, paragraph "a", unnumbered paragraph 4, and section 714H.4, subsection 2.

2. A person licensed as a new motor vehicle dealer pursuant to chapter 322 shall disclose in writing, at or before the time of sale or lease, to the buyer or lessee of a new motor vehicle that the vehicle has been subject to any repairs of damage to or adjustments on or replacements of parts with new parts if the actual cost of any labor or parts charged to or performed by the dealer for any such repairs, adjustments, or parts exceeds four percent of the dealer's adjusted cost. The written disclosure shall include the signature of the buyer or lessee and be in a form and in a format approved by the attorney general by rule. A dealer shall retain a copy of each written disclosure issued pursuant to this section for five years from the date of issuance.

3. As used in this section, "*dealer's adjusted cost*" means the amount paid by the dealer to the manufacturer or other source for the vehicle, including any freight charges, but excluding any sum paid by the manufacturer to the dealer as a holdback or other monetary incentive relating to the vehicle.

4. A violation of this section is an unlawful practice pursuant to section 714.16.

5. A violation of this section is a prohibited practice or act pursuant to section 714H.5.

Approved April 27, 2011

CHAPTER 91

DISTRICT-TO-COMMUNITY COLLEGE PROGRAM AND FACILITIES SHARING PILOT PROGRAM

S.F. 424

AN ACT establishing a district-to-community college program and facilities sharing pilot program.

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

Section 1. DISTRICT-TO-COMMUNITY COLLEGE PROGRAM AND FACILITIES SHARING PILOT PROGRAM. A consortium of not less than four school districts and a community college may request approval from the department of education for a district-to-community college program and facilities sharing pilot program. The pilot program shall include one community college whose average annual increase in joint enrollment over the fiscal period beginning July 1, 2005, and ending June 30, 2009, was between 20 and 21 percent, and not less than four contiguous school districts, each of which had a kindergarten through grade twelve certified enrollment for the 2009-2010 school year of not less than six hundred pupils nor more than eight hundred pupils. All participants in the consortium shall be located within thirty miles of two cities and a state university. Each school district wishing to participate in a consortium shall, not less than twenty days prior to requesting approval from the department of education, hold a public hearing on the question of participation in the proposed consortium. The school district shall publish a notice of the public hearing and a statement of the school district's intent to participate in the consortium in a newspaper of general circulation in the school district at least ten days prior to the date of the hearing. In addition to the date, time, and location of the hearing, the notice shall include a description of the consortium's proposed efforts and a description of the funding to be used by the proposed consortium. Notwithstanding the requirement that a school district have exclusive jurisdiction in all matters within the territory of the school

district under section 274.1, the limitation on joint buildings under section 28E.41, and the expenditure requirements of section 298.3, the participating school district boards may enter into joint contracts for the construction or lease of buildings, using funds accumulated under the physical plant and equipment levy in section 298.2. Buildings constructed or leased pursuant to this section shall be used primarily for providing community college courses under a district-to-community college sharing agreement entered into by each of the school districts and the community college pursuant to section 257.11, subsection 3. Each consortium participating in the pilot program shall submit a report to the general assembly and the department of education on or before January 1, 2014. The report shall include but shall not be limited to a summary of the consortium's efforts, the consortium's findings and conclusions relating to the operations of the consortium, information relating to measureable outcomes of student achievement and access to coursework within the consortium, and recommendations related to the continuation, modification, or expansion of the pilot program authorized in this section.

Approved April 27, 2011

CHAPTER 92

STREAMLINED SALES AND USE TAX ADMINISTRATION

S.F. 515

AN ACT relating to the administration of the streamlined sales tax agreement by the department of revenue.

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

Section 1. Section 423.1, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. "*Advertising and promotional direct mail*" means direct mail the primary purpose of which is to attract public attention to a product, person, business, or organization or in an attempt to sell, popularize, or secure financial support for a product, person, business, or organization. For purposes of this subsection, "*product*" may include tangible personal property, a service, or an item transferred electronically.

NEW SUBSECTION. 33A. "*Other direct mail*" means all direct mail that is not advertising and promotional direct mail even if advertising and promotional direct mail is included in the same mailing. For purposes of this subsection, other direct mail includes but is not limited to:

a. Transactional direct mail that contains personal information specific to the addressee including but not limited to invoices, bills, statements of account, and payroll advices.

b. A legally required mailing including but not limited to privacy notices, tax reports, and stockholder reports.

c. Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents including but not limited to newsletters and pieces of informational literature.

Sec. 2. Section 423.1, subsection 14, Code 2011, is amended to read as follows:

14. a. "*Direct mail*" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items is not billed directly to the recipients. "*Direct mail*" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material.

b. "*Direct mail*" does not ~~include~~ include:

(1) ~~multiple~~ Multiple items of printed material delivered to a single address.

(2) The development of billing information or the provision of a data processing service that is more than incidental.

Sec. 3. Section 423.1, subsection 19, Code 2011, is amended to read as follows:

19. *“First use of a service”*. A *“first use of a service”* occurs, for the purposes of this chapter, ~~when a service is rendered, furnished, or performed in Iowa or if rendered, furnished, or performed outside of Iowa, when the product or result of the service is used in Iowa at the location at which the service is received.~~ For purposes of this subsection, the location at which the service is received is the location at which the purchaser or the purchaser’s donee can first make use of the result of the service. For purposes of this subsection, the location at which the seller performs the service is not determinative of the location at which the service is received.

Sec. 4. Section 423.1, subsection 52, Code 2011, is amended to read as follows:

52. *“Services”* means all acts or services rendered, furnished, or performed, other than services used in processing of tangible personal property for use in retail sales or services, for an employer who pays the wages of an employee for a valuable consideration by any person engaged in any business or occupation specifically enumerated in section 423.2. The tax shall be due and collectible when first use of the service is rendered, furnished, or performed for received by the ultimate user of the service.

Sec. 5. Section 423.2, subsection 9, Code 2011, is amended to read as follows:

9. A tax of six percent is imposed upon the sales price from any mobile telecommunications service ~~which, including all paging services, that this state is allowed to tax by pursuant to~~ the provisions of the federal Mobile Telecommunications Sourcing Act, Pub. L. No. 106-252, 4 U.S.C. § 116 et seq. For purposes of this subsection, taxes on mobile telecommunications service, as defined under the federal Mobile Telecommunications Sourcing Act that are deemed to be provided by the customer’s home service provider, shall be paid to the taxing jurisdiction whose territorial limits encompass the customer’s place of primary use, regardless of where the mobile telecommunications service originates, terminates, or passes through and shall in all other respects be taxed in conformity with the federal Mobile Telecommunications Sourcing Act. All other provisions of the federal Mobile Telecommunications Sourcing Act are adopted by the state of Iowa and incorporated into this subsection by reference. With respect to mobile telecommunications service under the federal Mobile Telecommunications Sourcing Act, the director shall, if requested, enter into agreements consistent with the provisions of the federal Act.

Sec. 6. Section 423.3, subsection 60, paragraph b, unnumbered paragraph 1, Code 2011, is amended to read as follows:

“Durable medical equipment” means equipment, including repair and replacement parts, and all components or attachments, but does not include mobility enhancing equipment, to which all of the following apply:

Sec. 7. Section 423.5, subsection 5, Code 2011, is amended to read as follows:

5. The use in this state of services enumerated in section 423.2. This tax is applicable where ~~services are furnished in this state or where the product or result of the service is first used~~ in this state.

Sec. 8. Section 423.15, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~All sellers obligated to collect Iowa sales or use tax shall use the standards set out in this section to determine where sales of products occur, excluding sales enumerated in section 423.16. These provisions apply regardless of the characterization of a product as tangible personal property, a digital good, or a service, excluding telecommunications services. All sales of products, except those sales enumerated in section 423.16, shall be sourced according to this section by sellers obligated to collect Iowa sales and use tax. The sourcing rules described in this section apply to sales of tangible personal property, digital goods, and all services other than telecommunications services.~~ This section only applies to determine a

seller's obligation to pay or collect and remit a sales or use tax with respect to the seller's sale of a product. This section does not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions in which the use occurs. A seller's obligation to collect Iowa sales tax or Iowa use tax only occurs if the sale is sourced to this state. ~~The application of whether~~ Whether Iowa sales tax applies to sales a sale sourced to Iowa depends upon where shall be determined based on the location at which the sale is consummated by delivery or, in the case of a service, where the first use of the service occurs.

Sec. 9. Section 423.19, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

423.19 Direct mail sourcing.

1. Notwithstanding section 423.15, the following provisions apply to sales of advertising and promotional direct mail:

a. A purchaser of advertising and promotional direct mail may provide the seller with one of the following:

(1) A direct pay permit.

(2) An agreement certificate of exemption claiming to be direct mail, or a similar written statement, if the statement is approved, authorized, or accepted by the department.

(3) Information showing the jurisdiction to which the advertising and promotional direct mail is to be delivered to the recipient.

b. (1) If the purchaser provides the seller a permit, a certificate of exemption, or an approved written statement pursuant to paragraph "a", subparagraph (1) or (2), then, in the absence of bad faith, the seller is relieved of the obligation to collect, pay, or remit tax on a transaction involving advertising and promotional direct mail to which the permit, certificate, or approved written statement applies. In such a transaction, the purchaser shall source the sale to the jurisdiction in which the advertising and promotional direct mail is to be delivered to the recipient and shall report and pay any tax due accordingly.

(2) If the purchaser provides the seller information showing the jurisdiction to which the advertising and promotional direct mail is to be delivered pursuant to paragraph "a", subparagraph (3), the seller shall source the sale to the jurisdiction in which the advertising and promotional direct mail is to be delivered and shall collect and remit the tax due accordingly. If the seller has sourced the sale according to the delivery information provided by the purchaser, then, in the absence of bad faith, the seller is relieved of any further obligation to collect tax on the sale of the advertising and promotional direct mail.

c. (1) If the purchaser fails to provide the seller with one of the items listed in paragraph "a", the sale shall be sourced pursuant to the sourcing directive described in section 423.15, subsection 1, paragraph "e".

(2) If a sale is sourced to this state pursuant to subparagraph (1), the full amount of the tax imposed by subchapter II or III, as applicable, is due from the purchaser, notwithstanding section 423.22.

2. Notwithstanding section 423.15, sales of other direct mail are subject to all of the following:

a. Except as otherwise provided in this subsection, the sale of other direct mail shall be sourced pursuant to the sourcing directive described in section 423.15, subsection 1, paragraph "c".

b. A purchaser of other direct mail may provide the seller with either of the following:

(1) A direct pay permit.

(2) An agreement certificate of exemption claiming to be direct mail, or a similar written statement, if the statement is approved, authorized, or accepted by the department.

c. (1) If the purchaser provides the seller a permit, a certificate of exemption, or an approved written statement pursuant to paragraph "b", then, in the absence of bad faith, the seller is relieved of the obligation to collect, pay, or remit tax on a transaction involving other direct mail to which the permit, certificate, or approved written statement applies.

(2) Notwithstanding paragraph "a", the sale of other direct mail under the circumstances described in subparagraph (1) shall be sourced to the jurisdiction in which the other direct mail is to be delivered to the recipient, and the purchaser shall report and pay any tax due accordingly.

Sec. 10. Section 423.50, subsection 4, Code 2011, is amended to read as follows:

4. If a due date falls on a Saturday, a Sunday, legal holiday, or a legal banking holiday in this state, the ~~taxes are~~ payment, including any related payment voucher information, is due on the next succeeding business day.

Sec. 11. Section 423.50, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. If the federal reserve bank is closed on the due date preventing a person from being able to make an automated payment, the payment shall be accepted as timely if made on the next day the federal reserve bank is open.

Approved April 27, 2011

CHAPTER 93

IOWA COMMUNICATIONS NETWORK — UTILIZATION CHANGES

H.F. 254

AN ACT modifying provisions relating to utilization of the Iowa communications network.

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

Section 1. Section 8D.9, subsection 2, Code 2011, is amended to read as follows:

2. *a.* A private or public agency, other than a private college or university or a nonpublic school, which certifies to the commission pursuant to subsection 1 that the agency is a part of or intends to become a part of the network shall use the network for all video, data, and voice requirements of the agency unless the private or public agency petitions the commission for a waiver and one of the following applies:

(1) The costs to the authorized user for services provided on the network are not competitive with the same services provided by another provider.

(2) The authorized user is under contract with another provider for such services, provided the contract was entered into prior to April 1, 1994. The agency shall use the network for video, data, and voice requirements which are not provided pursuant to such contract.

(3) The authorized user has entered into an agreement with the commission to become part of the network prior to June 1, 1994, which does not provide for use of the network for all video, data, and voice requirements of the agency. The commission may enter into an agreement described in this subparagraph upon a determination that the use of the network for all video, data, and voice requirements of the agency would not be in the best interests of the agency.

b. A private or public agency, other than a private college or university or a nonpublic school, shall petition the commission for a waiver of the requirement to use the network as provided in paragraph "a", if the agency determines that paragraph "a", subparagraph (1) or (2) applies. The commission shall establish by rule a review process for determining, upon application of an authorized user, whether paragraph "a", subparagraph (1) or (2) applies. An authorized user found by the commission to be under contract for such services as provided in paragraph "a", subparagraph (2), shall not enter into another contract upon the expiration of such contract, but shall utilize the network for such services as provided in this section unless paragraph "a", subparagraph (1), applies. A waiver approved by the commission may be for a period as requested by the private or public agency of up to three years.

c. A private college or university or a nonpublic school which certifies to the commission pursuant to subsection 1 that the private college, university, or nonpublic school is a part of

or intends to become a part of the network may use the network for its video, data, or voice requirements as determined by the private college or university or nonpublic school.

Approved April 27, 2011

CHAPTER 94

DRAINAGE AND LEVEE DISTRICTS — MISCELLANEOUS CHANGES

H.F. 654

AN ACT related to drainage or levee districts, including moneys administered by the board of trustees of a drainage or levee district.

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

Section 1. **NEW SECTION. 468.190 Farm mediation not applicable.**

A case, dispute, or other controversy arising under this chapter shall not be subject to any of the requirements of mediation provided in chapter 654A, 654B, or 654C.

Sec. 2. Section 468.528, Code 2011, is amended to read as follows:

468.528 Disbursement of funds.

Drainage and levee taxes when so levied and collected shall be kept by the treasurer of the county in a separate fund to the credit of the district for which it is collected, ~~shall be expended.~~ The county treasurer shall disburse the moneys in the fund only upon the any of the following:

1. The orders of the board of trustees, signed by the president of the board, upon which warrants shall be drawn by the auditor upon the treasurer.

2. For drainage and levee districts with pumping stations, by orders of the board of trustees directing the treasurer to place all or any part of the moneys into a checking account established by the board in a bank or credit union as defined in section 12C.1.

a. The treasurer shall disburse the moneys only upon resolution duly adopted by the board. The board shall not expend moneys in the account for a purpose if the board could not order the county treasurer to expend moneys from the county's separate fund for that same purpose.

b. The board shall file with the county auditor an annual financial statement that is accompanied by an unqualified opinion based upon an audit of the account performed by a certified public accountant licensed in this state. Notwithstanding paragraph "a", the board shall pay the costs associated with performing the audit out of the district's moneys.

Sec. 3. Section 468.531, Code 2011, is amended to read as follows:

468.531 Compensation — statements required.

The compensation of the trustees and the clerk of the board is hereby fixed at ~~forty~~ an amount not to exceed two hundred dollars per day each and necessary expenses, to be paid out of the funds of the drainage or levee district for each day necessarily expended in the transaction of the business of the district, but no one shall draw compensation for services as trustee and as clerk at the same time. The board of trustees of a district may by resolution establish for themselves and for the clerk of the district a lower rate of pay than is fixed by this section. They shall file with the auditor or auditors, if more than one county, itemized, verified statements of their time devoted to the business of the district and of the expenses incurred.

Approved April 27, 2011

CHAPTER 95**PUBLIC SAFETY — MISCELLANEOUS CHANGES****S.F. 236**

AN ACT relating to public safety including the Iowa law enforcement academy council, the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

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

Section 1. Section 80B.6, subsection 1, Code 2011, is amended to read as follows:

1. ~~There is created the An~~ Iowa law enforcement academy council ~~which shall consist is~~ created consisting of the following seven thirteen voting members appointed by the governor, subject to confirmation by the senate, to terms of four years commencing as provided in section 69.19:

a. Three residents of the state.

b. A sheriff of a county with a population of fifty thousand persons or more who is a member of the Iowa state sheriffs and deputies association.

c. A sheriff of a county with a population of less than fifty thousand persons who is a member of the Iowa state sheriffs and deputies association.

d. A deputy sheriff of a county who is a member of the Iowa state sheriffs and deputies association.

e. A member of the Iowa peace officers association.

f. A member of the Iowa state police association.

g. A member of the Iowa police chiefs association.

~~e.~~ h. A police officer who is a member of a police department of a city with a population ~~larger than~~ of fifty thousand persons or more.

~~d.~~ i. A police officer who is a member of a police department of a city with a population of less than fifty thousand persons.

e. j. A member of the department of public safety.

k. A member of the office of motor vehicle enforcement of the department of transportation.

Sec. 2. Section 100B.1, subsection 1, paragraph a, subparagraph (1), subparagraph division (c), Code 2011, is amended to read as follows:

(c) ~~One member~~ Two members from a list submitted by the Iowa association of professional fire fighters.

Sec. 3. Section 100B.1, subsection 1, paragraph a, subparagraph (1), subparagraph division (e), Code 2011, is amended by striking the subparagraph division.

Sec. 4. Section 104B.1, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 5. Section 690.2, Code 2011, is amended to read as follows:

690.2 Finger and palm prints — photographs — duty of sheriff and chief of police.

The sheriff of every county, and the chief of police of each city regardless of the form of government thereof, shall take the fingerprints of all unidentified dead bodies in their respective jurisdictions and all persons who are taken into custody for the commission of a serious misdemeanor, aggravated misdemeanor, or felony and shall forward such fingerprint records on such forms and in such manner as may be prescribed by the commissioner of public safety, within two working days after the fingerprint records are taken, to the department of public safety and, if appropriate, to the federal bureau of investigation. Fingerprints may be taken of a person who has been arrested for a simple misdemeanor subject to an enhanced penalty for conviction of a second or subsequent offense. In addition to the fingerprints as herein provided, any such officer may also take the photograph and palm prints of any such person and forward them to the department of public safety. If a defendant is convicted by a court of this state of an offense which is a

simple misdemeanor subject to an enhanced penalty for conviction of a second or subsequent offense, a serious misdemeanor, an aggravated misdemeanor, or a felony, the court shall determine whether such defendant has previously been fingerprinted in connection with the criminal proceedings leading to the conviction and, if not, shall order that the defendant be fingerprinted and those prints submitted to the department of public safety. The court shall also order that a juvenile adjudicated delinquent for an offense which would be an offense other than a simple misdemeanor if committed by an adult, be fingerprinted and the prints submitted to the department of public safety if the juvenile has not previously been fingerprinted. The taking of fingerprints for a serious misdemeanor offense under chapter 321 or 321A is not required under this section.

Sec. 6. Section 690.4, Code 2011, is amended to read as follows:

690.4 Fingerprints and photographs at institutions.

1. The warden of the Iowa medical and classification center and superintendent of the state training school shall take or procure the taking of the fingerprints, and, in the case of the Iowa medical and classification center only, Bertillon photographs of any person received on commitment to their respective institutions, and shall forward such fingerprint records and photographs within ten days after they are taken to the department of public safety ~~and to the federal bureau of investigation~~. Information obtained from fingerprint cards submitted pursuant to this section may be retained by the department of public safety as criminal history records. If a charge for a serious misdemeanor, aggravated misdemeanor, or felony is brought against a person already in the custody of a law enforcement or correctional agency and the charge is filed in a case separate from the case for which the person was previously arrested or confined, the agency shall take the fingerprints of the person in connection with the new case and submit them to the department of public safety.

2. The wardens and superintendents of all department of corrections facilities shall procure the taking of a photograph showing the facial features of each inmate of a state correctional institution prior to the inmate's discharge. The photograph shall be placed in the inmate's file and shall be made available to the Iowa department of public safety upon request.

Sec. 7. Section 692.15, subsection 6, Code 2011, is amended to read as follows:

6. Any disposition report shall be sent to the department within thirty days after disposition either electronically or on a printed form provided by the department.

Sec. 8. Section 692A.102, subsection 1, paragraph a, subparagraph (6), subparagraph division (b), Code 2011, is amended to read as follows:

(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, except a violation of section 708.11, subsection 3, paragraph "b", subparagraph (3), shall be classified a tier II offense as provided in paragraph "b".

Sec. 9. Section 692A.126, subsection 1, paragraph g, Code 2011, is amended to read as follows:

g. Stalking in violation of section 708.11, ~~subsection 3, paragraph "b", subparagraph (3)~~.

Sec. 10. Section 907.4, Code 2011, is amended to read as follows:

907.4 Deferred judgment docket.

A deferment of judgment under section 907.3 shall be entered promptly by the clerk of the district court, or the clerk's designee, into the deferred judgment database of the state, which shall serve as the deferred judgment docket. The docket shall contain a permanent record of the deferred judgment including the name and date of birth of the defendant, the district court docket number, the nature of the offense, and the date of the deferred judgment. Before granting deferred judgment in any case, the court shall search the deferred judgment docket and shall consider any prior record of a deferred judgment against the defendant. The permanent record provided for in this section is a confidential record exempted from public access under section 22.7 and shall be available only to justices of the supreme court, judges of the court of appeals, district judges, district associate judges, judicial magistrates, clerks of the district court, judicial district departments of correctional services, county attorneys,

the department of public safety, and the department of corrections requesting information pursuant to this section, or the designee of a justice, judge, magistrate, clerk, judicial district department of correctional services, or county attorney, or ~~department~~ departments.

Approved April 28, 2011

CHAPTER 96

IMPERSONATING A DECORATED MILITARY VETERAN

S.F. 397

AN ACT creating a criminal offense for impersonating a decorated military veteran and providing penalties.

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

Section 1. NEW SECTION. **718B.1 Impersonating a decorated military veteran.**

A person who impersonates a decorated military veteran with the intent to deceive another person for the purpose of gaining any real or anticipated monetary gain commits a serious misdemeanor. For the purposes of this section, "*decorated military veteran*" means a veteran of the armed forces of the United States who has been awarded any decoration or medal authorized by the United States Congress for service in the armed forces of the United States, any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal.

Approved April 28, 2011

CHAPTER 97

SEWAGE DISPOSAL REGULATION AND ENFORCEMENT

S.F. 407

AN ACT relating to counties and other regulated entities and the permitting and enforcement powers of the department of natural resources in relation to the inspection and construction of certain sewage disposal systems and authorizing penalties.

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

Section 1. Section 331.382, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The board shall issue permits, conduct inspections, and adopt standards related to the construction of semipublic sewage disposal systems, as defined in section 455B.171, in relation to authority delegated by the department of natural resources pursuant to sections 455B.174 and 455B.183. Construction standards adopted pursuant to this subsection shall be consistent with and equivalent to the construction standards adopted by the environmental protection commission pursuant to section 455B.173, subsection 3. The county may adopt such standards by reference.

Sec. 2. Section 455B.174, subsection 4, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* The department may enter into an agreement with a county to delegate to the county the duties of the department under this subsection as they relate to the construction of semipublic sewage disposal systems.

Sec. 3. Section 455B.175, Code 2011, is amended to read as follows:

455B.175 Violations.

1. If there is substantial evidence that any person has violated or is violating any provision of this part of this division, chapter 459, subchapter III, chapter 459A, or chapter 459B, or of any rule or standard established or permit issued pursuant thereto; then:

1. *a.* The director may issue an order directing the person to desist in the practice which constitutes the violation or to take such corrective action as may be necessary to ensure that the violation will cease. The person to whom such order is issued may cause to be commenced a contested case within the meaning of the Iowa administrative procedure Act, chapter 17A, by filing with the director within thirty days a notice of appeal to the commission. On appeal the commission may affirm, modify or vacate the order of the director; or

2. *b.* If it is determined by the director that an emergency exists respecting any matter affecting or likely to affect the public health, the director may issue any order necessary to terminate the emergency without notice and without hearing. Any such order shall be binding and effective immediately and until such order is modified or vacated at a hearing before the commission or by a court; or

3. *c.* The director, with the approval of the commission, may request the attorney general to institute legal proceedings pursuant to section 455B.191 or 459.604.

2. Notwithstanding the limitations on civil and criminal penalty amounts in sections 331.302 and 331.307, a county that has entered into an agreement with the department pursuant to sections 455B.174 and 455B.183 regarding the construction of semipublic sewage disposal systems may assess civil penalties in amounts consistent with and not exceeding the amounts established for such penalties under this division.

Sec. 4. Section 455B.183, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The department may enter into an agreement with a county to delegate to the county the duties of the department under this section as they relate to the construction of semipublic sewage disposal systems.

Sec. 5. Section 455B.191, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Any civil penalty collected by the state or a county relating to the construction of semipublic sewage disposal systems shall be deposited in the unsewered community revolving loan fund created pursuant to section 16.141.

Sec. 6. Section 455B.199B, subsection 2, Code 2011, is amended to read as follows:

2. The department shall find that a regulated entity and the affected community are a disadvantaged community by using evaluating all of the following criteria:

a. The ability of the regulated entity and the affected community to pay for a project based on the ratio of the total annual project costs per household to median household income.

b. Median household income in the community as a percentage of statewide household income and the unemployment rate of the county in which the community is located.

b. ~~Annual water and sewer rates as a percentage of median household income.~~

c. ~~Families below the poverty level in the community as a percentage of the statewide number of families below the poverty level.~~

d. ~~Per capita The outstanding debt of the system as a percentage of median household income and the bond rating of the community.~~

e. ~~Cost effectiveness calculated by determining construction costs per user.~~

Sec. 7. Section 455B.199B, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. The department shall find that an unsewered community is a disadvantaged community by evaluating all of the following:

a. The ability of the community to pay for a project based on the ratio of the total annual project costs per household to median household income.

b. The unemployment rate in the county where the community is located.

c. The median household income of the community.

NEW SUBSECTION. 2B. The department shall not consider a regulated entity, affected community, or unsewered community a disadvantaged community if the ratio of compliance costs to median household income is below one percent.

NEW SUBSECTION. 3A. The department shall not require installation of a wastewater treatment system by an unsewered community if the department determines that such installation would create substantial and widespread economic and social impact.

Approved April 28, 2011

CHAPTER 98

HUMAN SERVICES — MISCELLANEOUS CHANGES

S.F. 482

AN ACT relating to requirements of the department of human services involving individuals and families and including effective date provisions.

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

DIVISION I

CHILD CARE RESOURCE AND REFERRAL AGENCIES

Section 1. Section 237A.26, Code 2011, is amended to read as follows:

237A.26 Statewide resource and referral services — grants.

1. The department shall administer the funding for a statewide grant program for child care resource and referral services. Grants shall only be awarded to community-based nonprofit incorporated agencies and public agencies. Grants shall be awarded to facilitate the establishment of regional resource and referral agencies throughout the state, based upon the distribution of the child population in the state.

2. The department shall provide oversight of and annually evaluate an agency which is awarded a grant to provide resource and referral services to a region.

3. An agency which receives a grant to provide resource and referral services shall perform both of the following functions:

a. Organize assistance to child care homes and ~~child development homes~~ care facilities utilizing training levels based upon the ~~homes'~~ child care providers' degrees of experience and interest.

b. Operate in partnership with both public and private interests and coordinate resource and referral services with existing community services.

4. An agency, ~~to be eligible to receive a grant to provide resource and referral services,~~ ~~must~~ may be required by the department to match the grant with financial resources equal to at least of not more than twenty-five percent of the amount of the grant. The financial resources may include a private donation, an in-kind contribution, or a public funding source other than a separate state grant for child care service improvement.

5. An agency, to be eligible to receive a grant to provide resource and referral services, must have a board of directors if the agency is an incorporated nonprofit agency or must have an advisory board if the agency is a public agency, to oversee the provision of resource and referral services. The board shall include providers, consumers, and other persons interested in the provision or delivery of child care services.

6. An agency which receives a child care resource and referral grant ~~shall~~ may be awarded funding to provide all various child care-related services, which may include but are not limited to any of the following services:

a. Assist families in selecting quality child care. The agency must provide referrals to registered and licensed child care facilities, and to persons providing care, supervision, and guidance of a child which is not defined as child care under section 237A.1 and may provide referrals to unregistered providers.

b. Assist child care providers in adopting appropriate program and business practices to provide quality child care services.

c. Provide information to the public regarding the availability of child care services in the communities within the agency's region.

d. Actively encourage the development of new and expansion of existing child care facilities in response to identified community needs.

e. Provide specialized services to employers, including the provision of resource and referral services to employee groups identified by the employer and the provision of technical assistance to develop employer-supported child care programs. The specialized services may include but are not limited to working with employers to identify networks of recommended registered and licensed child care providers for employee groups and to implement employer-supported quality improvement initiatives among the network providers.

f. Refer eligible child care facilities to the federal child care food programs.

g. Loan toys, other equipment, and resource materials to child care facilities.

~~h. Administer funding designated within the grant to provide a substitute caregiver program for registered child development homes to provide substitute child care in a home when the home provider is ill, on vacation, receiving training, or is otherwise unable to provide the care.~~

7. The department may contract with an agency receiving a child care resource and referral grant to perform any of the following functions relating to publicly funded services providing care, supervision, and guidance of a child:

a. Determine an individual's eligibility for the services in accordance with income requirements.

b. Administer a voucher, certificate, or other system for reimbursing an eligible provider of the services.

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 an early childhood Iowa area board under chapter 256I, and of community representatives of education, health, human services, business, faith, and public interests.

DIVISION II FOSTER HOME INSURANCE FUND

Sec. 2. Section 237.13, subsection 1, Code 2011, is amended to read as follows:

1. For the purposes of this section, "*foster home*" means ~~either of the following:~~

~~a. An~~ an individual, as defined in section 237.1, subsection 7, who is licensed to provide child foster care and shall also be known as a "*licensed foster home*".

~~b. A guardian appointed on a voluntary petition pursuant to section 232.178, or a voluntary petition of a ward pursuant to section 633.557, or a conservator appointed on a voluntary petition of a ward pursuant to section 633.572, provided the ward has an income that does not exceed one hundred fifty percent of the current federal office of management and budget poverty guidelines and who does not have resources in excess of the criteria for resources under the federal supplemental security income program. However, the ward's ownership of one residence and one vehicle shall not be considered in determining resources.~~

Sec. 3. Section 237.13, subsection 5, Code 2011, is amended by striking the subsection.

DIVISION III

UNIT FOR SEXUALLY VIOLENT PREDATORS — BARBERING LICENSE EXEMPTION

Sec. 4. Section 158.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Persons committed pursuant to chapter 229A to the custody of the director of the department of human services in the unit for sexually violent predators who cut the hair or trim or shave the beard of any other person within the unit, without receiving direct compensation from the person receiving the service.

DIVISION IV

ADOPTION PLACEMENT INVESTIGATIONS AND REPORTS

Sec. 5. Section 600.8, subsection 9, Code 2011, is amended to read as follows:

9. The department may investigate, on its own initiative or on order of the juvenile court ~~or court~~, any placement made or adoption petition filed under this chapter or chapter 600A and may report its resulting recommendation to the juvenile court ~~or court~~.

DIVISION V

RETAINING CHILD IN NEED OF ASSISTANCE COMPLAINT INFORMATION

Sec. 6. Section 232.81, subsection 4, Code 2011, is amended by striking the subsection.

DIVISION VI

REGISTRY ACCESS — CERTIFIED NURSE AIDES AND JUVENILE SHELTER AND DETENTION FACILITY VOLUNTEERS

Sec. 7. Section 232.142, subsection 4, Code 2011, is amended to read as follows:

4. The director shall adopt minimal rules and standards for the establishment, maintenance, and operation of such homes as shall be necessary to effect the purposes of this chapter. The rules shall apply the requirements of section 237.8, concerning employment and evaluation of persons with direct responsibility for a child or with access to a child when the child is alone and persons residing in a child foster care facility, to persons employed by, ~~or residing in,~~ or volunteering for a home approved under this section. The director shall, upon request, give guidance and consultation in the establishment and administration of the homes and programs for the homes.

Sec. 8. Section 235A.15, subsection 2, paragraph e, Code 2011, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (20) To the administrator of a certified nurse aide program, if the data relates to a record check of a student of the program performed pursuant to section 135C.33.

NEW SUBPARAGRAPH. (21) To the administrator of a juvenile detention or shelter care home, if the data relates to a record check of an existing or prospective employee, resident, or volunteer for or in the home.

Sec. 9. Section 235B.6, subsection 2, paragraph e, Code 2011, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (16) To the administrator of a certified nurse aide program, if the data relates to a record check of a student of the program performed pursuant to section 135C.33.

NEW SUBPARAGRAPH. (17) To the administrator of a juvenile detention or shelter care home, if the data relates to a record check of an existing or prospective employee, resident, or volunteer for or in the home.

DIVISION VII
SIBLING VISITATION

Sec. 10. **SUBSIDIZED GUARDIANSHIP PROGRAM — SIBLING VISITATION.** The department of human services shall adapt the provisions of section 232.108 for application to the subsidized guardianship program in order to facilitate frequent visitation or ongoing interaction between children participating in the subsidized guardianship program for application to the subsidized guardianship program and the siblings of those children. However, the visitation or ongoing interaction shall not be facilitated if the department determines the visitation or ongoing interaction would be detrimental to the child's well-being or is suspended or terminated by the court.

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

DIVISION VIII
REPRESENTATION BY COUNTY ATTORNEY IN JUVENILE PROCEEDINGS

Sec. 12. **LEGAL REPRESENTATION OF THE DEPARTMENT OF HUMAN SERVICES — STUDY.** The department of human services shall consult with representatives of county attorneys, the office of the attorney general, and other stakeholders in performing a review of the role of the county attorney in representing the department of human services in juvenile proceedings under chapter 232. The review shall include the issues addressed in House File 608,¹ introduced by the committee on judiciary of the house of representatives during the 2011 Session, and other issues identified by stakeholders. The department shall report the results of the review along with findings and recommendations to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services and of the committees on judiciary of the senate and house of representatives, and the legislative services agency on or before December 15, 2011.

DIVISION IX
INMATES OF PUBLIC INSTITUTIONS — MEDICAID ELIGIBILITY

Sec. 13. **NEW SECTION. 249A.38 Inmates of public institutions — suspension or termination of medical assistance.**

1. The following conditions shall apply to an individual who is an inmate of a public institution as defined in 42 C.F.R. § 435.1010, who is enrolled in the medical assistance program at the time of commitment to the public institution, and who is eligible for medical assistance by reason of disability or being sixty-five years of age or older:

a. The department shall suspend the individual's eligibility for up to the initial twelve months of the period of commitment. The department shall delay the suspension of eligibility for a period of up to the first thirty days of commitment if such delay is approved by the centers for Medicare and Medicaid services of the United States department of health and human services. If such delay is not approved, the department shall suspend eligibility during the entirety of the initial twelve months of the period of commitment. Claims submitted on behalf of the individual under the medical assistance program for covered services provided during the delay period shall only be reimbursed if federal financial participation is applicable to such claims.

b. The department shall terminate an individual's eligibility following a twelve-month period of suspension of the individual's eligibility under paragraph "a".

2. a. A public institution shall provide the department and the social security administration with a monthly report of the individuals who are committed to the public institution and of the individuals who are discharged from the public institution.

b. The department shall provide a public institution with the forms necessary to be used by the individual in expediting restoration of the individual's medical assistance benefits upon discharge from the public institution.

¹ Not enacted

3. This section applies to individuals as specified in subsection 1 on or after January 1, 2012.

4. The department may adopt rules pursuant to chapter 17A to implement this section.

Sec. 14. IMPLEMENTATION. The department of human services shall do all of the following:

1. Request any waiver or approval necessary from the centers for Medicare and Medicaid services of the United States department of health and human services to provide for the delay in suspension of eligibility as provided in this Act beginning January 1, 2012. The department shall implement the delay period to the maximum extent of the federal approval.

2. Develop a process for suspension of medical assistance eligibility for individuals as specified in this Act beginning January 1, 2012.

3. Incorporate provisions for suspension and termination of medical assistance eligibility for inmates of public institutions within any future redesign of the medical assistance program eligibility information management system.

Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X MEDICAID FAMILY PLANNING SERVICES

Sec. 16. Section 249A.3, subsection 2, paragraph a, subparagraph (10), Code 2011, is amended to read as follows:

(10) ~~Women~~ Individuals eligible for family planning services under a federally approved demonstration waiver.

Approved April 28, 2011

CHAPTER 99

HISTORIC PRESERVATION AND CULTURAL AND ENTERTAINMENT DISTRICT TAX CREDITS — REHABILITATION OF PROPERTY

S.F. 521

AN ACT relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

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

Section 1. Section 404A.1, Code 2011, is amended to read as follows:

404A.1 Historic preservation and cultural and entertainment district tax credit — ~~eligible property definitions.~~

1. a. A historic preservation and cultural and entertainment district tax credit, subject to the availability of the credit, is granted against the tax imposed under chapter 422, division II, III, or V, or chapter 432, for the substantial rehabilitation of eligible property located in this state as provided in this chapter.

b. Tax credits in excess of tax liabilities shall be refunded or credited as provided in section 404A.4, subsection 3.

2. For purposes of this chapter, unless the context otherwise requires:

2. a. ~~Eligible property~~ "Eligible property" means property for which a taxpayer may receive the historic preservation and cultural and entertainment district tax credit computed under this chapter and includes all of the following:

~~α.~~ (1) Property listed on the national register of historic places or eligible for such listing.

~~b.~~ (2) Property designated as of historic significance to a district listed in the national register of historic places or eligible for such designation.

~~e.~~ (3) Property or district designated a local landmark by a city or county ordinance.

~~d.~~ (4) A barn constructed prior to 1937.

~~b.~~ "Placed in service" means the same as used in section 47 of the Internal Revenue Code.

~~c.~~ "Qualified rehabilitation costs" means expenditures made for the rehabilitation of eligible property and includes qualified rehabilitation expenditures as defined in section 47 of the Internal Revenue Code.

(1) Qualified rehabilitation costs include amounts if they are properly includable in computing the basis for tax purposes of the eligible property.

(2) Amounts treated as an expense and deducted in the tax year in which they are paid or incurred and amounts that are otherwise not added to the basis for tax purposes of the eligible property are not qualified rehabilitation costs.

(3) Amounts incurred for architectural and engineering fees, site survey fees, legal expenses, insurance premiums, development fees, and other construction-related costs are qualified rehabilitation costs to the extent they are added to the basis for tax purposes of the eligible property.

(4) Costs of sidewalks, parking lots, and landscaping do not constitute qualified rehabilitation costs.

~~d.~~ "Rehabilitation period" means the period of time during which an eligible property is rehabilitated commencing from the date on which the first qualified rehabilitation cost is incurred and ending with the end of the taxable year in which the property is placed in service. A project's rehabilitation period may include dates that precede approval of a project under section 404A.3, but any costs incurred prior to such approval must be qualified rehabilitation expenditures as defined in section 47(c)(2) of the Internal Revenue Code in order to be qualified rehabilitation costs under this chapter.¹

~~e.~~ "Substantial rehabilitation" means qualified rehabilitation costs that meet or exceed the following:

(1) In the case of commercial property, costs totaling at least fifty percent of the assessed value of the property, excluding the land, prior to the rehabilitation.

(2) In the case of residential property or barns, costs totaling at least twenty-five thousand dollars or twenty-five percent of the assessed value, excluding the land, prior to rehabilitation, whichever is less.

Sec. 2. Section 404A.2, Code 2011, is amended to read as follows:

404A.2 Amount of credit.

1. The amount of the credit equals twenty-five percent of the qualified rehabilitation costs made to incurred for the substantial rehabilitation of eligible property.

~~a.~~ In the case of commercial property, rehabilitation costs must equal at least fifty percent of the assessed value of the property, excluding the land, prior to the rehabilitation.

~~b.~~ In the case of residential property or barns, the rehabilitation costs must equal at least twenty-five thousand dollars or twenty-five percent of the assessed value, excluding the land, prior to the rehabilitation, whichever is less.

~~c.~~ In computing the tax credit for eligible property that is classified as residential or as commercial with multifamily residential units, the rehabilitation costs used shall not exceed one hundred thousand dollars per residential unit.

~~d.~~ In computing the tax credit, the only costs which may be included are the qualified rehabilitation costs incurred between the period ending on the project completion date and beginning on the date two years prior to the project completion date, provided that any qualified rehabilitation costs incurred prior to the date of approval of the project as provided in section 404A.3 must be qualified rehabilitation expenditures under the federal rehabilitation credit in section 47 of the Internal Revenue Code.

2. For purposes of this chapter, qualified rehabilitation costs include amounts if they are properly includable in computing the basis for tax purposes of the eligible property.

¹ See chapter 130, §30, 35 herein

~~a. Amounts treated as an expense and deducted in the tax year in which they are paid or incurred and amounts that are otherwise not added to the basis for tax purposes of the eligible property are not qualified rehabilitation costs.~~

~~b. Amounts incurred for architectural and engineering fees, site survey fees, legal expenses, insurance premiums, development fees, and other construction-related costs are qualified rehabilitation costs to the extent they are added to the basis for tax purposes of the eligible property.~~

~~c. Costs of sidewalks, parking lots, and landscaping do not constitute qualified rehabilitation costs.~~

~~3. 2. For purposes of individual and corporate income taxes and the franchise tax, the increase in the basis of the rehabilitated property that would otherwise result from the qualified rehabilitation costs shall be reduced by the amount of the credit computed under this chapter.~~

Sec. 3. Section 404A.3, subsection 3, paragraph b, Code 2011, is amended to read as follows:

b. The eligible property shall be placed in service within ~~thirty-six~~ sixty months of the date on which the project application was approved under this section. ~~For purposes of this section, "placed in service" has the same meaning as used for purposes of section 47 of the Internal Revenue Code. The department may provide by rule for the allowance of additional time to complete a project.~~

Sec. 4. Section 404A.4, subsection 1, Code 2011, is amended to read as follows:

1. Upon completion of the rehabilitation project, a certification of completion must be obtained from the state historic preservation office of the department of cultural affairs. A completion certificate shall identify the person claiming the tax credit under this chapter and the qualified rehabilitation costs incurred ~~up to the two years preceding the completion date~~ during the rehabilitation period.

Sec. 5. Section 404A.4, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. For the fiscal year beginning July 1, 2012, and for each fiscal year thereafter, the ~~department~~ office shall reserve not more than forty-five million dollars worth of tax credits for any one taxable year.

Sec. 6. RETROACTIVE APPLICABILITY. This Act applies retroactively to July 1, 2009, for projects approved and tax credits reserved on or after that date.

Approved April 28, 2011

CHAPTER 100

LICENSING OF PLUMBERS, MECHANICAL PROFESSIONALS, AND CONTRACTORS

H.F. 392

AN ACT relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions.

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

Section 1. Section 105.2, subsection 7, Code 2011, is amended to read as follows:

7. “HVAC” means heating, ventilation, air conditioning, and ducted systems, or any type of refrigeration used for food processing or preservation. “HVAC” includes all natural, propane, liquid propane, or other gas lines associated with any component of an HVAC system.

Sec. 2. Section 105.2, subsections 8 and 16, Code 2011, are amended to read as follows:

8. “Hydronic” means a heating or cooling system that transfers heating or cooling by circulating fluid through a closed system, including boilers, pressure vessels, refrigerated equipment in connection with chilled water systems, all steam piping, hot or chilled water piping together with all control devices and accessories, installed as part of, or in connection with, any ~~comfort~~ heating or ~~comfort~~ cooling system or appliance using a liquid, water, or steam as the heating or cooling media. “Hydronic” includes all low-pressure and high-pressure systems and all natural, propane, liquid propane, or other gas lines associated with any component of a hydronic system.

16. “Refrigeration” means any system of refrigeration regardless of the level of power, if such refrigeration is intended to be used for the purpose of food processing and product preservation and is not also intended to be used for comfort systems. “Refrigeration” includes all natural, propane, liquid propane, or other gas lines associated with any component of refrigeration.

Sec. 3. Section 105.5, subsection 1, Code 2011, is amended to read as follows:

1. Any person desiring to take an examination for a license issued pursuant to this chapter shall make application to the board in accordance with the rules of the board. The application form shall be no longer than two pages in length, plus one security page. The board may require that a recent photograph of the applicant be attached to the application.

Sec. 4. Section 105.9, subsection 2, Code 2011, is amended to read as follows:

2. The board shall set the license fees and renewal fees for all licenses issued pursuant to this chapter, by rule, ~~based upon the costs of sustaining the board and the actual costs of licensing.~~

Sec. 5. Section 105.9, subsection 5, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

5. a. The board shall submit a report to the general assembly within sixty days following the end of each fiscal year. The reports shall include a balance sheet projection extending no less than three years. If the revenue projection exceeds expense projections by more than ten percent, the board shall adjust their fee schedules accordingly, so that projected revenues are no more than ten percent higher than projected expenses. The revised fees shall be implemented no later than January 1, 2013, and January 1 of each subsequent year.

b. A license fee for a combined license shall be the sum total of each of the separate license fees reduced by thirty percent.

Sec. 6. Section 105.9, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 6. For calendar years 2011 and 2012 the fee for an initial apprentice and an initial journeyman license is fifty dollars.

NEW SUBSECTION. 7. For calendar years 2011 and 2012 the fee for an initial master license is one hundred twenty-five dollars.

NEW SUBSECTION. 8. The renewal fee shall be waived for all licenses renewed from January 1, 2011, through December 31, 2012. For any initial license issued in 2011 prior to the effective date of this Act, the licensee shall be refunded the difference between the fee paid for such initial license and the fees specified in subsections 6 and 7. For any licenses renewed in 2011 prior to the effective date of this Act, the licensee shall be refunded the entire license renewal fee paid.

NEW SUBSECTION. 9. The board may charge a fee for an application required by this chapter and submitted on paper if an internet application process is available.

NEW SUBSECTION. 10. The board shall waive all renewal fees for all licenses that have an expiration date from January 1, 2011, through December 31, 2012.

Sec. 7. Section 105.11, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 14. Apply to a person who is performing work on a volunteer, non-paid basis or assisting a property owner performing non-paid work on the owner's principal residence.

Sec. 8. Section 105.18, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. An individual that holds either a master or journeyman HVAC license or a master or journeyman refrigeration license shall be exempt from having to obtain a special electrician's license pursuant to chapter 103 in order to perform disconnect and reconnect of existing air conditioning and refrigeration systems.

Sec. 9. Section 105.18, subsection 4, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Notwithstanding section 17A.9A, the board shall through December 31, 2009, waive the written examination requirements and prior experience requirements in subsection 2, paragraph "b", subparagraph (1), ~~subparagraph division (e)~~, and subsection 2, paragraph "c", ~~subparagraph (3)~~, for a journeyman or master license if the applicant meets either of the following requirements:

Sec. 10. Section 105.18, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 5. *Waiver for military service.* Notwithstanding section 17A.9A, the board shall waive the written examination requirements and prior experience requirements in subsection 2, paragraph "b", subparagraph (1), and subsection 2, paragraph "c", for a journeyman or master license if the applicant meets all of the following requirements:

- a. Is an active or retired member of the United States military.
- b. Provides documentation that the applicant was deployed on active duty during any portion of the time period of July 1, 2008, through December 31, 2009.
- c. Provides documentation that shows the applicant has previously passed an examination which the board deems substantially similar to the examination for a journeyman license or a master license, as applicable, issued by the board, or provides documentation that shows the applicant has previously been licensed by a state or local governmental jurisdiction in the same trade and trade level.

Sec. 11. Section 105.20, subsection 1, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

1. All licenses issued under this chapter shall be issued for a three-year period.

Sec. 12. Section 105.20, subsection 6, Code 2011, is amended to read as follows:

6. a. The board shall establish continuing education requirements pursuant to section 272C.2. The basic continuing education requirement for renewal of a license shall be the completion, during the immediately preceding license term, of the number of classroom hours of instruction required by the board in courses or seminars which have been approved by the board. The board shall require at least eight classroom hours of instruction during each three-year licensing term.

b. A licensee shall have a thirty-day grace period after expiration of the licensing term to complete all requirements necessary for license renewal without penalty.

Sec. 13. Section 331.301, subsection 6, Code 2011, is amended to read as follows:

6. a. A county shall not set standards and requirements which are lower or less stringent than those imposed by state law, but may set standards and requirements which are higher or more stringent than those imposed by state law, unless a state law provides otherwise.

b. A county shall not impose any fee or charge on any individual or business licensed by the board for the right to perform plumbing, HVAC, refrigeration, or hydronic systems work within the scope of the license. This paragraph does not prohibit a county from charging fees for the issuance of permits for, and inspections of, work performed in its jurisdiction.

Sec. 14. Section 364.3, subsection 3, Code 2011, is amended to read as follows:

3. *a.* A city may not set standards and requirements which are lower or less stringent than those imposed by state law, but may set standards and requirements which are higher or more stringent than those imposed by state law, unless a state law provides otherwise.

b. A city shall not impose any fee or charge on any individual or business licensed by the board for the right to perform plumbing, HVAC, refrigeration, or hydronic systems work within the scope of the license. This paragraph does not prohibit a city from charging fees for the issuance of permits for, and inspections of, work performed in its jurisdiction.

Sec. 15. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 28, 2011

CHAPTER 101

EXTERNAL REVIEW OF HEALTH CARE COVERAGE DECISIONS

H.F. 597

AN ACT creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

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

Section 1. **NEW SECTION. 514J.101 Purpose — applicability.**

The purpose of this chapter is to provide uniform standards for the establishment and maintenance of external review procedures to assure that covered persons have the opportunity for an independent review of an adverse determination or final adverse determination made by a health carrier as required by the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, which amends the Public Health Service Act and adopts, in part, new 42 U.S.C. § 300gg-19, and to address issues which are unique to the external review process in this state.

Sec. 2. **NEW SECTION. 514J.102 Definitions.**

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

1. “*Adverse determination*” means a determination by a health carrier that an admission, availability of care, continued stay, or other health care service that is a covered benefit has been reviewed and, based upon the information provided, does not meet the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care, or effectiveness, and the requested service or payment for the service is therefore denied, reduced, or terminated. “*Adverse determination*” does not include a denial of coverage for a service or treatment specifically listed in plan or evidence of coverage documents as excluded from coverage.

2. “*Authorized representative*” means any of the following:

a. A person to whom a covered person has given express written consent to represent the covered person in an external review.

b. A person authorized by law to provide substituted consent for a covered person.

c. A family member of the covered person when the covered person is unable to provide consent.

d. The covered person’s treating health care professional when the covered person is unable to provide consent.

3. “*Best evidence*” means evidence based on randomized clinical trials. If randomized clinical trials are not available, “*best evidence*” means evidence based on cohort studies or

case-control studies. If randomized clinical trials, cohort studies, or case-control studies are not available, “*best evidence*” means evidence based on case-series studies. If none of these are available, “*best evidence*” means evidence based on expert opinion.

4. “*Case-control study*” means a retrospective evaluation of two groups of patients with different outcomes to determine which specific interventions the patients received.

5. “*Case-series study*” means an evaluation of a series of patients with a particular outcome, without the use of a control group.

6. “*Certification*” means a determination by a health carrier that an admission, availability of care, continued stay, or other health care service has been reviewed and, based on the information provided, satisfies the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care, and effectiveness.

7. “*Clinical review criteria*” means the written screening procedures, decision abstracts, clinical protocols, and practice guidelines used by a health carrier to determine the necessity and appropriateness of health care services.

8. “*Cohort study*” means a prospective evaluation of two groups of patients with only one group of patients receiving a specific intervention.

9. “*Commissioner*” means the commissioner of insurance.

10. “*Covered benefits*” or “*benefits*” means those health care services to which a covered person is entitled under the terms of a health benefit plan.

11. “*Covered person*” means a policyholder, subscriber, enrollee, or other individual participating in a health benefit plan.

12. “*Disclose*” means to release, transfer, or otherwise divulge protected health information to any person other than the individual who is the subject of the protected health information.

13. “*Emergency medical condition*” means the sudden and, at the time, unexpected onset of a health condition or illness that requires immediate medical attention, where failure to provide medical attention would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part, or would place the person’s health in serious jeopardy.

14. “*Emergency services*” means health care items and services furnished or required to evaluate and treat an emergency medical condition.

15. “*Evidence-based standard*” means the conscientious, explicit, and judicious use of the current best evidence based on the overall systematic review of the research in making decisions about the care of individual patients.

16. “*Expert opinion*” means a belief or an interpretation by specialists with experience in a specific area about the scientific evidence pertaining to a particular service, intervention, or therapy.

17. “*Facility*” means an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings.

18. “*Final adverse determination*” means an adverse determination involving a covered benefit that has been upheld by a health carrier at the completion of the health carrier’s internal grievance process.

19. “*Health benefit plan*” means a policy, contract, certificate, or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

20. “*Health care professional*” means a physician or other health care practitioner licensed, accredited, registered, or certified to perform specified health care services consistent with state law.

21. “*Health care provider*” or “*provider*” means a health care professional or a facility.

22. “*Health care services*” means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

23. “*Health carrier*” means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, a plan established pursuant to chapter 509A for public employees, or any

other entity providing a plan of health insurance, health care benefits, or health care services. "Health carrier" includes, for purposes of this chapter, an organized delivery system.

24. "Health information" means information or data, whether oral or recorded in any form or medium, and personal facts or information about events or relationships that relates to any of the following:

a. The past, present, or future physical, mental, or behavioral health or condition of a covered person or a member of the covered person's family.

b. The provision of health care services to a covered person.

c. Payment to a health care provider for the provision of health care services to a covered person.

25. "Independent review organization" means an entity that conducts independent external reviews of adverse determinations and final adverse determinations.

26. "Medical or scientific evidence" means evidence found in any of the following sources:

a. Peer-reviewed scientific studies published in or accepted for publication by medical journals that meet nationally recognized requirements for scientific manuscripts and that submit most of their published articles for review by experts who are not part of the editorial staff.

b. Peer-reviewed medical literature, including literature relating to therapies reviewed and approved by a qualified institutional review board, biomedical compendia, and other medical literature that meet the criteria of the national institutes of health's national library of medicine for indexing in index medicus or medline, or of elsevier science ltd. for indexing in excerpta medicus or embase.

c. Medical journals recognized by the United States secretary of health and human services under section 1861(t)(2) of the federal Social Security Act.

d. The following standard reference compendia:

(1) American hospital formulary service drug information.

(2) Drug facts and comparisons.

(3) American dental association accepted dental therapeutics.

(4) United States pharmacopoeia drug information.

e. Findings, studies, or research conducted by or under the auspices of federal government agencies and nationally recognized federal research institutes, including any of the following:

(1) Federal agency for health care research and quality.

(2) National institutes of health.

(3) National cancer institute.

(4) National academy of sciences.

(5) Centers for Medicare and Medicaid services.

(6) Federal food and drug administration.

(7) Any national board recognized by the national institutes of health for the purpose of evaluating the medical value of health care services.

f. Any other medical or scientific evidence that is comparable to the sources listed in paragraphs "a" through "e".

27. "NAIC" means the national association of insurance commissioners.

28. "Organized delivery system" means an entity system authorized under 1993 Iowa Acts, ch. 158, and licensed by the director of public health, and performing utilization review.

29. "Person" means an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing.

30. "Protected health information" means health information that meets either of the following descriptions:

a. Health information that identifies a covered person who is the subject of the information.

b. Health information with respect to which there is a reasonable basis to believe that the information could be used to identify a covered person.

31. "Randomized clinical trial" means a controlled, prospective study of patients that have been randomized into an experimental group and a control group at the beginning of the study with only the experimental group of patients receiving a specific intervention, which includes study of the groups for variables and anticipated outcomes over time.

Sec. 3. NEW SECTION. **514J.103 Applicability and scope.**

1. Except as provided in subsection 2, this chapter shall apply to all health carriers.
2. This chapter shall not apply to any of the following:
 - a. A policy or certificate that provides coverage only for a specified disease, specified accident or accident-only, credit, disability income, hospital indemnity, long-term care, dental care, vision care, or any other limited supplemental benefit.
 - b. A Medicare supplement policy of insurance, as defined by the commissioner by rule.
 - c. Coverage under a plan through Medicare, Medicaid, or the federal employees health benefits program, any coverage issued under 10 U.S.C. ch. 55, and any coverage issued as supplemental to that coverage.
 - d. Any coverage issued as supplemental to liability insurance.
 - e. Workers' compensation or similar insurance.
 - f. Automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group blanket or individual basis.

Sec. 4. NEW SECTION. **514J.104 Notice of right to external review.**

1. A health carrier shall notify a covered person or the covered person's authorized representative, if known, in writing of the covered person's right to request an external review and include the appropriate statements and information set forth in this chapter at the time the health carrier sends written notice of a final adverse determination.
2.
 - a. The notice shall include the following, or substantially equivalent, language:

We have denied your request for the provision of or payment for a health care service or course of treatment. You may have the right to have our decision reviewed by health care professionals who have no association with us if our decision involved making a judgment as to the medical necessity, appropriateness, health care setting, level of care, or effectiveness of the health care service or treatment you requested by submitting a request for external review to the commissioner of insurance.
 - b. The notice shall include the current address and contact information for the commissioner as specified in administrative rule.
3. The health carrier shall include in the notice a statement informing the covered person or the covered person's authorized representative, if known, of the following:
 - a. If the covered person has a medical condition pursuant to which the time frame for completion of a standard external review would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function, the covered person or the covered person's authorized representative may file a request for an expedited external review.
 - b. If the final adverse determination concerns an admission, availability of care, continued stay, or health care service for which the covered person received emergency services, but has not been discharged from a facility, the covered person or the covered person's authorized representative may request an expedited external review.
 - c. If the final adverse determination concerns a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational as provided in section 514J.109, the covered person may file a request for external review pursuant to section 514J.109. In addition, if the covered person's treating health care professional certifies in writing that the recommended or requested health care service or treatment that is the subject of the recommendation or request would be significantly less effective if not promptly initiated, the covered person or the covered person's authorized representative may request an expedited external review pursuant to section 514J.109, subsection 18.
4. The health carrier shall include with the notice a copy of the descriptions of both the standard and expedited external review procedures the health carrier is required to provide pursuant to section 514J.116, highlighting the provisions in the external review procedures that give the covered person or the covered person's authorized representative the opportunity to submit additional information and including any forms used to process an external review.

5. The health carrier shall also include with the notice an authorization form, or other document approved by the commissioner that complies with the requirements of 45 C.F.R. § 164.508 and with Tit. I of the federal Genetic Information Nondiscrimination Act of 2008, Pub. L. No. 110-233, 122 Stat. 881, by which the covered person or the covered person's authorized representative authorizes the health carrier and the covered person's treating health care provider to disclose protected health information, including medical records, concerning the covered person that is pertinent to the external review.

Sec. 5. NEW SECTION. 514J.105 Request for external review.

A covered person or the covered person's authorized representative may make a request for an external review of a final adverse determination. Except for a request for an expedited external review, all requests for external review shall be made in writing to the commissioner. The commissioner may prescribe by rule the form and content of external review requests.

Sec. 6. NEW SECTION. 514J.106 Exhaustion of internal grievance process — exceptions — expedited external review request.

1. Except as otherwise provided in this section, a request for an external review shall not be made until the covered person or the covered person's authorized representative has exhausted the health carrier's internal grievance process and received a final adverse determination.

2. A covered person or the covered person's authorized representative shall be considered to have exhausted the health carrier's internal grievance process if the covered person or the covered person's authorized representative has filed a grievance involving an adverse determination and, except to the extent the covered person or the covered person's authorized representative requested or agreed to a delay, has not received a written decision on the grievance from the health carrier within thirty days following the date the covered person or the covered person's authorized representative filed the grievance with the health carrier.

3. A covered person or the covered person's authorized representative may file a request for an expedited external review of an adverse determination without exhausting the health carrier's internal grievance process under either of the following circumstances:

a. The covered person has a medical condition pursuant to which the time frame for completion of an internal review of the grievance involving an adverse determination would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function as provided in section 514J.108.

b. The adverse determination involves a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational and the covered person's treating physician certifies in writing that the recommended or requested health care service or treatment that is the subject of the adverse determination would be significantly less effective if not promptly initiated as provided in section 514J.109.

4. A request for an external review of an adverse determination may be made before the covered person or the covered person's authorized representative has exhausted the health carrier's internal grievance procedures whenever the health carrier agrees to waive the exhaustion requirement. If the requirement to exhaust the health carrier's internal grievance procedures is waived, the covered person or the covered person's authorized representative may file a request with the commissioner in writing for a standard external review.

Sec. 7. NEW SECTION. 514J.107 External review — standard.

1. A covered person or the covered person's authorized representative may file a written request for an external review with the commissioner within four months after any of the following events:

a. The date of receipt of a final adverse determination.

b. The failure of a health carrier to issue a written decision within thirty days following the date the covered person or the covered person's authorized representative filed a grievance involving an adverse determination as provided in section 514J.106, subsection 2.

c. The agreement of the health carrier to waive the requirement that the covered person or the covered person's authorized representative exhaust the health carrier's internal grievance

procedures before filing a request for external review of an adverse determination as provided in section 514J.106, subsection 4.

2. Within one business day after the date of receipt of a request for external review, the commissioner shall send a copy of the request to the health carrier.

3. Within five business days following the date of receipt of the external review request from the commissioner, the health carrier shall complete a preliminary review of the request to determine whether:

a. The individual is or was a covered person under the health benefit plan at the time the health care service was recommended or requested.

b. The health care service that is the subject of the adverse determination or of the final adverse determination, is a covered service under the covered person's health benefit plan, but for a determination by the health carrier that the health care service is not covered because it does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care, or effectiveness.

c. The covered person or the covered person's authorized representative has exhausted the health carrier's internal grievance process, unless the covered person or the covered person's authorized representative is not required to exhaust the health carrier's internal grievance process pursuant to section 514J.106 or this section.

d. The covered person or the covered person's authorized representative has provided all the information and forms required to process an external review request.

4. Within one business day after completion of a preliminary review pursuant to subsection 3, the health carrier shall notify the commissioner and the covered person or the covered person's authorized representative in writing whether the request is complete and whether the request is eligible for external review.

a. If the health carrier determines that the request is not complete, the health carrier shall notify the covered person or the covered person's authorized representative and the commissioner in writing that the request is not complete and what information or materials are needed to make the request complete.

b. If the health carrier determines that the request is not eligible for external review, the health carrier shall issue a notice of initial determination in writing informing the covered person or the covered person's authorized representative and the commissioner of that determination and the reasons the request is not eligible for review. The health carrier shall also include a statement in the notice informing the covered person or the covered person's authorized representative that the health carrier's initial determination of ineligibility may be appealed to the commissioner.

5. The commissioner may specify by rule the form required for the health carrier's notice of initial determination and any supporting information to be included in the notice.

6. The commissioner may determine that a request is eligible for external review, notwithstanding a health carrier's initial determination that the request is not eligible, and refer the request for external review. In making this determination, the commissioner's decision shall be made in accordance with the terms of the covered person's health benefit plan and shall be subject to all applicable provisions of this chapter.

7. Within one business day after receipt of notice from a health carrier that a request for external review is eligible for external review or upon a determination by the commissioner that a request is eligible for external review, the commissioner shall do all of the following:

a. Assign an independent review organization from the list of approved independent review organizations maintained by the commissioner and notify the health carrier of the name of the assigned independent review organization. The assignment of an independent review organization shall be done on a random basis among those approved independent review organizations qualified to conduct the particular external review based on the nature of the health care service that is the subject of the adverse determination or final adverse determination and other circumstances, including conflict of interest concerns.

b. Notify the covered person or the covered person's authorized representative in writing that the request is eligible and has been accepted for external review including the name of the assigned independent review organization and that the covered person or the covered person's authorized representative may submit in writing to the independent review organization within five business days following receipt of such notice from the

commissioner, additional information that the independent review organization shall consider when conducting the external review. The independent review organization may, in the organization's discretion, accept and consider additional information submitted by the covered person or the covered person's authorized representative after five business days.

8. Within five business days after receipt of notice from the commissioner pursuant to subsection 7, the health carrier shall provide to the independent review organization the documents and any information considered in making the adverse determination or final adverse determination. Failure by the health carrier to provide the documents and information within the time specified shall not delay the conduct of the external review.

9. If the health carrier fails to provide the documents and information within the time specified, the independent review organization may terminate the external review and make a decision to reverse the adverse determination or final adverse determination. Within one business day after making such a decision, the independent review organization shall notify the covered person or the covered person's authorized representative, the health carrier, and the commissioner of its decision.

10. The independent review organization shall review all of the information and documents received pursuant to subsection 8 and any other information submitted in writing to the independent review organization by the covered person or the covered person's authorized representative pursuant to subsection 7, paragraph "b". Upon receipt of any information submitted by the covered person or the covered person's authorized representative, the independent review organization shall, within one business day, forward the information to the health carrier. In reaching a decision the independent review organization is not bound by any decisions or conclusions reached during the health carrier's internal grievance process.

11. Upon receipt of information forwarded pursuant to subsection 10, a health carrier may reconsider its adverse determination or final adverse determination that is the subject of the external review.

a. Reconsideration by the health carrier of its determination shall not delay or terminate the external review. The external review shall only be terminated if the health carrier decides, upon completion of its reconsideration, to reverse its determination and provide coverage or payment for the health care service that is the subject of the adverse determination or final adverse determination.

b. Within one business day after making a decision to reverse its adverse determination or final adverse determination, the health carrier shall notify the covered person or the covered person's authorized representative, the independent review organization, and the commissioner in writing of its decision. The independent review organization shall terminate the external review upon receipt of notice of the health carrier's decision to reverse its adverse determination or final adverse determination.

12. In addition to the documents and information provided to the independent review organization pursuant to this section, the independent review organization shall, to the extent the information or documents are available and the independent review organization considers them appropriate, consider the following in reaching a decision:

a. The covered person's pertinent medical records.

b. The treating health care professional's recommendation.

c. Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, covered person, or the covered person's treating physician or other health care professional.

d. The terms of coverage under the covered person's health benefit plan with the health carrier, to ensure that the independent review organization's decision is not contrary to the terms of coverage under the covered person's health benefit plan with the health carrier.

e. The most appropriate practice guidelines, which shall include applicable evidence-based standards and may include any other practice guidelines developed by the federal government, national or professional medical societies, boards, and associations.

f. Any applicable clinical review criteria developed and used by the health carrier.

g. The opinion of the independent review organization's clinical reviewer after considering the information or documents described in paragraphs "a" through "f" to the extent the information or documents are available and the clinical reviewer considers them relevant.

13. *a.* Within forty-five days after the date of receipt of a request for an external review, the independent review organization shall provide written notice of its decision to uphold or reverse the adverse determination or final adverse determination of the health carrier to the covered person or the covered person's authorized representative, the health carrier, and the commissioner.

b. The independent review organization shall include in its decision all of the following:

(1) A general description of the reason for the request for external review.

(2) The date the independent review organization received the assignment from the commissioner to conduct the external review.

(3) The date the external review was conducted.

(4) The date of the decision.

(5) The principal reason or reasons for its decision, including what applicable evidence-based standards, if any, were a basis for its decision.

(6) The rationale for its decision.

(7) References to evidence or documentation, including evidence-based standards, considered in reaching its decision.

14. Upon receipt of notice of a decision reversing the adverse determination or final adverse determination of the health carrier, the health carrier shall immediately approve the coverage that was the subject of the determination.

Sec. 8. NEW SECTION. 514J.108 External review — expedited.

1. Notwithstanding section 514J.107, a covered person or the covered person's authorized representative may make an oral or written request to the commissioner for an expedited external review at the time the covered person or the covered person's authorized representative receives any of the following:

a. An adverse determination that involves a medical condition of the covered person for which the time frame for completion of an internal review of a grievance involving an adverse determination would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function.

b. A final adverse determination that involves a medical condition where the time frame for completion of a standard external review would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function.

c. A final adverse determination that concerns an admission, availability of care, continued stay, or health care service for which the covered person received emergency services, and has not been discharged from a facility.

2. *a.* Upon receipt of a request for an expedited external review, the commissioner shall immediately send written notice of the request to the health carrier.

b. Immediately upon receipt of notice of a request for expedited external review, the health carrier shall complete a preliminary review of the request to determine whether the request meets the eligibility requirements for external review set forth in section 514J.107, subsection 3, and this section.

c. The health carrier shall then immediately issue a notice of initial determination informing the commissioner and the covered person or the covered person's authorized representative of its eligibility determination including a statement informing the covered person or the covered person's authorized representative of the right to appeal that determination to the commissioner.

d. The commissioner may specify by rule the form required for the health carrier's notice of initial determination and any supporting information to be included in the notice.

3. The commissioner may determine that a request is eligible for expedited external review, notwithstanding a health carrier's initial determination that the request is not eligible. In making a determination, the commissioner's decision shall be made in accordance with the terms of the covered person's health benefit plan and shall be subject to all applicable provisions of this chapter. The commissioner shall make a determination pursuant to this subsection as expeditiously as possible.

4. *a.* Upon receipt of notice from a health carrier that a request is eligible for expedited external review or upon a determination by the commissioner that a request is eligible

for expedited external review, the commissioner shall immediately assign an independent review organization from the list of approved independent review organizations maintained by the commissioner to conduct the expedited external review. The commissioner shall then immediately notify the health carrier and the covered person or the covered person's authorized representative of the name of the assigned independent review organization.

b. The assignment of an independent review organization shall be done on a random basis among those approved independent review organizations qualified to conduct the particular external review based on the nature of the health care service that is the subject of the adverse determination or final adverse determination and other circumstances, including conflict of interest concerns.

5. Upon receiving notice of the independent review organization assigned to conduct the expedited external review, the health carrier shall provide or transmit all necessary documents and information considered in making the adverse determination or final adverse determination to the independent review organization electronically or by telephone or facsimile or any other available expeditious method.

6. The independent review organization is not bound by any decisions or conclusions reached during the health carrier's internal grievance process. The independent review organization shall consider the documents and information provided by the health carrier, and to the extent the information or documents are available and the independent review organization considers them appropriate, shall consider the following in reaching a decision:

a. The covered person's pertinent medical records.

b. The treating health care professional's recommendation.

c. Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, covered person or the covered person's authorized representative, or the covered person's treating physician or other health care professional.

d. The terms of coverage under the covered person's health benefit plan with the health carrier, to ensure that the independent review organization's decision is not contrary to the terms of coverage under the covered person's health benefit plan with the health carrier.

e. The most appropriate practice guidelines, which shall include applicable evidence-based standards and may include any other practice guidelines developed by the federal government, national or professional medical societies, boards, and associations.

f. Any applicable clinical review criteria developed and used by the health carrier.

g. The opinion of the independent review organization's clinical reviewer after considering the information or documents described in paragraphs "a" through "f" to the extent the information or documents are available and the clinical reviewer considers them relevant.

7. a. As expeditiously as the covered person's medical condition or circumstances require, but in no event more than seventy-two hours after the date of receipt of an eligible request for expedited external review, the assigned independent review organization shall do all of the following:

(1) Make a decision to uphold or reverse the adverse determination or final adverse determination of the health carrier.

(2) Notify the covered person or the covered person's authorized representative, the health carrier, and the commissioner of its decision.

b. If the notice given by the independent review organization pursuant to paragraph "a" was not in writing, within forty-eight hours after providing that notice, the independent review organization shall provide written confirmation of the decision to the covered person or the covered person's authorized representative, the health carrier, and the commissioner that includes the information set forth in section 514J.107, subsection 13, paragraph "b".

c. Upon receipt of the notice of decision by an independent review organization pursuant to paragraph "a" reversing the adverse determination or final adverse determination, the health carrier shall immediately approve the coverage that was the subject of the adverse determination or final adverse determination.

Sec. 9. NEW SECTION. 514J.109 External review of experimental or investigational treatment adverse determinations.

1. Within four months after the date of receipt of a notice of an adverse determination or final adverse determination that involves a denial of coverage based on a determination

that the health care service or treatment recommended or requested is experimental or investigational, a covered person or the covered person's authorized representative may file a request for external review with the commissioner.

2. Within one business day after the date of receipt of the request, the commissioner shall notify the health carrier of the request.

3. Within five business days following the date of receipt of notice of a request for external review pursuant to this section, the health carrier shall complete a preliminary review of the request to determine whether:

a. The individual is or was a covered person under the health benefit plan at the time the health care service or treatment was recommended or requested.

b. The recommended or requested health care service or treatment that is the subject of the adverse determination or final adverse determination meets the following conditions:

(1) Is a covered benefit under the covered person's health benefit plan except for the health carrier's determination that the service or treatment is experimental or investigational for a particular medical condition.

(2) Is not explicitly listed as an excluded benefit under the covered person's health benefit plan with the health carrier.

c. The covered person's treating physician has certified that one of the following situations is applicable:

(1) Standard health care services or treatments have not been effective in improving the condition of the covered person.

(2) Standard health care services or treatments are not medically appropriate for the covered person.

(3) There is no available standard health care service or treatment covered by the health carrier that is more beneficial than the recommended or requested health care service or treatment sought.

d. The covered person's treating physician has certified in writing one of the following:

(1) That the recommended or requested health care service or treatment that is the subject of the adverse determination or final adverse determination is likely to be more beneficial to the covered person, in the physician's opinion, than any available standard health care services or treatments.

(2) The physician is a licensed, board-certified, or board-eligible physician qualified to practice in the area of medicine appropriate to treat the covered person's condition, and that scientifically valid studies using accepted protocols demonstrate that the health care service or treatment recommended or requested that is the subject of the adverse determination or final adverse determination is likely to be more beneficial to the covered person than any available standard health care services or treatments.

e. The covered person or the covered person's authorized representative has exhausted the health carrier's internal grievance process, unless the covered person or the covered person's authorized representative is not required to exhaust the health carrier's internal grievance process pursuant to section 514J.106 or 514J.108.

f. The covered person or the covered person's authorized representative has provided all the information and forms required by the commissioner that are necessary to process an external review¹ pursuant to this section.

4. Within one business day after completion of the preliminary review pursuant to subsection 3, the health carrier shall notify the commissioner and the covered person or the covered person's authorized representative in writing whether the request is complete and whether the request is eligible for external review pursuant to this section. If the request is not complete, the health carrier shall notify the commissioner and the covered person or the covered person's authorized representative in writing and include in the notice what information or materials are needed to make the request complete. If the request is not eligible for external review, the health carrier shall notify the covered person or the covered person's authorized representative and the commissioner in writing and include in the notice the reasons for its ineligibility.

¹ See chapter 131, §71, 158 herein

5. The commissioner may specify by rule the form required for the health carrier's notice of initial determination and any supporting information to be included in the notice. The notice of initial determination shall include a statement informing the covered person or the covered person's authorized representative that a health carrier's initial determination that the external review request is ineligible for review may be appealed to the commissioner.

6. The commissioner may determine that a request is eligible for external review pursuant to this section, notwithstanding a health carrier's initial determination that the request is ineligible, and require that it be referred for external review. In making this determination, the commissioner's decision shall be made in accordance with the terms of the covered person's health benefit plan and shall be subject to all applicable provisions of this chapter.

7. Within one business day after receipt of the notice from the health carrier that the external review request is eligible for external review or upon a determination by the commissioner that a request is eligible for external review, the commissioner shall do all of the following:

a. Assign an independent review organization from the list of approved independent review organizations maintained by the commissioner and notify the health carrier of the name of the assigned independent review organization.

b. Notify the covered person or the covered person's authorized representative in writing of the request's eligibility and acceptance for external review and the name of the assigned independent review organization and that the covered person or the covered person's authorized representative may submit in writing to the independent review organization, within five business days following the date of receipt of such notice, additional information that the independent review organization shall consider when conducting the external review. The independent review organization may, in the organization's discretion, accept and consider additional information submitted by the covered person or the covered person's authorized representative after five business days.

8. Within one business day after receipt of the notice of assignment to conduct the external review, the assigned independent review organization shall select one or more clinical reviewers, as it determines is appropriate pursuant to subsection 9 to conduct the external review.

9. In selecting clinical reviewers, the independent review organization shall select physicians or other health care professionals who meet the minimum qualifications described in this chapter and, through clinical experience in the past three years, are experts in the treatment of the covered person's condition and knowledgeable about the recommended or requested health care service or treatment that is the subject of the adverse determination or the final adverse determination. Neither the covered person or the covered person's authorized representative nor the health carrier shall choose or control the choice of the clinical reviewers selected to conduct the external review.

10. Each clinical reviewer selected shall provide a written opinion to the independent review organization regarding whether the recommended or requested health care service or treatment should be covered. Each clinical reviewer shall review all of the information and documents received and any other information submitted in writing by the covered person or the covered person's authorized representative. In reaching an opinion, a clinical reviewer is not bound by any decisions or conclusions reached during the health carrier's internal grievance process.

11. Within five business days after receipt of notice of the assignment of the independent review organization, the health carrier shall provide to the independent review organization the documents and any information considered in making the adverse determination or the final adverse determination. Failure by the health carrier to provide the documents and information within the time specified shall not delay the conduct of the external review.

12. If the health carrier fails to provide the documents and information within the time specified, the independent review organization may terminate the external review and make a decision to reverse the adverse determination or final adverse determination. Within one business day after making such a decision, the independent review organization shall notify the covered person or the covered person's authorized representative, the health carrier, and the commissioner.

13. Within one business day after the receipt of any information submitted by the covered person or the covered person's authorized representative, the independent review organization shall forward the information to the health carrier. Upon receipt of the forwarded information, the health carrier may reconsider its adverse determination or final adverse determination that is the subject of the external review.

a. Reconsideration by the health carrier of its adverse determination or final adverse determination shall not delay or terminate the external review. The external review shall only be terminated if the health carrier decides, upon completion of its reconsideration, to reverse its determination and provide coverage or payment for the recommended or requested health care service or treatment that is the subject of the determination.

b. Within one business day after making a decision to reverse its determination, the health carrier shall notify the covered person or the covered person's authorized representative, the independent review organization, and the commissioner in writing of its decision. The independent review organization shall terminate the external review upon receipt of such notice from the health carrier.

14. a. Within twenty days after being selected to conduct the external review, each clinical reviewer shall provide an opinion to the assigned independent review organization regarding whether the recommended or requested health care service or treatment should be covered pursuant to this section.

b. Each clinical reviewer's opinion shall be in writing and include the following information:

(1) A description of the covered person's medical condition.

(2) A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested health care service or treatment is likely to be more beneficial to the covered person than any available standard health care services or treatments and that the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments.

(3) A description and analysis of any medical or scientific evidence considered in reaching the opinion.

(4) A description and analysis of any applicable evidence-based standards.

(5) Information on whether the reviewer's rationale for the opinion is based on either of the factors described in subsection 15, paragraph "e".

15. In addition to the documents and information provided, each clinical reviewer, to the extent the information or documents are available and the reviewer considers them appropriate, shall consider all of the following in reaching an opinion:

a. The covered person's pertinent medical records.

b. The treating physician's recommendation or request.

c. Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, the covered person or the covered person's authorized representative, or the covered person's treating physician or other health care professional.

d. The terms of coverage under the covered person's health benefit plan with the health carrier to ensure that, but for the health carrier's determination that the recommended or requested health care service or treatment that is the subject of the opinion is experimental or investigational, the reviewer's opinion is not contrary to the terms of coverage under the covered person's health benefit plan with the health carrier.

e. Whether either of the following factors is applicable:

(1) The recommended or requested health care service or treatment has been approved by the federal food and drug administration, if applicable, for the condition.

(2) Medical or scientific evidence or evidence-based standards demonstrate that the expected benefits of the recommended or requested health care service or treatment is likely to be more beneficial to the covered person than any available standard health care service or treatment and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments.

16. a. If a majority of the clinical reviewers opine that the recommended or requested health care service or treatment should be covered, the independent review organization

shall make a decision to reverse the health carrier's adverse determination or final adverse determination.

b. If a majority of the clinical reviewers opine that the recommended or requested health care service or treatment should not be covered, the independent review organization shall make a decision to uphold the health carrier's adverse determination or final adverse determination.

c. If the clinical reviewers are evenly split as to whether the recommended or requested health care service or treatment should be covered, the independent review organization shall obtain the opinion of an additional clinical reviewer in order for the independent review organization to make a decision based on the opinions of a majority of the clinical reviewers.

d. The additional clinical reviewer selected shall use the same information to reach an opinion as the clinical reviewers who have already submitted their opinions.

e. The selection of an additional clinical reviewer under this subsection shall not extend the time within which the assigned independent review organization is required to make a decision based on the opinions of the clinical reviewers for the external review.

17. Within twenty days after it receives the opinion of each clinical reviewer, the assigned independent review organization shall make a decision based on the opinions of the clinical reviewer or reviewers, to uphold or reverse the adverse determination or final adverse determination of the health carrier and provide written notice of the decision to the covered person or the covered person's authorized representative, the health carrier, and the commissioner.

18. a. A covered person or the covered person's authorized representative may make a written or oral request to the commissioner for an expedited external review of the adverse determination or final adverse determination pursuant to this subsection if the covered person's treating physician certifies, in writing, that the recommended or requested health care service or treatment that is the subject of the request would be significantly less effective if not promptly initiated.

(1) Upon receipt of a request for an expedited external review pursuant to this subsection, the commissioner shall immediately notify the health carrier.

(2) Upon receipt of notice of the request for expedited external review, the health carrier shall immediately determine whether the request is eligible for external review as provided in subsection 3, paragraphs "a" through "f", and shall immediately issue a notice of initial determination informing the commissioner and the covered person or the covered person's authorized representative of its eligibility determination. The notice of initial determination of eligibility issued by a health carrier shall include a statement informing the covered person or the covered person's authorized representative that the health carrier's initial determination that the external review request is ineligible for expedited external review may be appealed to the commissioner.

(3) The commissioner may determine that a request is eligible for external review, notwithstanding a health carrier's initial determination that the request is not eligible, and refer the request for external review. In making this determination, the commissioner's decision shall be made in accordance with the terms of the covered person's health benefit plan and shall be subject to all applicable provisions of this chapter.

b. (1) Upon receipt of the notice of initial determination that the request is eligible for expedited external review or upon a determination by the commissioner that the request is eligible for expedited external review, the commissioner shall immediately assign an independent review organization to conduct the expedited external review, from the list of approved independent review organizations maintained by the commissioner, and notify the health carrier of the name of the assigned independent review organization.

(2) Upon receipt of notice of the independent review organization assigned to conduct an expedited external review, the health carrier shall provide or transmit all necessary documents and information considered in making the adverse determination or final adverse determination to the independent review organization electronically or by telephone or facsimile or any other available expeditious method.

(3) A clinical reviewer or clinical reviewers shall be selected immediately by the independent review organization and shall provide an opinion orally or in writing to the assigned independent review organization as expeditiously as the covered person's medical

condition or circumstances require, but in no event more than five calendar days after being selected. If the opinion provided was not in writing, within forty-eight hours following the date the opinion was provided, the clinical reviewer shall provide written confirmation of the opinion to the assigned independent review organization and include all required information in support of the opinion.

c. Within forty-eight hours after the date of receipt of the opinion of each clinical reviewer, the assigned independent review organization shall make a decision based on the opinions of the clinical reviewer or reviewers as to whether to reverse or uphold the adverse determination or final adverse determination and provide notice of the decision orally or in writing to the covered person or the covered person's authorized representative, the health carrier, and the commissioner. If the notice was provided orally, within forty-eight hours after the date of providing that notice, the independent review organization shall provide written confirmation of the decision to the covered person or the covered person's authorized representative, the health carrier, and the commissioner.

d. The independent review organization shall include in the notice of its decision all of the following:

(1) A general description of the reason for the request for an expedited external review.

(2) The written opinion of each clinical reviewer, including the recommendation of each clinical reviewer as to whether the recommended or requested health care service or treatment should be covered and the rationale for the reviewer's recommendation.

(3) The date the independent review organization was assigned by the commissioner to conduct the expedited external review.

(4) The date the expedited external review was conducted.

(5) The date of its decision.

(6) The principal reason or reasons for its decision.

(7) The rationale for its decision.

19. Upon receipt of notice of a decision of the independent review organization reversing an adverse determination or final adverse determination, the health carrier shall immediately approve coverage of the recommended or requested health care service or treatment that was the subject of the determination.

Sec. 10. NEW SECTION. 514J.110 Effect of external review decision.

1. An external review decision pursuant to this chapter is binding on the health carrier except to the extent the health carrier has other remedies available under applicable Iowa law. The external review process shall not be considered a contested case under chapter 17A.

2. a. A covered person or the covered person's authorized representative may appeal the external review decision made by an independent review organization by filing a petition for judicial review either in Polk county district court or in the district court in the county in which the covered person resides. The petition for judicial review must be filed within fifteen business days after the issuance of the review decision. The petition shall name the covered person or the covered person's authorized representative, or the person's health care provider as the petitioner. The respondent shall be the health carrier. The petition shall not name the independent review organization as a party.

b. The commissioner shall not be named as a respondent unless the petitioner alleges action or inaction by the commissioner under the standards articulated in section 17A.19, subsection 10. Allegations against the commissioner under section 17A.19, subsection 10, shall be stated with particularity. The commissioner may, upon motion, intervene in the judicial review proceeding. The findings of fact by the independent review organization conducting the external review are conclusive and binding on appeal.

3. The health carrier shall follow and comply with the decision of the court on appeal. The health carrier or treating health care provider shall not be subject to any penalties, sanctions, or award of damages for following and complying in good faith with the external review decision of the independent review organization or the decision of the court on appeal.

4. The covered person or the covered person's authorized representative may bring an action in Polk county district court or in the district court in the county in which the covered

person resides to enforce the external review decision of the independent review organization or the decision of the court on appeal.

5. A covered person or the covered person's authorized representative shall not file a subsequent request for external review involving any determination for which the covered person or the covered person's authorized representative has already received an external review decision.

6. If a covered person dies before the completion of the external review process, the process shall continue to completion if there is potential liability of a health carrier to the estate of the covered person.

7. *a.* If a covered person who has already received health care services under a health benefit plan requests external review of the plan's adverse determination or final adverse determination and changes to another health benefit plan before the external review process is completed, the health carrier whose coverage was in effect at the time the health care service was received is responsible for completing the external review process.

b. If a covered person who has not yet received health care services requests external review of a health benefit plan's adverse determination or final adverse determination and then changes to another plan prior to receipt of the health care services and completion of the external review process, the external review process shall begin anew with the covered person's current health carrier. In this instance, the external review process shall be conducted as an expedited external review.

Sec. 11. NEW SECTION. 514J.111 Approval of independent review organizations.

1. The commissioner shall approve applications submitted by independent review organizations to conduct external reviews under this chapter. The commissioner may retain an outside expert to perform reviews of such applications.

2. In order to be eligible for approval by the commissioner to conduct external reviews, an independent review organization shall meet all of the following requirements:

a. Be accredited by a nationally recognized private accrediting entity that the commissioner determines has independent review organization accreditation standards that are equivalent to or exceed the minimum qualifications for independent review organizations established in this chapter.

b. Submit an application in a form and format as directed by the commissioner.

c. Meet the minimum qualifications contained in section 514J.112.

3. The commissioner may approve independent review organizations that are not accredited by a nationally recognized private accrediting entity if there are no acceptable nationally recognized private accrediting entities providing independent review organization accreditation.

4. The commissioner shall develop an application form for initially approving and for reapproving independent review organizations to conduct external reviews.

5. The commissioner may charge an initial application fee and a renewal fee as specified by rule.

6. The approval of an independent review organization to conduct external reviews by the commissioner pursuant to this chapter is effective for two years, unless the commissioner determines that the independent review organization is not satisfying the minimum qualifications of this chapter. If the commissioner determines that an independent review organization has lost its accreditation or no longer satisfies the minimum requirements established under this chapter, the commissioner shall terminate approval of the independent review organization to conduct external reviews and remove the independent review organization from the list of independent review organizations approved to conduct external reviews that is maintained by the commissioner.

7. The commissioner shall maintain a list of currently approved independent review organizations.

Sec. 12. NEW SECTION. 514J.112 Minimum qualifications for independent review organizations.

1. To be approved to conduct external reviews pursuant to this chapter, an independent review organization shall have and maintain written policies and procedures that govern

all aspects of both the standard external review process and the expedited external review process and that include, at a minimum, all of the following:

a. A quality assurance mechanism that does all of the following:

(1) Ensures that external reviews are conducted within the specified time frames and that required notices are provided in a timely manner.

(2) Ensures the selection of qualified and impartial clinical reviewers to conduct external reviews on behalf of the independent review organization and suitable matching of reviewers to specific cases and that the independent review organization employs or contracts with an adequate number of clinical reviewers to meet this objective.

(3) Ensures the confidentiality of medical and treatment records and clinical review criteria.

(4) Establishes and maintains written procedures to ensure that the independent review organization is unbiased in addition to any other procedures required under this section.

(5) Ensures that any person employed by or under contract with the independent review organization adheres to the requirements of this chapter.

b. A toll-free telephone service to receive information related to external reviews twenty-four hours a day, seven days a week, that is capable of accepting, recording, or providing appropriate instruction to incoming telephone callers outside normal business hours.

c. An agreement and a system to maintain required records and provide access to those records by the commissioner.

2. Each clinical reviewer assigned by an independent review organization to conduct external reviews shall be a physician or other appropriate health care professional who meets all of the following minimum qualifications:

a. Is an expert in the treatment of the covered person's medical condition that is the subject of the external review.

b. Is knowledgeable about the recommended or requested health care service or treatment through recent or current actual clinical experience treating patients with the same or similar medical condition as the covered person.

c. Holds a nonrestricted license in a state of the United States and, for physicians, a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of the external review.

d. Has no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical reviewer's physical, mental, or professional competence or moral character.

3. An independent review organization shall not own or control, be a subsidiary of, or in any way be owned or controlled by, or exercise control with, a health benefit plan, a national, state, or local trade association of health benefit plans, or a national, state, or local trade association of health care providers.

4. Neither the independent review organization selected to conduct an external review nor any clinical reviewer assigned by the independent organization to conduct an external review shall have a material professional, familial, or financial conflict of interest with any of the following:

a. The health carrier that is the subject of the external review.

b. The covered person whose health care service or treatment is the subject of the external review or the covered person's authorized representative.

c. Any officer, director, or management employee of the health carrier that is the subject of the external review.

d. The health care professional or the health care professional's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review.

e. The facility at which the recommended health care service or treatment would be provided.

f. The developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the covered person whose health care service treatment is the subject of the external review.

5. In determining whether an independent review organization or a clinical reviewer of the independent review organization has a material professional, familial, or financial conflict of interest as provided in subsection 4, the commissioner shall take into consideration situations where the independent review organization to be assigned to conduct an external review of a specified case or a clinical reviewer to be assigned by the independent review organization to conduct an external review of a specified case may have an apparent professional, familial, or financial relationship or connection with a person described in subsection 4, but the characteristics of that relationship or connection are such that they do not constitute a material professional, familial, or financial conflict of interest that would prohibit selection of the independent review organization or the clinical reviewer to conduct the external review.

6. *a.* An independent review organization that is accredited by a nationally recognized private accrediting entity that has independent review accreditation standards that the commissioner has determined are equivalent to or exceed the minimum qualifications of this section shall be presumed to be in compliance with the requirements of this section.

b. The commissioner shall initially and periodically review the standards of each nationally recognized private accrediting entity that provides accreditation to independent review organizations to determine whether the accrediting entity's standards are, and continue to be, equivalent to or exceed the minimum qualifications established under this section. The commissioner may accept a review of those standards conducted by the national association of insurance commissioners for the purpose of making a determination under this subsection.

c. Upon request, a nationally recognized private accrediting entity shall make its current independent review organization accreditation standards available to the commissioner or to the national association of insurance commissioners in order for the commissioner to determine if the accrediting entity's standards are equivalent to or exceed the minimum qualifications established under this section. The commissioner may exclude consideration of accreditation of independent review organizations by any private accrediting entity whose standards have not been reviewed by the national association of insurance commissioners.

Sec. 13. NEW SECTION. 514J.113 Immunity for independent review organizations.

An independent review organization, a clinical reviewer working on behalf of an independent review organization, or an employee, agent, or contractor of an independent review organization shall not be liable in damages to any person for any opinions rendered or acts or omissions performed within the scope of the duties of the organization, the clinical reviewer, or an employee, agent, or contractor of the organization under this chapter during, or upon completion of, an external review conducted pursuant to this chapter, unless the opinion was rendered or the act or omission was performed in bad faith or involved gross negligence.

Sec. 14. NEW SECTION. 514J.114 External review reporting requirements.

1. *a.* An independent review organization assigned to conduct an external review shall maintain written records in the aggregate by state and by health carrier of all requests for external review for which it conducted an external review during a calendar year.

b. Each independent review organization required to maintain written records pursuant to this section shall submit to the commissioner, upon request, a report in the format specified by the commissioner. The report shall include in the aggregate by state and by health carrier all of the following:

(1) The total number of requests for external review assigned to the independent review organization.

(2) The average length of time for resolution of each request for external review assigned to the independent review organization.

(3) A summary of the types of coverages or cases for which an external review was requested, in the format required by the commissioner by rule.

(4) Any other information required by the commissioner.

c. The independent review organization shall retain the written records for at least three years.

2. *a.* Each health carrier shall maintain written records in the aggregate by state and by type of health benefit plan offered by the health carrier of all requests for external review that the health carrier receives notice of from the commissioner pursuant to this chapter.

b. Each health carrier required to maintain written records of requests for external review pursuant to this subsection shall submit to the commissioner, upon request, a report in the format specified by the commissioner. The report shall include in the aggregate by state and by type of health benefit plan offered all of the following:

(1) The total number of requests for external review of the health carrier's adverse determinations and final adverse determinations.

(2) Of the total number of requests for external review, the number of requests determined eligible for external review.

(3) The number of requests for external review resolved and, of those resolved, the number resolved upholding the adverse determination or final adverse determination of the health carrier and the number resolved reversing the adverse determination or final adverse determination of the health carrier.

(4) The number of external reviews that were terminated as the result of a reconsideration by the health carrier of its adverse determination or final adverse determination after the receipt of additional information from the covered person or the covered person's authorized representative.

(5) Any other information the commissioner may request or require.

c. The health carrier shall retain the written records for at least three years.

Sec. 15. NEW SECTION. 514J.115 Expenses of external review.

The health carrier against which a request for a standard external review or an expedited external review is filed shall pay the costs of retaining an independent review organization to conduct the external review.

Sec. 16. NEW SECTION. 514J.116 Disclosure requirements.

1. Each health carrier shall include a description of the external review procedures contained in this chapter in or attached to any policy, certificate, membership booklet, outline of coverage, or other evidence of coverage that is provided to a covered person. The description shall be in a format prescribed by the commissioner by rule.

2. The description required by subsection 1 shall include a statement that informs the covered person of the right of the covered person to file a request for an external review of an adverse determination or final adverse determination of the health carrier with the commissioner. The statement shall explain that external review is available when the adverse determination or final adverse determination involves an issue of medical necessity, appropriateness, health care setting, level of care, or effectiveness. The statement shall include the telephone number and address of the commissioner. The statement shall also inform the covered person that when filing a request for external review, the covered person will be required to authorize the release of any medical records of the covered person that may be required to be reviewed for the purpose of reaching a decision on the request for external review.

Sec. 17. NEW SECTION. 514J.117 Rulemaking authority.

The commissioner may adopt rules pursuant to chapter 17A to carry out the provisions of this chapter.

Sec. 18. NEW SECTION. 514J.118 Severability.

If any provision of this chapter, or the application of the provision to any person or circumstance is held invalid, the remainder of the chapter, and the application of the provision to persons or circumstances other than those to which it is held invalid, shall not be affected.

Sec. 19. NEW SECTION. 514J.119 Penalties.

A person who fails to comply with the provisions of this chapter or the rules adopted pursuant to this chapter is subject to the penalties provided under chapter 507B.

Sec. 20. **NEW SECTION. 514J.120 Applicability.**

1. This chapter applies to all requests for external review filed on or after July 1, 2011.
2. Section 514J.116 applies to all health benefit plans delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2011.

Sec. 21. **REPEAL.** Sections 514J.1 through 514J.15, Code 2011, are repealed.

Sec. 22. **TRANSITION PROVISION — APPLICABILITY TO PRIOR REQUESTS.** Sections 514J.1 through 514J.15, Code 2011, are applicable to all requests for external review filed prior to July 1, 2011.

Approved April 28, 2011

CHAPTER 102

BANKING AND MORTGAGE LOAN ADMINISTRATION

H.F. 328

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

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

Section 1. Section 524.211, subsection 3, Code 2011, is amended to read as follows:

3. The superintendent, general counsel, examiners, and other employees of the banking division, who have credit relations with a person or entity licensed or registered pursuant to chapter 535B, 535D, or 536C, are prohibited from participating in decisions, oversight, and official review of matters concerning the regulation of the licensee or registrant.

Sec. 2. Section 524.212, subsection 2, Code 2011, is amended to read as follows:

2. The superintendent may receive documents, materials, or other information, including otherwise confidential and privileged documents, materials, or other information, from other local, state, federal, and international regulatory agencies, the conference of state bank supervisors and its affiliates or subsidiaries, the American association of mortgage regulators and its affiliates or subsidiaries, and the national association of consumer credit administrators and its affiliates or subsidiaries, and shall maintain as confidential and privileged any such document, material, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information. With respect to documents, materials, or other information that is shared or stored electronically, the superintendent is authorized to take any necessary steps to ensure the division's information technology systems comply with the information technology security requirements established by any of the regulatory agencies or associations of state regulatory agencies described in this section.

Sec. 3. Section 524.904, subsection 5, Code 2011, is amended to read as follows:

5. a. A state bank may grant loans and extensions of credit to a ~~corporate~~ borrowing group in an amount not to exceed twenty-five percent of the state bank's aggregate capital if all loans and extensions of credit to any one borrower within a ~~corporate~~ borrowing group conform to subsection 2 or 3, and the financial strength, assets, guarantee, or endorsement of any one ~~corporate~~ borrowing group member is not relied upon as a basis for loans and extensions of credit to any other ~~corporate~~ borrowing group member. A state bank may grant loans and extensions of credit to a ~~corporate~~ borrowing group in an amount not to exceed thirty-five percent of aggregate capital if all loans and extensions of credit to any one borrower within a ~~corporate~~ borrowing group conform to subsection 2, 3, or 4, and the financial strength,

assets, guarantee, or endorsement of any one ~~corporate~~ borrowing group member is not relied upon as a basis for loans and extensions of credit to any other ~~corporate~~ borrowing group member. ~~A corporate group includes a person and all corporations in which the person owns or controls fifty percent or more of the shares entitled to vote.~~ While not to be construed as an endorsement of the quality of any loan or extension of credit, the superintendent may authorize a state bank to grant loans and extensions of credit to a borrowing group in an amount not to exceed fifty percent of aggregate capital if all loans and extensions of credit to any one borrower within a borrowing group conform to subsection 2 or 3, and the financial strength, assets, guarantee, or endorsement of any one borrowing group member is not relied upon as a basis for loans and extensions of credit to any other borrowing group member.

b. For the purposes of this subsection, a borrowing group includes a person and any legal entity, including but not limited to corporations, limited liability companies, partnerships, trusts, and associations where the following exist:

(1) The interests of a group of more than one borrower, or any combination of the members of the group, are so interrelated that they should be considered a unit for the purpose of applying the lending limit limitations of this section. For the purposes of this subparagraph, interrelated borrowers include but are not limited to borrowers having separate operations that cannot exist without the other, borrowers sharing collateral, borrowers commingling assets, borrowers sharing operational proceeds, or borrowers for whom there is a common source of repayment for the borrowers' loans.

(2) One or more persons owns or controls fifty percent or more of the voting securities or membership interests of the borrowing entity or a member of the group.

(3) One or more persons controls, in any manner, the election of a majority of the directors, managers, trustees, or other persons exercising similar functions of the borrowing entity or a member of the group.

(4) One or more persons has the power to vote fifty percent or more of any class of voting securities or membership interests of the borrowing entity or a member of the group.

c. To demonstrate compliance with this subsection, a bank shall maintain in its files, at a minimum, all of the following:

(1) Documentation demonstrating the current ownership of the borrowing entity.

(2) Documentation identifying the persons who have voting rights in the borrowing entity.

(3) Documentation identifying the board of directors and senior management of the borrowing entity.

(4) The bank's assessment of the borrowing entity's means of servicing the loan or extension of credit, including specific reasons in support of that assessment. The assessment shall include an analysis of the borrowing entity's financial history, its present and projected economic and financial performance, and the significance of any financial support provided to the borrowing entity by members of the borrowing group and third parties.

Sec. 4. Section 524.904, subsection 7, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. A renewal or restructuring of a loan as a new loan or extension of credit following the exercise by a state bank of reasonable efforts, consistent with safe and sound banking practices, to bring the loan into conformance with the lending limit, unless new funds are advanced by the bank to the borrower or unless a new borrower replaces the original borrower or unless the superintendent determines that the renewal or restructuring was undertaken as a means to evade the bank's lending limit.

Sec. 5. Section 524.1201, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 6. Section 535B.4, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 8A. A licensee may not establish branch locations outside of the United States.

Sec. 7. Section 535B.6, Code 2011, is amended to read as follows:

535B.6 Licensing of foreign corporation certain corporations.

1. An applicant that is a foreign corporation incorporated under the laws of another state in the United States must be authorized to do business in this state. A foreign corporation. Such a corporation shall file with the license application both of the following:

1. a. An irrevocable consent, duly acknowledged, that suits and actions may be commenced against that licensee in the courts of this state by service of process in the usual manner provided for by the statutes and court rules of this state.

2. b. Proof of authorization to do business in this state.

2. Businesses that are incorporated outside of the United States are not eligible for a license.

Sec. 8. Section 535D.4, subsection 1, Code 2011, is amended to read as follows:

1. On or after January 1, 2010, an individual shall not engage in the business of a mortgage loan originator with respect to any dwelling or residential real estate located in this state without first obtaining and maintaining annually a license under this chapter. Each licensed mortgage loan originator must register with and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry.

Sec. 9. **NEW SECTION. 535D.23 Reports of condition required — exceptions.**

Each mortgage loan originator licensee shall submit reports of condition to the nationwide mortgage licensing system and registry unless the mortgage loan originator's activity is included in a report submitted by the mortgage loan originator's employer in accordance with section 535B.11, subsection 3, section 535B.18, or section 536A.14, subsection 2. The reports shall be in such form and shall contain such information as the nationwide mortgage licensing system and registry may require.

Sec. 10. EFFECTIVE UPON ENACTMENT. The section of this Act amending section 524.904, subsection 7, takes effect upon enactment.

Approved May 3, 2011

CHAPTER 103

TAGGING DEER CARCASSES

H.F. 461

AN ACT relating to the attachment of tags to deer carcasses.

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

Section 1. Section 483A.8, subsection 2, Code 2011, is amended to read as follows:

2. The deer hunting license shall be accompanied by a tag designed to be used only once. When a deer is taken, the deer shall be tagged and the tag shall be dated. The tag shall be attached to the carcass of a deer taken within fifteen minutes of the time the deer carcass is located after being taken, or before the carcass is moved to be transported by any means from the place where the deer was taken, whichever occurs first. For each antlered deer taken, the tag shall be affixed to the deer's antlers.

Approved May 3, 2011

CHAPTER 104**REPLACEMENT TAX FOR NEW COGENERATION FACILITIES***H.F. 679*

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 427B.17, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding subsection 5 or any other provision to the contrary, this section shall be applicable to a new cogeneration facility subject to the assessed value provisions of section 437A.16A, but the exemptions provided in this section shall be reduced by an amount bearing the same ratio to the value of the property that is exempt pursuant to this section as the allowable credit under section 437A.16A, subsection 1, bears to the assessable value of the entire new cogeneration facility before the application of any abatements, credits, or exemptions against that value.

Sec. 2. **EFFECTIVE UPON ENACTMENT 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 May 3, 2011

CHAPTER 105**INDIVIDUAL INCOME TAX — ACTIVE DUTY MILITARY SERVICE PAY***H.F. 652*

AN ACT providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and service in Operation New Dawn and including effective date and retroactive applicability provisions.

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

Section 1. Section 422.7, subsection 40, Code 2011, is amended to read as follows:

40. Subtract, to the extent included, active duty pay received by a person in the national guard or armed forces military reserve for service performed on or after January 1, 2003, pursuant to military orders related to Operation Iraqi Freedom, Operation New Dawn, Operation Noble Eagle, and Operation Enduring Freedom.

Sec. 2. Section 422.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 42A. Subtract, to the extent included, all pay received by the taxpayer from the federal government for military service performed while on active duty status in the armed forces, the armed forces military reserve, or the national guard.

Sec. 3. **EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY.**

1. This Act, being deemed of immediate importance, takes effect upon enactment.

2. The section of this Act amending section 422.7, subsection 40, applies retroactively to January 1, 2010, for tax years beginning on or after that date.

3. The section of this Act enacting section 422.7, subsection 42A, applies retroactively to January 1, 2011, for tax years beginning on or after that date.

Approved May 11, 2011

CHAPTER 106

GOVERNMENT RECORDS AND MEETINGS

S.F. 289

AN ACT relating to open records and public meetings and including effective date provisions.

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

Section 1. Section 8A.341, subsection 2, Code 2011, is amended to read as follows:

2. If money is appropriated for this purpose, by November 1 of each year supply a report which contains the name, gender, county, or city of residence when possible, official title, salary received during the previous fiscal year, base salary as computed on July 1 of the current fiscal year, and traveling and subsistence expense of the personnel of each of the departments, boards, and commissions of the state government except personnel who receive an annual salary of less than one thousand dollars. The number of the personnel and the total amount received by them shall be shown for each department in the report. All employees who have drawn salaries, fees, or expense allowances from more than one department or subdivision shall be listed separately under the proper departmental heading. On the request of the director, the head of each department, board, or commission shall furnish the data covering that agency. The report shall be distributed upon request without charge in an electronic medium to each caucus of the general assembly, the legislative services agency, the chief clerk of the house of representatives, and the secretary of the senate. Copies of the report shall be made available to other persons in an electronic medium upon payment of a fee, which shall not exceed the cost of providing the copy of the report. Sections 22.2 through 22.6 ~~22.5~~ apply to the report. All funds from the sale of the report shall be deposited in the printing revolving fund established in section 8A.345.

Sec. 2. Section 8E.202, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department and each agency shall provide for the widest possible dissemination of information between agencies and the public relating to the enterprise strategic plan and agency strategic plans, including but not limited to internet access. This section does not require the department or an agency to release information which is classified as a confidential record under ~~this Code, including but not limited to section 22.7 law.~~

Sec. 3. Section 8E.202, subsection 3, Code 2011, is amended to read as follows:

3. A record which is confidential under ~~this Code, including but not limited to section 22.7, law~~ shall not be released to the public under this section.

Sec. 4. Section 21.4, subsections 1 and 3, Code 2011, are amended to read as follows:

1. A ~~Except as provided in subsection 3, a governmental body, except township trustees,~~ shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and its tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

3. Subsection 1 does not apply to any of the following:

a. A meeting reconvened within four hours of the start of its recess, where an announcement of the time, date, and place of the reconvened meeting is made at the original meeting in open session and recorded in the minutes of the meeting and there is no change in the agenda.

b. A meeting held by a formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section during a lawful meeting of the parent governmental body, or during a recess in that meeting of up to four hours, or a meeting of that subunit immediately following that the meeting of the parent governmental body, if the meeting of the that subunit is publicly announced in open session at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

Sec. 5. Section 21.5, subsection 1, paragraph j, Code 2011, is amended to read as follows:

j. To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. The minutes and the ~~tape~~ audio recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

Sec. 6. Section 21.5, subsection 4, Code 2011, is amended to read as follows:

4. A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also ~~tape~~ audio record all of the closed session. The detailed minutes and ~~tape~~ audio recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and ~~tape~~ audio recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and ~~tape~~ audio recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and ~~tape~~ audio recording of any closed session for a period of at least one year from the date of that meeting, except as otherwise required by law.

Sec. 7. Section 21.6, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Shall assess each member of the governmental body who participated in its violation damages in the amount of not more than five hundred dollars ~~nor and not~~ less than one hundred dollars. However, if a member of a governmental body knowingly participated in such a violation, damages shall be in the amount of not more than two thousand five hundred dollars and not less than one thousand dollars. These damages shall be paid by the court imposing it to the state of Iowa, if the body in question is a state governmental body, or to the local government involved if the body in question is a local governmental body. A member of a governmental body found to have violated this chapter shall not be assessed such damages if that member proves that the member did any of the following:

(1) Voted against the closed session.

(2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with all the requirements of this chapter.

(3) Reasonably relied upon a decision of a court, ~~or~~ a formal opinion of the attorney general, or the attorney for the governmental body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the attorney general or the attorney for the governmental body, given in writing.

Sec. 8. Section 22.7, subsection 7, Code 2011, is amended to read as follows:

7. Appraisals or appraisal information concerning the sale or purchase of real or personal property for public purposes, prior to public announcement of a project the execution of any contract for such sale or the submission of the appraisal to the property owner or other interest holders as provided in section 6B.45.

Sec. 9. Section 22.7, subsection 10, Code 2011, is amended by striking the subsection.

Sec. 10. Section 22.7, subsection 11, Code 2011, is amended to read as follows:

11. a. Personal information in confidential personnel records of public government bodies including but not limited to cities, boards of supervisors and school districts relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies. However, the following information relating to such individuals contained in personnel records shall be public records:

(1) The name and compensation of the individual including any written agreement establishing compensation or any other terms of employment excluding any information otherwise excludable from public information pursuant to this section or any other applicable provision of law. For purposes of this paragraph, "compensation" means payment of, or agreement to pay, any money, thing of value, or financial benefit conferred in return for labor or services rendered by an official, officer, or employee plus the value of benefits conferred including but not limited to casualty, disability, life, or health insurance, other health or wellness benefits, vacation, holiday, and sick leave, severance payments, retirement benefits, and deferred compensation.

(2) The dates the individual was employed by the government body.

(3) The positions the individual holds or has held with the government body.

(4) The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual's previous employers, positions previously held, and dates of previous employment.

(5) The fact that the individual was discharged as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal, and statutory remedies.

b. Personal information in confidential personnel records of government bodies relating to student employees shall only be released pursuant to 20 U.S.C. § 1232g.

Sec. 11. Section 22.10, subsection 3, paragraph b, Code 2011, is amended to read as follows:

b. Shall assess the persons who participated in its violation damages in the amount of not more than five hundred dollars ~~nor~~ and not less than one hundred dollars. However, if a person knowingly participated in such a violation, damages shall be in the amount of not more than two thousand five hundred dollars and not less than one thousand dollars. These damages shall be paid by the court imposing them to the state of Iowa if the body in question is a state government body, or to the local government involved if the body in question is a local government body. A person found to have violated this chapter shall not be assessed such damages if that person proves that the person ~~either voted~~ did any of the following:

(1) Voted against the action violating this chapter, refused to participate in the action violating this chapter, or engaged in reasonable efforts under the circumstances to resist or prevent the action in violation of this chapter; ~~had.~~

(2) ~~Had~~ good reason to believe and in good faith believed facts which, if true, would have indicated compliance with the requirements of this chapter; ~~or reasonably.~~

(3) ~~Reasonably~~ relied upon a decision of a court ~~or an~~, a formal opinion of the attorney general, or the attorney for the government body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the attorney general or the attorney for the government body, given in writing.

Sec. 12. Section 22.10, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 13. Section 22.13, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

22.13 Settlements — government bodies.

When a government body reaches a final, binding, written settlement agreement that resolves a legal dispute claiming monetary damages, equitable relief, or a violation of a rule or statute, the government body shall, upon request and to the extent allowed under applicable law, prepare a brief summary of the resolution of the dispute indicating the identity of the parties involved, the nature of the dispute, and the terms of the settlement, including any payments made by or on behalf of the government body and any actions to be taken by the government body. A government body is not required to prepare a summary if the settlement agreement includes the information required to be included in the summary. The settlement agreement and any required summary shall be a public record.

Sec. 14. Section 22.14, subsection 3, Code 2011, is amended to read as follows:

3. If a fiduciary or other third party with custody of public investment transactions records fails to produce public records within a reasonable period of time as requested by the public body, the public body shall make no new investments with or through the fiduciary or other third party and shall not renew existing investments upon their maturity with or through the fiduciary or other third party. The fiduciary or other third party shall be liable for the penalties imposed under ~~section 22.6~~ statute, common law, or contract due to the acts or omissions of the fiduciary or other third party ~~and any other remedies available under statute, common law, or contract.~~

Sec. 15. Section 455K.4, subsection 4, Code 2011, is amended to read as follows:

4. Information that is disclosed under subsection 2, paragraph "b", is confidential and is not subject to disclosure under chapter 22. ~~A governmental entity, governmental employee, or governmental official who discloses information in violation of this subsection is subject to the penalty provided in section 22.6.~~

Sec. 16. REPEAL. Section 22.6, Code 2011, is repealed.

Sec. 17. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 12, 2011

CHAPTER 107

ENDOW IOWA PROGRAM TAX CREDITS

S.F. 302

AN ACT increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions.

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

Section 1. Section 15E.305, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The aggregate amount of tax credits authorized pursuant to this section shall not exceed a total of ~~two~~ three million ~~seven~~ five 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. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2011, for tax credits authorized on or after that date.

Approved May 12, 2011

CHAPTER 108

BENEFITED RECREATIONAL LAKE AND WATER QUALITY DISTRICTS

S.F. 412

AN ACT relating to the powers and governance of benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts.

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

Section 1. Section 357E.1, subsection 3, Code 2011, is amended to read as follows:

3. “District” means a benefited recreational lake district or a water quality district or a combined district incorporated as a public entity and organized pursuant to this chapter.

Sec. 2. Section 357E.9, Code 2011, is amended to read as follows:

357E.9 Trustees — term and qualification.

1. *a.* At the election, the names of at least ~~three~~ seven candidates for trustee shall be written in by the voters on blank ballots without formal nomination and the board of supervisors shall appoint ~~three~~ seven from among the ~~five~~ nine receiving the highest number of votes as trustees for the district. ~~One trustee~~ Three trustees shall be appointed to serve for one year, ~~one~~ two for two years, and ~~one~~ two for three years. The trustees shall give bond in the amount required by the board, the premium of which shall be paid by the district. The trustees must be residents of the district or be property owners within the district. Vacancies shall be filled by election, but if there are no candidates for a trustee office, the vacancy may be filled by appointment by the board. The terms of the succeeding trustees are for three years.

b. For districts in existence on July 1, 2011, the number of trustees, other than those appointed under subsection 2, shall be increased from three trustees to seven trustees. For the initial seven-member board under this paragraph, the board of supervisors shall appoint four trustees. One trustee shall be appointed to serve for one year, one for two years, and two for three years. The term of each trustee appointed under this paragraph shall expire on the same date as the term of the current trustee whose term expires during the same year.

2. If the state owns at least four hundred acres of land contiguous to a lake within the district, the natural resource commission shall appoint two members of the board of trustees in addition to the ~~three~~ seven members provided in this section. The additional two members must be citizens of the state, not less than eighteen years of age, and property owners within the district. The two additional members have voting and other authority equal to the other members of the board and hold office at the pleasure of the natural resource commission.

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

357E.11 Bonds in anticipation of revenue.

A district, other than a combined district, may anticipate the collection of taxes by the levy authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than twenty equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter section until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357E.8, and the same majority vote is necessary to authorize indebtedness. Both propositions may be submitted to the voters at the same election.

Sec. 4. NEW SECTION. **357E.11A Bonds and indebtedness — combined districts.**

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

2. A combined district shall have the same powers to issue bonds, including both general obligation and revenue bonds, that cities have under the laws of this state, including but not limited to chapter 76, section 384.4, and sections 384.23 through 384.94. The bonds shall be made payable at the place and be of the form as the board of trustees shall by resolution designate. In the application of the laws to this section, the words used in the laws referring to municipal corporations or to cities shall be held to include combined districts organized under this chapter; the words “council” or “city council” shall be held to include the board of trustees of a combined district; the words “mayor” and “clerk” shall be held to include the president and clerk of a board of trustees; and like construction shall be given to any other words in the laws where required to permit the exercise of the powers by combined districts under this section.

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

Approved May 12, 2011

CHAPTER 109

COLLECTION OF PROPERTY TAXES, FEES, AND RELATED CHARGES

S.F. 434

AN ACT relating to property taxes and fees by modifying provisions relating to receipts for the payment of property taxes and provisions relating to delinquent rates and charges and by specifying certain dates for notices and delinquency.

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

Section 1. Section 358.20, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. If the delinquent rates or charges were incurred prior to the date a transfer of the property or premises in fee simple is filed with the county recorder and such delinquencies were not certified to the county treasurer prior to such date, the delinquent rates or charges are not eligible to be certified to the county treasurer. If certification of such delinquent rates or charges is attempted subsequent to the date a transfer of the property or premises in fee simple is filed with the county recorder, the county treasurer shall return the certification to the sanitary district attempting certification along with a notice stating that the delinquent rates or charges cannot be made a lien against the property or premises.

Sec. 2. Section 445.5, subsection 6, Code 2011, is amended to read as follows:

6. The county treasurer shall deliver to the taxpayer a receipt stating the year of tax, date of payment, a description of the parcel, and the amount of taxes, interest, fees, and costs paid ~~except when payment of taxes is made by check, then a receipt shall be issued only upon request~~ when payment is made by cash tender. A receipt for other payment tender types

shall only be delivered upon request. The receipt shall be in full of the first half, second half, or full year amounts unless a payment is made under section 445.36A or 435.24, subsection 6.

Sec. 3. Section 445.36, subsection 3, Code 2011, is amended to read as follows:

3. If an installment of taxes, or an annual payment in the case of special assessments, or payment in full in the case of rates or charges, is delinquent and not paid as of ~~February~~ November 1 of the fiscal year in which the amounts are due, the treasurer shall notify the taxpayer of the delinquency and the due date for the second installment. Failure to receive notice is not a defense to the payment of the total amount due.

Sec. 4. Section 468.57, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

To pay the assessments in not less than ten nor more than twenty equal installments, with the number of payments and interest rate determined by the board, notwithstanding chapter 74A. The first installment of each assessment, or the total amount if less than one hundred dollars, is due and payable on July 1 next succeeding the date of the levy, unless the assessment is filed with the county treasurer after May 31 in any year. The first installment shall bear interest on the whole unpaid assessment from the date of the levy as set by the board to the first day of December following the due date. The succeeding annual installments, with interest on the whole unpaid amount, to the first day of December following the due date, are respectively due on July 1 annually, and must be paid at the same time and in the same manner as the first semiannual payment of ordinary taxes. All future installments of an assessment may be paid on any date by payment of the then outstanding balance plus interest to the next December 1, or additional annual installments may be paid after the current installment has been paid before December 1 without interest. A payment must be for the full amount of the next installment. If installments remain to be paid, the next annual installment with interest added to December 1 will be due. After December 1, if a drainage assessment is not delinquent, a property owner may pay one-half or all of the next annual installment of principal and interest of a drainage assessment prior to the delinquency date of the installment. When the next installment has been paid in full, successive principal installments may be prepaid. The county treasurer shall accept the payments of the drainage assessment, and shall credit the next annual installment or future installments of the drainage assessment to the extent of the payment or payments, and shall remit the payments to the drainage fund. If a property owner elects to pay one or more principal installments in advance, the pay schedule shall be advanced by the number of principal installments prepaid. Each installment of an assessment with interest on the unpaid balance is delinquent from October 1 after its due date, ~~including those instances.~~ However, when the last day of September is a Saturday or Sunday, and bears that amount shall be delinquent from the second business day of October. Taxes assessed pursuant to this chapter which become delinquent shall bear the same delinquent interest as ordinary taxes. When collected, the interest must be credited to the same drainage fund as the drainage special assessment.

Approved May 12, 2011

CHAPTER 110

LEASED MOTOR VEHICLES — NEW REGISTRATIONS — FEE EXEMPTIONS

H.F. 676

AN ACT providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities.

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

Section 1. Section 321.105A, subsection 2, paragraph c, subparagraph (25), unnumbered paragraph 1, Code 2011, is amended to read as follows:

Vehicles subject to registration under this chapter with a gross vehicle weight rating of less than sixteen thousand pounds when purchased for lease and titled by the lessor licensed pursuant to chapter 321F and actually leased for a period of twelve months or more if the lease of the vehicle is subject to the fee for new registration under subsection 3 or exempt from the fee for new registration pursuant to subsection 3, paragraph "f".

Sec. 2. Section 321.105A, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The following are exempt from the fee for new registration imposed under this subsection as long as a valid affidavit is filed with the county treasurer at the time of application for registration:

(1) Vehicles leased to entities listed in section 423.3, subsections 17, 18, 19, 20, 21, 22, 26, 27, 28, 31, and 79, to the extent that those entities are exempt from the tax imposed on the sale of tangible personal property, consisting of goods, wares, or merchandise, sold at retail in the state to consumers or users.

(2) A vehicle leased directly to a federal, state, or local governmental agency and titled in an individual's name pursuant to a governmental program authorized by law.

Approved May 12, 2011

CHAPTER 111

GAMBLING REGULATION AND LICENSING

S.F. 526

AN ACT relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

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

DIVISION I HORSE RACING

Section 1. Section 99D.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. To adopt standards regarding the duration of thoroughbred and quarter horse racing seasons, so that a thoroughbred racing season shall not be less than sixty-seven days, and so that a quarter horse racing season shall not be less than twenty-six days. The thoroughbred and quarter horse racing seasons shall be run independently unless mutually agreed upon by the associations representing the thoroughbred and quarter horse owners and the licensee of the horse racetrack located in Polk county.

Sec. 2. Section 99D.7, subsection 4, Code 2011, is amended to read as follows:

4. a. To regulate the purse structure for race meetings including establishing a minimum purse.

b. The commission shall, beginning January 1, 2012, regulate the purse structure for all horse racing so that seventy-six percent is designated for thoroughbred racing, fifteen and one-quarter percent is designated for quarter horse racing, and eight and three-quarter percent is designated for standardbred racing. The purse moneys designated for standardbred racing may only be used to support standardbred harness racing purses at the state fair, county fairs, or other harness racing tracks approved by the commission, or for the maintenance or repair of harness racing tracks at the fairgrounds for such fairs

or other harness racing tracks approved by the commission. The horse racetrack in Polk county shall not provide funding to support standardbred racing at such county fairs that is not otherwise provided for in this paragraph.

c. (1) The purse moneys designated for standardbred racing shall be payable to a nonprofit corporation operated exclusively for those purposes allowed an exempt organization under section 501(c)(4) of the Internal Revenue Code, as defined in section 422.3, which was organized under the laws of this state on or before January 1, 2008, which exists for the promotion of the sport of harness racing in this state, and which received supplemental payments from the horse racetrack in Polk county for the conduct of harness racing during the 2010 calendar year. The nonprofit corporation receiving such purse moneys shall complete and provide to the commission an annual audit and accounting of the allocation of such moneys.

(2) Of the purse moneys designated for thoroughbred racing, two percent shall be distributed to an organization representing owners of thoroughbred race horses for the purpose of paying the annual operating expenses of the organization and for the promotion and marketing of Iowa-bred horses. The organization receiving such purse moneys shall complete and provide to the commission an annual audit and accounting of the allocation of such moneys.

(3) Of the purse moneys designated for quarter horse racing, two percent shall be distributed to an organization representing owners of quarter horse race horses for the purpose of paying the annual operating expenses of the organization and for the promotion and marketing of Iowa-bred horses. The organization receiving such purse moneys shall complete and provide to the commission an annual audit and accounting of the allocation of such moneys.

Sec. 3. Section 99D.9, subsection 1, Code 2011, is amended to read as follows:

1. If the commission is satisfied that its rules and sections 99D.8 through 99D.25 applicable to licensees have been or will be complied with, it may issue a license for a period of not more than three years. The commission may decide which types of racing it will permit. The commission may permit dog racing, horse racing of various types, or both dog and horse racing. However, only quarter horse and thoroughbred racing shall be allowed to be conducted at the horse racetrack located in Polk county. The commission shall decide the number, location, and type of all racetracks licensed under this chapter. The license shall set forth the name of the licensee, the type of license granted, the place where the race meeting is to be held, and the time and number of days during which racing may be conducted by the licensee. The commission shall not approve a license application if any part of the racetrack is to be constructed on prime farmland outside the city limits of an incorporated city. As used in this subsection, "*prime farmland*" means as defined by the United States department of agriculture in 7 C.F.R. § 657.5(a). A license is not transferable or assignable. The commission may revoke any license issued for good cause upon reasonable notice and hearing. The commission shall conduct a neighborhood impact study to determine the impact of granting a license on the quality of life in neighborhoods adjacent to the proposed racetrack facility. The applicant for the license shall reimburse the commission for the costs incurred in making the study. A copy of the study shall be retained on file with the commission and shall be a public record. The study shall be completed before the commission may issue a license for the proposed facility.

Sec. 4. Section 99D.11, subsection 2, Code 2011, is amended to read as follows:

2. Licensees shall only permit the pari-mutuel or certificate method of wagering, or the advanced deposit method of wagering, as defined in this section.

Sec. 5. Section 99D.11, subsection 3, Code 2011, is amended to read as follows:

3. The licensee may receive wagers of money only from a person present in a licensed racetrack enclosure on a horse or dog in the race selected by the person making the wager to finish first in the race or from a person engaging in advanced deposit wagering as defined in this section. The person wagering shall acquire an interest in the total money wagered on

all horses or dogs in the race as first winners in proportion to the amount of money wagered by the person.

Sec. 6. Section 99D.11, subsection 6, paragraph a, Code 2011, is amended to read as follows:

a. All wagering shall be conducted within the racetrack enclosure where the licensed race is held, except as provided in paragraph paragraphs “b” and “c”.

Sec. 7. Section 99D.11, subsection 6, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. (1) The commission shall authorize the licensee of the horse racetrack located in Polk county to conduct advanced deposit wagering. An advanced deposit wager may be placed in person at a licensed racetrack enclosure, or from any other location via a telephone-type device or any other electronic means. The commission may also issue an advanced deposit wagering operator license to an entity who complies with subparagraph (3) and section 99D.8A.

(2) For the purposes of this section, “*advanced deposit wagering*” means a method of pari-mutuel wagering in which an individual may establish an account, deposit money into the account, and use the account balance to pay for pari-mutuel wagering. Of the net revenue, less all taxes paid and expenses directly related to account deposit wagering incurred by the licensee of the horse racetrack located in Polk county, received through advanced deposit wagering, fifty percent shall be designated for the horse purses created pursuant to section 99D.7, subsection 4, and fifty percent shall be designated for the licensee for the pari-mutuel horse racetrack located in Polk county.

(3) Before granting an advanced deposit wagering operator license to an entity other than the licensee of the horse racetrack located in Polk county, the commission shall enter into an agreement with the licensee of the horse racetrack located in Polk county, the Iowa horsemen’s benevolent and protective association, and the prospective advanced deposit wagering operator for the purpose of determining the payment of statewide source market fees and the host fees to be paid on all races subject to advanced deposit wagering. The commission shall establish the term of such an advance deposit wagering operator license. Such an advanced deposit wagering operator licensee shall accept wagers on live races conducted at the horse racetrack in Polk county from all of its account holders if it accepts wagers from any residents of this state.

(4) An unlicensed advanced deposit wagering operator or an individual taking or receiving wagers from residents of this state on races conducted at the horse racetrack located in Polk county is guilty of a class “D” felony.

(5) For the purposes of this paragraph “c”, “*advanced deposit wagering operator*” means an advanced deposit wagering operator licensed by the commission who has entered into an agreement with the licensee of the horse racetrack in Polk county and the Iowa horsemen’s benevolent and protective association to provide advanced deposit wagering.

Sec. 8. Section 99D.22, subsection 1, Code 2011, is amended to read as follows:

1. a. A licensee shall hold at least one race on each racing day limited to Iowa-foaled horses or Iowa-whelped dogs as defined by the department of agriculture and land stewardship using standards consistent with this section. However, if sufficient competition cannot be had among that class of horses or dogs on any day, another race for the day may be substituted.

b. A sum equal to twelve percent of the purse won by an Iowa-foaled horse or Iowa-whelped dog shall be used to promote the horse and dog breeding industries. The twelve percent shall be withheld by the licensee from the breakage and shall be paid at the end of the race meeting to the state department of agriculture and land stewardship which in turn shall deposit it in a special fund to be known as the Iowa horse and dog breeders fund. The department shall pay the amount deposited in the fund that is withheld from the purse won by an Iowa-foaled horse to the breeder of the winning Iowa-foaled horse by December 31 of each calendar year. The department shall pay the amount deposited in the fund that is withheld from the purse won by an Iowa-whelped dog to the breeder of the winning Iowa-whelped dog by March 31 of each

calendar year. For the purposes of this section, the breeder of a horse shall be considered to be the owner of the brood mare at the time the foal is dropped.

c. No less than twenty percent of all net purse moneys distributed to each breed, as described in section 99D.7, subsection 4, paragraph "b", shall be designated for registered Iowa-bred foals in the form of breeder's awards or purse supplement awards to enhance and foster the growth of the horse breeding industry.

Sec. 9. Section 99F.6, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. (1) Before a license is granted, the division of criminal investigation of the department of public safety shall conduct a thorough background investigation of the applicant for a license to operate a gambling game operation on an excursion gambling boat. The applicant shall provide information on a form as required by the division of criminal investigation.

(2) A qualified sponsoring organization licensed to operate gambling games under this chapter shall distribute the receipts of all gambling games, less reasonable expenses, charges, taxes, fees, and deductions allowed under this chapter, as winnings to players or participants or shall distribute the receipts for educational, civic, public, charitable, patriotic, or religious uses as defined in section 99B.7, subsection 3, paragraph "b". However, a licensee to conduct gambling games under this chapter shall, unless an operating agreement for an excursion gambling boat otherwise provides, distribute at least three percent of the adjusted gross receipts for each license year for educational, civic, public, charitable, patriotic, or religious uses as defined in section 99B.7, subsection 3, paragraph "b". However, if a licensee who is also licensed to conduct pari-mutuel wagering at a horse racetrack has unpaid debt from the pari-mutuel racetrack operations, the first receipts of the gambling games operated within the racetrack enclosure less reasonable operating expenses, taxes, and fees allowed under this chapter shall be first used to pay the annual indebtedness.

(3) The commission shall authorize, subject to the debt payments for horse racetracks and the provisions of paragraph "b" for dog racetracks, a licensee who is also licensed to conduct pari-mutuel dog or horse racing to use receipts from gambling games within the racetrack enclosure to supplement purses for races particularly for Iowa-bred horses pursuant to an agreement which shall be negotiated between the licensee and representatives of the dog or horse owners. For agreements subject to commission approval concerning purses for horse racing beginning on or after January 1, 2006, ~~and ending before January 1, 2021~~, the agreements shall provide that total annual purses for all horse racing shall be no less than eleven percent of the first two hundred million dollars of net receipts, and six percent of net receipts above two hundred million dollars. In addition, live standardbred horse racing shall not be conducted at the horse racetrack in Polk county, but the purse moneys designated for standardbred racing pursuant to section 99D.7, subsection 4, paragraph "b", shall be included in calculating the total annual purses required to be paid pursuant to this subsection. Agreements that are subject to commission approval concerning horse purses for a particular period of time beginning on or after January 1, 2006, ~~and ending before January 1, 2021~~, shall be jointly submitted to the commission for approval.

(4) A qualified sponsoring organization shall not make a contribution to a candidate, political committee, candidate's committee, state statutory political committee, county statutory political committee, national political party, or fund-raising event as these terms are defined in section 68A.102. The membership of the board of directors of a qualified sponsoring organization shall represent a broad interest of the communities.

(5) For purposes of this paragraph, "net receipts" means the annual adjusted gross receipts from all gambling games less the annual amount of money pledged by the owner of the facility to fund a project approved to receive vision Iowa funds as of July 1, 2004.

DIVISION II
COUNTY REFERENDUMS AND
GAMBLING GAME LICENSING

Sec. 10. Section 99F.4A, subsection 8, paragraph a, Code 2011, is amended to read as follows:

a. The commission shall, upon the immediate payment of the applicable table games license fee and submission to the commission by June 1, 2005, of an application by a licensee of a pari-mutuel dog or horse racetrack licensed to conduct gambling games at a pari-mutuel racetrack enclosure, issue a license to the licensee to conduct table games of chance, including video machines that simulate table games of chance, at the pari-mutuel racetrack enclosure subject to the requirements of this subsection. However, a table games license may only be issued to a licensee required to pay a table games license fee of three million dollars under this subsection if the licensee, and all other licensees of an excursion gambling boat in that county, file an agreement with the commission authorizing the granting of a table games license under this subsection and permitting all licensees of an excursion gambling boat to operate a moored barge as of a specific date. The licensee shall be granted a table games license by the commission ~~without conducting a separate referendum authorizing table games~~ upon payment of the applicable license fee to the commission which table games license fee may be offset by the licensee against taxes imposed on the licensee by section 99F.11, to the extent of twenty percent of the table games license fee paid pursuant to this subsection for each of five consecutive fiscal years beginning with the fiscal year beginning July 1, 2008. Fees paid pursuant to this subsection are not refundable to the licensee. A licensee shall not be required to pay a fee to renew a table games license issued pursuant to this subsection. Moneys collected by the commission from a table games license fee paid under this subsection shall be deposited in the rebuild Iowa infrastructure fund created in section 8.57.

Sec. 11. Section 99F.7, subsection 11, paragraphs a, b, d, and e, Code 2011, are amended to read as follows:

a. A license to conduct gambling games ~~on an excursion gambling boat~~ in a county shall be issued only if the county electorate approves the conduct of the gambling games as provided in this subsection. The board of supervisors, upon receipt of a valid petition meeting the requirements of section 331.306, and subject to the requirements of paragraph "e", shall direct the commissioner of elections to submit to the registered voters of the county a proposition to approve or disapprove the conduct of gambling games on an excursion gambling boat in the county. The proposition shall be submitted at an election held on a date specified in section 39.2, subsection 4, paragraph "a". To be submitted at a general election, the petition must be received by the board of supervisors at least five working days before the last day for candidates for county offices to file nomination papers for the general election pursuant to section 44.4. If a majority of the county voters voting on the proposition favor the conduct of gambling games, the commission may issue one or more licenses as provided in this chapter. If a majority of the county voters voting on the proposition do not favor the conduct of gambling games, a license to conduct gambling games in the county shall not be issued.

b. ~~If licenses a license to conduct gambling games and to operate an excursion gambling boat are is in effect pursuant to a referendum as set forth in this section and are is subsequently disapproved by a referendum of the county electorate, the licenses license issued by the commission after a referendum approving gambling games on excursion gambling boats shall remain valid and are is subject to renewal for a total of nine years from the date of original issue or one year from the date of the referendum disapproving the conduct of gambling games, whichever is later,~~ unless the commission revokes a license at an earlier date as provided in this chapter.

d. If the proposition to operate gambling games ~~on an excursion gambling boat or at a racetrack enclosure~~ is approved by a majority of the county electorate voting on the proposition, the board of supervisors shall submit ~~the same~~ a proposition requiring the approval or defeat of gambling games to the county electorate ~~at the general election held in~~

~~2002 and, unless the operation of gambling games is terminated earlier as provided in this chapter or chapter 99D, at the general election held at each subsequent eight-year interval as provided in paragraph "e", unless the operation of gambling games is terminated earlier as provided in this chapter or chapter 99D. However, if a proposition to operate gambling games is approved by a majority of the county electorate voting on the proposition in two successive elections, a subsequent submission and approval of a proposition under this subsection shall not thereafter be required to authorize the conduct of gambling games pursuant to this chapter.~~

e. ~~After a referendum has been held which approved or defeated a proposal to conduct gambling games on excursion gambling boats or which defeated a proposal to conduct gambling games at a licensed pari-mutuel racetrack enclosure as provided in this section, another referendum on a proposal to conduct gambling games on an excursion gambling boat or at a licensed pari-mutuel racetrack shall not be held for at least eight years until the eighth calendar year thereafter.~~

Sec. 12. Section 99F.7, subsection 15, Code 2011, is amended to read as follows:

15. If a licensed excursion boat stops at more than one harbor and travels past a county without stopping at any port in that county, the commission shall require the excursion boat operator to develop a schedule for ports of call ~~in which a county referendum has been approved, and the port of call has that have~~ the necessary facilities to handle the boat. The commission may limit the schedule to only one port of call per county.

Sec. 13. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 14. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to elections occurring on or after January 1, 1994.

DIVISION III REPORT ON THE POSSIBLE REGULATION OF INTRASTATE INTERNET POKER

Sec. 15. The administrator of the state racing and gaming commission shall prepare a report for delivery to the general assembly no later than December 1, 2011, regarding the creation of a framework for the state regulation of intrastate internet poker. The report shall consider the current state of unregulated internet poker play in Iowa, consumer protection, and responsible gaming measures that can be implemented through regulation, licensing structures, regulatory recommendations, affiliations with licensees regulated under chapter 99F, and the collection of wagering taxes. The administrator may consult with licensees regulated under chapter 99F, with tribes that have entered into an agreement or compact with the state of Iowa as described in section 10A.104, subsection 10, with potential internet poker hub operators, and with any other interested parties in the preparation of the report. The administrator shall not be required within the report to make specific recommendations regarding the legalization of intrastate internet poker in Iowa. The director of public health shall prepare a report for delivery to the administrator of the state racing and gaming commission no later than October 1, 2011, regarding the societal impacts of internet poker in Iowa for inclusion in the administrator's report. The director shall not be required within the director's report to make specific recommendations regarding the legalization of intrastate internet poker in Iowa.

Approved May 26, 2011

CHAPTER 112**FAMILY FARM PROPERTY TAX CREDIT***S.F. 530*

AN ACT relating to the family farm property tax credit by providing for eligible entities and including effective date and applicability provisions.

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

Section 1. Section 425A.2, subsection 4, Code 2011, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0d.* If the owner is a family farm limited liability company, a family member who is a member of the family farm limited liability company or the member's spouse.

NEW PARAGRAPH. *0e.* If the owner is an authorized limited liability company, a member who holds at least fifty-one percent of all membership interests in the authorized limited liability company, or the member's spouse.

NEW PARAGRAPH. *0f.* If the owner is an individual who leases the tract to a family farm limited liability company, a member of the family farm limited liability company if the combined interests of the family farm limited liability company held by the owner of the tract and persons related to the owner as enumerated in paragraph "a" is equal to at least fifty-one percent of the interests of the family farm limited liability company.

Sec. 2. Section 425A.2, subsection 6, paragraph f, Code 2011, is amended to read as follows:

f. A family farm corporation ~~or, family farm limited liability company,~~ authorized farm corporation, ~~as both are or authorized limited liability company,~~ as defined in section 9H.1, which owns the agricultural land.

Sec. 3. **EFFECTIVE DATE AND APPLICABILITY.** This Act takes effect January 1, 2012, and applies to family farm limited liability company and authorized limited liability company tax credit claims filed on or after that date.

Approved May 26, 2011

CHAPTER 113**MOTOR FUELS — REGULATION, DISPENSING, AND TAX CREDITS AND REFUNDS***S.F. 531*

AN ACT relating to motor fuels, including biofuels and renewable fuels dispensed by retail dealers, and by providing for tax credits and refunds, providing an appropriation, and including effective date and retroactive and other applicability provisions.

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

DIVISION I**RETAIL DEALERS — MOTOR FUEL STANDARDS**

Section 1. Section 214A.2, subsection 4, paragraph b, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Biodiesel blended fuel classified as B-6 or higher but not higher than B-20 must conform to A.S.T.M. international specification D7467 or a successor A.S.T.M. international specification as established by rules adopted by the department.

DIVISION II
RETAIL DEALERS — LIABILITY

Sec. 2. NEW SECTION. 214A.20 Retail dealers — limitation on liability.

1. A retail dealer is not liable for damages caused by the use of incompatible motor fuel dispensed at the retail dealer's retail motor fuel site, if all of the following applies:

a. The incompatible motor fuel complies with the specifications for a type of motor fuel as provided in section 214A.2.

b. The incompatible motor fuel is selected by a person other than the retail dealer, including an employee or agent of the retail dealer.

c. The incompatible motor fuel is dispensed from a motor fuel pump that correctly labels the type of fuel dispensed.

2. For purposes of this section, a motor fuel is incompatible with a motor according to the manufacturer of the motor.

DIVISION III
RETAIL DEALERS — ETHANOL PROMOTION TAX CREDIT

Sec. 3. Section 422.11N, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. "E-85 gasoline", "ethanol", "ethanol blended gasoline", "gasoline", ~~and "retail dealer"~~, and "retail motor fuel site" mean the same as defined in section 214A.1.

Sec. 4. Section 422.11N, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. The taxpayer is a retail dealer who sells and dispenses ethanol blended gasoline through a motor fuel pump in located at the retail dealer's retail motor fuel site during the tax year in determination period or parts of the determination periods for which the tax credit is claimed as provided in this section.

Sec. 5. Section 422.11N, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 3A. a. When first claiming the tax credit, the retail dealer shall elect to compute and claim the tax credit on a company-wide basis or site-by-site basis in the same manner as provided in section 452A.33.

(1) In making a company-wide election, the retail dealer must compute and claim the tax credit based on calculations as provided in this section for all retail motor fuel sites where the retail dealer sells and dispenses motor fuel on a retail basis. The retail dealer shall not claim the tax credit based on a calculation which does not include all such retail motor fuel sites. A retail dealer shall use the company-wide election in order to calculate the retail dealer's biofuel threshold percentage as provided in subsection 4, paragraph "b".

(2) In making a site-by-site election, the retail dealer must compute and claim the tax credit based on calculations as provided in this section for each retail motor fuel site where the retail dealer sells and dispenses motor fuel on a retail basis. The retail dealer shall not claim the tax credit based on a calculation which includes two or more retail motor fuel sites. Nothing in this subparagraph requires the retail dealer to compute or claim a tax credit for a particular retail motor fuel site. The retail dealer shall not use the site-by-site election in order to calculate the retail dealer's biofuel threshold percentage as provided in subsection 4, paragraph "b".

b. Once the retail dealer makes an election as provided in paragraph "a", the retail dealer shall not change the election without the written consent of the department.

Sec. 6. Section 422.11N, subsection 4, paragraph d, Code 2011, is amended by striking the paragraph.

Sec. 7. Section 422.11N, subsection 5, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) For any tax year in which the retail dealer has attained a biofuel threshold percentage for the determination period, the tax credit rate is ~~six and one-half~~ eight cents.

Sec. 8. Section 422.11N, subsection 5, paragraph a, subparagraph (2), subparagraph divisions (a) and (b), Code 2011, are amended to read as follows:

(a) If the retail dealer's biofuel threshold percentage disparity equals two percent or less, the tax credit rate is ~~four and one-half~~ six cents.

(b) If the retail dealer's biofuel threshold percentage disparity equals more than two percent but not more than four percent, the tax credit rate is as follows:

(i) For calendar year 2011, two and one-half cents.

(ii) For calendar year 2012 and for each subsequent calendar year, four cents.

Sec. 9. Section 422.11N, subsection 6, Code 2011, is amended to read as follows:

6. a. A retail dealer is eligible to claim an ethanol promotion tax credit as provided in this section even though the retail dealer claims ~~an~~ one or all of the following related tax credits:

(1) The E-85 gasoline promotion tax credit pursuant to section 422.11O.

(2) The E-15 plus gasoline promotion tax credit pursuant to section 422.11Y.

b. The retail dealer may claim the ethanol promotion tax credit and one or more of the related tax credits as provided in paragraph "a" for the same tax year and for the same ethanol gallonage.

Sec. 10. Section 452A.33, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

b. The report shall include information required in paragraph "a" on a company-wide and site-by-site basis, as required by the department.

(1) The information submitted on a company-wide basis shall include the total motor fuel gallonage, including for each classification and subclassification, sold and dispensed by the retail dealer as provided in paragraph "a" for all retail motor fuel sites from which the retail dealer sells and dispenses motor fuel.

(2) The information submitted on a site-by-site basis shall include the total motor fuel gallonage, including for each classification and subclassification, sold and dispensed by the retail dealer as provided in paragraph "a" separately for each retail motor fuel site from which the retail dealer sells and dispenses motor fuel.

Sec. 11. 2006 Iowa Acts, chapter 1142, section 49, subsection 2, as amended by 2006 Iowa Acts, chapter 1175, section 17, is amended to read as follows:

2. For a retail dealer who may claim an ethanol promotion tax credit under section 422.11N or 422.33, subsection 11A, as enacted in this Act and amended in subsequent Acts, in calendar year 2020 and whose tax year ends prior to December 31, 2020, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11N or 422.33, subsection 11A, as enacted in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, 2020. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, 2020.

Sec. 12. ADMINISTRATIVE RULES. The department of revenue may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division 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. 13. EFFECTIVE DATE. This division of this Act, and the application of section 422.33, subsection 11A, due to this division of this Act, take effect upon enactment.

Sec. 14. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2011, including section 422.11N, as amended in this division of this Act, and the application of section 422.33, subsection 11A, due to this division of this Act, to tax years beginning on and after January 1, 2011.

DIVISION IV
E-85 GASOLINE PROMOTION TAX CREDIT

Sec. 15. Section 422.11O, subsection 2, Code 2011, is amended to read as follows:

2. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by an E-85 gasoline promotion tax credit for each tax year that the taxpayer is eligible to claim the tax credit under this subsection.

a. In order to be eligible, all of the following must apply:

~~a.~~ (1) The taxpayer is a retail dealer who sells and dispenses E-85 gasoline through a motor fuel pump ~~in~~ located at the retail dealer's retail motor fuel site during the tax calendar year ~~in or parts of the calendar year for which the tax credit is claimed as provided in this section.~~

~~b.~~ (2) The retail dealer complies with requirements of the department to administer this section.

b. The tax credit shall apply to E-85 gasoline that meets the standards provided in section 214A.2.

Sec. 16. Section 422.11O, subsection 3, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

3. For a retail dealer whose tax year is on a calendar year basis, the retail dealer shall calculate the amount of the tax credit by multiplying a designated rate of sixteen cents by the retail dealer's total E-85 gasoline gallonage as provided in sections 452A.31 and 452A.32.

Sec. 17. Section 422.11O, subsection 5, Code 2011, is amended to read as follows:

5. a. A retail dealer is eligible to claim an E-85 gasoline promotion tax credit as provided in this section even though the retail dealer claims ~~an~~ one or all of the following related tax credits:

(1) The ethanol promotion tax credit pursuant to section 422.11N for the same tax year for the same ethanol gallonage.

(2) The E-15 plus gasoline¹ tax credit pursuant to section 422.11Y.

b. (1) The retail dealer may claim the E-85 gasoline promotion tax credit and one or more of the related tax credits as provided in paragraph "a" for the same tax year.

(2) The retail dealer may claim the ethanol promotion tax credit as provided in paragraph "a" for the same ethanol gallonage used to calculate and claim the E-85 gasoline promotion tax credit.

Sec. 18. Section 422.11O, subsection 8, Code 2011, is amended to read as follows:

8. This section is repealed on January 1, ~~2021~~ 2018.

Sec. 19. Section 422.33, subsection 11B, paragraph c, Code 2011, is amended to read as follows:

c. This subsection is repealed on January 1, ~~2021~~ 2018.

Sec. 20. 2006 Iowa Acts, chapter 1142, section 49, subsection 3, is amended to read as follows:

3. For a retail dealer who may claim an E-85 gasoline promotion tax credit under section 422.11O or 422.33, subsection 11B, as enacted in this Act and amended in subsequent Acts, in calendar year ~~2020~~ 2017 and whose tax year ends prior to December 31, ~~2020~~ 2017, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11O or 422.33, subsection 11B, as enacted in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, ~~2020~~ 2017. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, ~~2020~~ 2017.

¹ See chapter 131, §62, 78, 79 herein

Sec. 21. ADMINISTRATIVE RULES. The department of revenue may adopt rules under chapter 17A prior to the effectiveness and applicability of section 422.11O, and section 422.33, subsection 11B, as amended in this division of this Act, due to this division of this Act. The department's rules shall not take effect earlier than January 1, 2012.

Sec. 22. EFFECTIVE DATES.

1. Except as provided in subsection 2, this division of this Act takes effect on July 1, 2011.

2. a. The section of this division of this Act authorizing the department of revenue to adopt rules takes effect upon enactment.

b. Section 422.11O, as amended in this division of this Act, and section 422.33, subsection 11B, as amended in this division of this Act, take effect on January 1, 2012.

Sec. 23. APPLICABILITY. Section 422.11O, as amended in this division of this Act, and section 422.33, subsection 11B, as amended in this division of this Act and applied due to this division of this Act, apply to tax years beginning on and after January 1, 2012.

DIVISION V

RETAIL DEALERS — BIODIESEL BLENDED FUEL TAX CREDIT

Sec. 24. Section 422.11P, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 1A. For purposes of this section, biodiesel blended fuel is classified in the same manner as provided in section 214A.2.

Sec. 25. Section 422.11P, subsection 2, Code 2011, is amended to read as follows:

2. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by ~~the amount of the a~~ biodiesel blended fuel tax credit for each tax year that the taxpayer is eligible to claim a tax credit under this subsection.

a. In order to be eligible, all of the following must apply:

(1) The taxpayer is a retail dealer who sells and dispenses qualifying biodiesel blended fuel through a motor fuel pump located at a the retail dealer's retail motor fuel site operated by the retail dealer in during the tax calendar year in or parts of the calendar years for which the tax credit is claimed as provided in this section.

~~(2) Of the total gallons of diesel fuel that the retail dealer sells and dispenses through all motor fuel pumps located at a motor fuel site operated by the retail dealer during the retail dealer's tax year, fifty percent or more is biodiesel blended fuel which meets the requirements of this section.~~

~~(3) (2)~~ The retail dealer complies with requirements of the department established to administer this section.

b. The tax credit shall apply to biodiesel blended fuel ~~formulated with a minimum percentage of two percent by volume of biodiesel, if the formulation classified as provided in this section, if the classification meets the standards provided in section 214A.2.~~²

Sec. 26. Section 422.11P, subsection 3, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

3. For a retail dealer whose tax year is on a calendar year basis, the retail dealer shall calculate the amount of the tax credit by multiplying a designated rate by the retail dealer's total biodiesel blended fuel gallonage as provided in section 452A.31 which qualifies under this subsection.

a. In calendar year 2012, in order to qualify for the tax credit, the biodiesel blended fuel must be classified as B-2 or higher.

(1) For biodiesel blended fuel classified as B-2 or higher but not as high as B-5, the designated rate is two cents.

(2) For biodiesel blended fuel classified as B-5 or higher, the designated rate is four and one-half cents.

² See chapter 131, §94, 104 herein

b. In calendar year 2013 and for each subsequent calendar year, in order to qualify for the tax credit, the biodiesel blended fuel must be classified as B-5 or higher. The designated rate for the qualifying biodiesel blended fuel is four and one-half cents.

Sec. 27. Section 422.11P, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 3A. For a retail dealer whose tax year is not on a calendar year basis, the retail dealer shall calculate the tax credit as follows:

a. If a retail dealer has not claimed a tax credit in the retail dealer's previous tax year, the retail dealer may claim the tax credit in the retail dealer's current tax year for that period beginning on January 1 of the retail dealer's previous tax year to the last day of the retail dealer's previous tax year. For that period the retail dealer shall calculate the tax credit in the same manner as a retail dealer who will calculate the tax credit on December 31 of that calendar year as provided in subsection 3.

b. (1) For the period beginning on the first day of the retail dealer's tax year until December 31, the retail dealer shall calculate the tax credit in the same manner as a retail dealer who calculates the tax credit on that same December 31 as provided in subsection 3.

(2) For the period beginning on January 1 to the end of the retail dealer's tax year, the retail dealer shall calculate the tax credit in the same manner as a retail dealer who will calculate the tax credit on the following December 31 as provided in subsection 3.

Sec. 28. Section 422.11P, subsection 6, Code 2011, is amended to read as follows:

6. This section is repealed January 1, ~~2012~~ 2018.

Sec. 29. Section 422.33, subsection 11C, paragraphs c and d, Code 2011, are amended to read as follows:

~~e. The tax credit shall be calculated separately for each retail motor fuel site operated by the taxpayer in the same manner as provided in section 422.11P.~~

~~d. c.~~ This subsection is repealed on January 1, ~~2012~~ 2018.

Sec. 30. TAX CREDIT AVAILABILITY — CLAIMS FOR THE 2011 CALENDAR YEAR. Nothing in this Act affects a retail dealer's claiming of a biodiesel blended fuel tax credit as provided in 2006 Iowa Acts, chapter 1142, section 49, subsection 5.

Sec. 31. TAX CREDIT AVAILABILITY. For a retail dealer who may claim a biodiesel blended fuel promotion tax credit under section 422.11P or 422.33, subsection 11C, as amended in this Act and amended in subsequent Acts, in calendar year 2017, and whose tax year ends prior to December 31, 2017, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11P or 422.33, subsection 11C, as amended in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, 2017. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, 2017.

Sec. 32. ADMINISTRATIVE RULES. The department of revenue may adopt rules under chapter 17A prior to the effectiveness and applicability of section 422.11P, and section 422.33, subsection 11C, as amended in this division of this Act, due to this division of this Act. The department's rules shall not take effect earlier than January 1, 2012.

Sec. 33. EFFECTIVE DATES.

1. Except as provided in subsection 2, this division of this Act takes effect July 1, 2011.

2. a. The section of this division of this Act authorizing the department of revenue to adopt administrative rules takes effect upon enactment.

b. The section of this division of this Act which provides for tax credit availability for the 2011 calendar year under 2006 Iowa Acts, chapter 1142, section 49, subsection 5, being deemed of immediate importance, takes effect upon enactment.

c. Section 422.11P, as amended in this division of this Act, and section 422.33, subsection 11C, as amended in this division of this Act, take effect on January 1, 2012.

Sec. 34. **APPLICABILITY.** Section 422.11P, as amended in this division of this Act, and section 422.33, subsection 11C, as amended in this division of this Act and applied due to this division of this Act, apply to tax years beginning on and after January 1, 2012.

DIVISION VI
RETAIL DEALERS — E-15 PLUS GASOLINE TAX CREDIT

Sec. 35. **NEW SECTION. 422.11Y E-15 plus gasoline promotion tax credit.**

1. As used in this section, unless the context otherwise requires:

a. “E-85 gasoline”, “ethanol”, “gasoline”, “retail dealer”, and “retail motor fuel site” mean the same as defined in section 214A.1.

b. “Motor fuel pump” means the same as defined in section 214.1.

c. “Sell” means to sell on a retail basis.

d. “Tax credit” means the E-15 plus gasoline³ tax credit as provided in this section.

2. For purposes of this section, ethanol blended gasoline is classified in the same manner as provided in section 214A.2.

3. The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by the amount of the E-15 plus gasoline⁴ tax credit for each tax year that the taxpayer is eligible to claim a tax credit under this subsection.

a. In order to be eligible, all of the following must apply:

(1) The taxpayer is a retail dealer who sells and dispenses qualifying ethanol blended gasoline through a motor fuel pump located at the retail dealer’s retail motor fuel site during the calendar year or parts of the calendar years for which the tax credit is claimed as provided in this section.

(2) The retail dealer complies with requirements of the department established to administer this section.

b. The tax credit shall apply to ethanol blended gasoline classified as provided in this section, if the classification meets the standards provided in section 214A.2.

4. For a retail dealer whose tax year is on a calendar year basis, the retail dealer shall calculate the amount of the tax credit by multiplying a designated rate by the retail dealer’s total ethanol blended gasoline gallonage as provided in section 452A.31 which qualifies under this subsection.

a. In order to qualify for the tax credit, the ethanol blended gasoline must be classified as E-15 or higher but not classified as E-85.

b. The designated rate of the tax credit is as follows:

(1) For calendar year 2012, calendar year 2013, and calendar year 2014, three cents.

(2) For calendar year 2015, calendar year 2016, and calendar year 2017, two cents.

5. For a retail dealer whose tax year is not on a calendar year basis, the retail dealer shall calculate the tax credit as follows:

a. If a retail dealer has not claimed a tax credit in the retail dealer’s previous tax year, the retail dealer may claim the tax credit in the retail dealer’s current tax year for that period beginning on January 1 of the retail dealer’s previous tax year to the last day of the retail dealer’s previous tax year. For that period the retail dealer shall calculate the tax credit in the same manner as a retail dealer who will calculate the tax credit on December 31 of that calendar year as provided in subsection 4.

b. (1) For the period beginning on the first day of the retail dealer’s tax year until December 31, the retail dealer shall calculate the tax credit in the same manner as a retail dealer who calculates the tax credit on that same December 31 as provided in subsection 4.

(2) For the period beginning on January 1 to the end of the retail dealer’s tax year, the retail dealer shall calculate the tax credit in the same manner as a retail dealer who will calculate the tax credit on the following December 31 as provided in subsection 4.

6. a. A retail dealer is eligible to claim an E-15 plus gasoline promotion tax credit as provided in this section even though the retail dealer claims one or all of the following related tax credits:

³ See chapter 131, §63, 79, 158 herein

⁴ See chapter 131, §64, 79, 158 herein

(1) The ethanol promotion tax credit pursuant to section 422.11N.

(2) The E-85 gasoline promotion tax credit pursuant to section 422.11O.

b. (1) The retail dealer may claim the E-15 plus gasoline promotion tax credit and one or more of the related tax credits as provided in paragraph "a" for the same tax year.

(2) The retail dealer may claim the ethanol promotion tax credit as provided in paragraph "a" for the same ethanol gallonage used to calculate and claim the E-15 plus gasoline⁵ tax credit.

7. Any credit in excess of the retail dealer's tax liability shall be refunded. In lieu of claiming a refund, the retail dealer may elect to have the overpayment shown on the retail dealer's final, completed return credited to the tax liability for the following tax year.

8. An individual may claim the tax credit allowed 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 of a partnership, limited liability company, S corporation, estate, or trust.

9. This section is repealed on January 1, 2018.

Sec. 36. Section 422.33, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 11D. The taxes imposed under this division shall be reduced by an E-15 plus gasoline promotion tax credit for each tax year that the taxpayer is eligible to claim the tax credit under this subsection.

a. The taxpayer shall claim the tax credit in the same manner as provided in section 422.11Y. The taxpayer may claim the tax credit according to the same requirements, for the same amount, and calculated in the same manner, as provided for the E-15 plus gasoline promotion tax credit pursuant to section 422.11Y.

b. Any E-15 plus gasoline promotion tax credit which is in excess of the taxpayer's tax liability shall be refunded or may be shown on the taxpayer's final, completed return credited to the tax liability for the following tax year in the same manner as provided in section 422.11Y.

c. This subsection is repealed on January 1, 2018.

Sec. 37. TAX CREDIT AVAILABILITY. For a retail dealer who may claim an E-15 plus gasoline promotion tax credit under section 422.11Y or 422.33, subsection 11D, as enacted in this Act and amended in subsequent Acts, in calendar year 2017, and whose tax year ends prior to December 31, 2017, the retail dealer may continue to claim the tax credit in the retail dealer's following tax year. In that case, the tax credit shall be calculated in the same manner as provided in section 422.11Y or 422.33, subsection 11D, as enacted in this Act and amended in subsequent Acts, for the remaining period beginning on the first day of the retail dealer's new tax year until December 31, 2017. For that remaining period, the tax credit shall be calculated in the same manner as a retail dealer whose tax year began on the previous January 1 and who is calculating the tax credit on December 31, 2017.

Sec. 38. ADMINISTRATIVE RULES. The department of revenue may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4. The department's rules shall not take effect earlier than July 1, 2011.

Sec. 39. EFFECTIVE DATES.

1. Except as provided in subsection 2, this division of this Act takes effect on July 1, 2011.

2. The section of this division of this Act authorizing the department of revenue to adopt rules takes effect upon enactment.

Sec. 40. APPLICABILITY.

1. Except as provided in subsection 2, section 422.11Y, as enacted in this division of this Act, and section 422.33, subsection 11D, as enacted in this division of this Act and applied due to this division of this Act, apply to tax years beginning on and after January 1, 2012.

⁵ See chapter 131, §65, 79, 158 herein

2. Section 422.11Y, as enacted in this division of this Act, and section 422.33, subsection 11D, as enacted in this division of this Act and applied due to this division of this Act, apply to that part of a retail dealer's tax year or tax years occurring during that portion of the calendar year beginning on and after July 1, 2011, and ending on December 31, 2011. In that case, the retail dealer shall calculate the E-15 plus gasoline promotion tax in the same manner as a retail dealer calculating the tax credit on January 1, 2012.

DIVISION VII
RENEWABLE FUEL INFRASTRUCTURE — APPROPRIATION — TRANSFER
OF AUTHORITY FROM DEPARTMENT OF ECONOMIC DEVELOPMENT
TO DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Sec. 41. Section 15.104, subsection 8, paragraph j, Code 2011, is amended by striking the paragraph.

Sec. 42. Section 15G.201, subsection 2, Code 2011, is amended to read as follows:

2. ~~“Department” means the Iowa department of economic development created in section 15.105~~ department of agriculture and land stewardship.

Sec. 43. Section 15G.202, subsection 2, paragraph c, subparagraph (4), Code 2011, is amended to read as follows:

(4) The Iowa ~~motor truck association~~ biodiesel board.

Sec. 44. Section 15G.205, subsection 4, paragraph c, Code 2011, is amended to read as follows:

c. Notwithstanding section 8.33, unencumbered and unobligated moneys remaining in the infrastructure fund at the close of each fiscal year shall not revert but shall remain available in the infrastructure fund ~~for expenditure for the same purposes until the end of the fiscal year that begins July 1, 2011, at which time the unencumbered and unobligated moneys remaining shall revert to the funds from which appropriated.~~

Sec. 45. Section 159.20, subsection 1, paragraph j, Code 2011, is amended to read as follows:

j. Provide for the promotion and expansion of renewable fuels and coproducts, by doing all of the following:

j. (1) Assist the office of renewable fuels and coproducts in administering the provisions of chapter 159A, subchapter I.

(2) Assist the renewable fuel infrastructure board, provide for the administration of the renewable fuel infrastructure programs, and provide for the management of the renewable fuel infrastructure fund, as provided in chapter 159A, subchapter II.

Sec. 46. Section 159A.2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

As used in this ~~chapter~~ subchapter, unless the context otherwise requires:

Sec. 47. Section 321.145, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. ~~Four~~ Moneys shall be deposited into and credited to the following funds:

(1) First, three million two five hundred fifty thousand dollars per quarter shall be deposited into and credited to the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3, and the moneys so deposited are a continuing appropriation for expenditure under chapter 455G, and moneys so appropriated shall not be used for other purposes.

(2) Second, seven hundred fifty thousand dollars per quarter shall be deposited into and credited to the renewable fuel infrastructure fund created in section 15G.205, and the moneys so deposited are a continuing appropriation for expenditure under chapter 15G, subchapter II, and moneys so appropriated shall not be used for other purposes.

Sec. 48. TRANSITIONAL PROVISIONS — ADMINISTRATIVE RULES. The rules adopted by the department of economic development as codified in 261 IAC, chapters 311 through 314, shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of agriculture and land stewardship.

Sec. 49. TRANSITIONAL PROVISIONS — EMERGENCY ADMINISTRATIVE RULEMAKING. The department of agriculture and land stewardship may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act, and the rules shall be effective July 1, 2011, 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. 50. TRANSITIONAL PROVISIONS — ADMINISTRATIVE HEARINGS OR COURT PROCEEDINGS. An administrative hearing or court proceeding arising out of an enforcement action under chapter 15G pending on July 1, 2011, shall not be affected due to this division of this Act. Any cause of action or statute of limitations relating to an action taken by the department of economic development shall not be affected as a result of this division of this Act and such cause or statute of limitation shall apply to the department of agriculture and land stewardship.

Sec. 51. TRANSITIONAL PROVISIONS — REPLACEMENT ITEMS. A replacement item, including but not limited to logos, stationery, or insignia, that is made due to the effect of this division of this Act shall be done as part of the normal replacement cycle for such item.

Sec. 52. TRANSITIONAL PROVISIONS — TRANSFER OF RECORDS.

1. The department of economic development shall provide the department of agriculture and land stewardship with records necessary to administer and enforce chapter 15G, subchapter II, including sections of the subchapter amended by this Act, and rules adopted by the department of economic development pursuant to that subchapter.

2. The transfer described in subsection 1, shall be accomplished by June 15, 2011, unless the department of economic development and the department of agriculture and land stewardship agree to a different date in 2011.

Sec. 53. TRANSITIONAL PROVISIONS — OUTSTANDING CONTRACTS.

1. The department of economic development shall assign and the department of agriculture and land stewardship shall assume all outstanding cost-share agreements executed by the department of economic development pursuant to the renewable fuel infrastructure program for retail motor fuel sites as provided in section 15G.203 and the renewable fuel infrastructure program for biodiesel terminal facilities as provided in section 15G.204.

2. The assignment and assumption of the cost-share agreements described in subsection 1 shall be effective on July 1, 2011, unless the department of economic development and the department of agriculture and land stewardship agree to a different date in 2011.

Sec. 54. TRANSITIONAL PROVISIONS — RENEWABLE FUEL INFRASTRUCTURE BOARD. The department of economic development and the department of agriculture and land stewardship shall jointly consult with the renewable fuel infrastructure board as created in section 15G.202, as amended by this Act, when effectuating the transitional provisions of this division of this Act.

Sec. 55. TRANSFER OF SECTIONS. Chapter 15G, subchapter II, is transferred to chapter 159A, new subchapter III. Chapter 159A, subchapter I, shall include section 159A.1, Code 2011. Chapter 159A, subchapter II, shall include all of the following: section 159A.2, Code 2011, as amended by this Act; and sections 159A.3 through 159A.8, Code 2011. Chapter 159A, subchapter III, shall include all of the following: sections 15G.201, 15G.201A, and 15G.202, Code 2011, as amended by this Act; sections 15G.203 and 15G.204, Code 2011; section 15G.205, Code 2011, as amended by this Act; and section 15G.206, Code 2011. The

Code editor shall correct internal references as necessary, including references in section 321.145, subsection 2, paragraph “a”, as amended in this division of this Act.

Sec. 56. EFFECTIVE DATES.

1. Except as provided in subsection 2, this division of this Act takes effect on July 1, 2011.

2. a. The section of this division of this Act amending section 15G.202, subsection 2, paragraph c, subparagraph (4), takes effect upon enactment.

b. The section of this division of this Act amending section 15G.205, subsection 4, paragraph c, takes effect upon enactment.

c. The sections of this division of this Act which include transitional provisions to accomplish the transfer of powers and duties of the department of economic development to the department of agriculture and land stewardship, being deemed of immediate importance, take effect upon enactment. As used in this paragraph, such transitional provisions are limited to those uncodified sections of this division of this Act which provide for the transfer of powers and duties by the department of economic development associated with chapter 15G, subchapter II, including those sections in subchapter II as amended or transferred to chapter 159A by this Act.

DIVISION VIII
BIODIESEL PRODUCTION REFUND

Sec. 57. Section 422.7, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 54. Subtract, to the extent included, the amount of any biodiesel production refund provided pursuant to section 423.4.

Sec. 58. Section 422.35, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 25. Subtract, to the extent included, the amount of any biodiesel production refund provided pursuant section 423.4.

Sec. 59. Section 423.4, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 9. A person who qualifies as a biodiesel producer as provided in this subsection may apply to the director for a refund of the amount of the sales⁶ tax imposed and paid upon purchases made by the person.

a. The person must be engaged in the manufacturing of biodiesel who has registered with the United States environmental protection agency as a manufacturer according to the requirements in 40 C.F.R. §79.4. The biodiesel must be for use in biodiesel blended fuel in conformance with section 214A.2. The person must comply with the requirements of this subsection and rules adopted by the department pursuant to this subsection.

b. The amount of the refund shall be calculated by multiplying a designated rate by the total number of gallons of biodiesel produced by the biodiesel producer in this state during each quarter of a calendar year. The designated rate shall be as follows:

(1) For the calendar year 2012, three cents.

(2) For the calendar year 2013, two and one-half cents.

(3) For the calendar year 2014, two cents.

c. A biodiesel producer shall not be eligible to receive a refund under this subsection on more than twenty-five million gallons of biodiesel produced each calendar year by the biodiesel producer at each facility where the biodiesel producer manufactures biodiesel.

d. A person shall obtain a refund by completing forms furnished by the department and filed by the person on a quarterly basis as required by the department. The department shall refund the amount claimed by the person after subtracting any amount owing from the sales or use taxes imposed and paid upon purchases made by the person.

e. This subsection is repealed on January 1, 2015.

⁶ See chapter 131, §66, 78 herein

Sec. 60. EFFECTIVE DATE. This division of this Act takes effect January 1, 2012.

Approved May 26, 2011

CHAPTER 114

SPECIAL MOTOR VEHICLE REGISTRATION PLATES — CIVIL WAR, FALLEN PEACE OFFICERS, AND MILITARY COMBAT

H.F. 651

AN ACT providing for a special civil war sesquicentennial motor vehicle registration plate, special fallen peace officers plates, and special military combat plates, establishing fees, and making appropriations.

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

Section 1. Section 35A.11, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. Combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates issued pursuant to section 321.34, subsection 20C.

Sec. 2. Section 321.34, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 20C. *Combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates.*

a. The department, in consultation with the adjutant general, shall design combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge distinguishing processed emblems. Upon receipt of two hundred fifty orders for special¹ combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with the applicable distinguishing processed emblem as provided in paragraphs “b” and “c”. The minimum order requirement shall apply separately to each of the special registration plates created under this subsection.

b. An owner referred to in subsection 12 who was awarded a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge by the United States government may, upon written application to the department and presentation of satisfactory proof of the award, order special registration plates with a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge processed emblem. The special plate fees collected by the director under subsection 12, paragraphs “a” and “c”, from the issuance and annual validation of letter-number designated and personalized combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates 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 veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph “a”, in the previous month for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates.

c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse’s name and upon payment of the annual five-dollar special plate

¹ See chapter 131, §59, 158 herein

fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

NEW SUBSECTION. 25. *Civil war sesquicentennial plates.*

a. The department, in consultation with the adjutant general, shall design a civil war sesquicentennial distinguishing processed emblem. Upon receipt of two hundred fifty orders for special² civil war sesquicentennial special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with a civil war sesquicentennial processed emblem as provided in paragraph "b".

b. An owner referred to in subsection 12, upon written application to the department, may order special registration plates with a civil war sesquicentennial processed emblem. The special plate fees collected by the director under subsection 12, paragraphs "a" and "c", from the issuance and annual validation of letter-number designated and personalized civil war sesquicentennial plates 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 of cultural affairs the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for civil war sesquicentennial plates, and such funds are appropriated to the department of cultural affairs to be used for the Iowa battle flag project.

NEW SUBSECTION. 26. *Fallen peace officers plates.*

a. The department, in consultation with the department of public safety and concerns of police survivors, inc., shall design a fallen peace officers distinguishing processed emblem. Upon receipt of two hundred fifty orders for fallen peace officers special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with a fallen peace officers processed emblem as provided in paragraphs "b" and "c".

b. An owner of a motor vehicle referred to in subsection 12, upon written application to the department, may order special registration plates with a fallen peace officers processed emblem. The special fee for letter-number designated fallen peace officers plates is thirty-five dollars. The fee for personalized fallen peace officers plates is twenty-five dollars, which shall be paid in addition to the special fallen peace officers fee of thirty-five dollars. The fees collected by the director under this paragraph 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 of public safety the amount of the special fees collected in the previous month for the fallen peace officers plates and such funds are appropriated to the department of public safety. The department of public safety shall distribute one hundred percent of the funds received monthly in the form of grants to nonprofit organizations that provide resources to assist in the rebuilding of the lives of surviving families and affected coworkers of law enforcement officers killed in the line of duty. In the awarding of grants, the department of public safety shall give first consideration to concerns of police survivors, inc., and similar nonprofit organizations providing such resources. Notwithstanding section 8.33, moneys transferred under this subsection shall not revert to the general fund of the state.

c. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special fallen peace officers fee for letter-number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual special fee for personalized fallen peace officers plates is five dollars, which shall be paid in addition to the annual special fallen peace officers fee and the regular annual registration fee. The annual special fallen peace officers fee shall be credited and transferred as provided under paragraph "b".

² See chapter 131, §60, 158 herein

Sec. 3. Section 321.145, subsection 2, paragraph b, subparagraph (3), Code 2011, is amended to read as follows:

(3) The amounts required to be transferred pursuant to section 321.34 from revenues available under this subsection shall be transferred and credited as provided in section 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C, 21, 22, 23, ~~and 24, 25, and 26~~ for the various purposes specified in those subsections.

Approved May 26, 2011

CHAPTER 115

RENEWABLE ENERGY DEVELOPMENT INCENTIVES

H.F. 672

AN ACT relating to wind and other sources of renewable energy development and production, and including effective date provisions.

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

Section 1. NEW SECTION. **476.53A Renewable electric power generation.**

It is the intent of the general assembly to encourage the development of renewable electric power generation. It is also the intent of the general assembly to encourage the use of renewable power to meet local electric needs and the development of transmission capacity to export wind power generated in Iowa.

Sec. 2. Section 476B.5, subsection 4, Code 2011, is amended to read as follows:

4. The maximum amount of nameplate generating capacity of all qualified facilities the board may find eligible under this chapter shall not exceed ~~one hundred fifty~~ megawatts of nameplate generating capacity.

Sec. 3. Section 476C.1, subsection 6, paragraph d, Code 2011, is amended to read as follows:

d. Was initially placed into service on or after July 1, 2005, and before January 1, ~~2012~~ 2015.

Sec. 4. Section 476C.1, subsection 6, Code 2011, is amended by adding the following new paragraphs:

NEW PARAGRAPH. e. For applications filed on or after July 1, 2011, is a facility of not less than three-fourths megawatts of nameplate generating capacity or the energy production capacity equivalent if all or a portion of the renewable energy produced is for on-site consumption by the producer.

NEW PARAGRAPH. f. For applications filed on or after July 1, 2011, except for wind energy conversion facilities, is a facility of no greater than five¹ megawatts of nameplate generating capacity or the energy production capacity equivalent.

Sec. 5. Section 476C.1, subsection 8, Code 2011, is amended to read as follows:

8. "*Heat for a commercial purpose*" means the heat in British thermal unit equivalents from refuse-derived fuel, methane, or other biogas produced in this state either for commercial use by a producer for on-site consumption or sold to a purchaser of renewable energy for use for a commercial purpose in this state or for use by an institution in this state.

¹ See chapter 118, §33, 89 herein

Sec. 6. Section 476C.2, subsection 1, Code 2011, is amended to read as follows:

1. A producer or purchaser of renewable energy may receive renewable energy tax credits under this chapter in an amount equal to one and one-half cents per kilowatt-hour of electricity, or four dollars and fifty cents per million British thermal units of heat for a commercial purpose, or four dollars and fifty cents per million British thermal units of methane gas or other biogas used to generate electricity, or one dollar and forty-four cents per one thousand standard cubic feet of hydrogen fuel generated by and purchased from an eligible renewable energy facility or used for on-site consumption by the producer.

Sec. 7. Section 476C.3, subsection 1, paragraph e, Code 2011, is amended to read as follows:

e. A Except when the renewable energy is produced for on-site consumption by the producer, a copy of the power purchase agreement or other agreement to purchase electricity, hydrogen fuel, methane or other biogas, or heat for a commercial purpose which shall designate either the producer or purchaser of renewable energy as eligible to apply for the renewable energy tax credit.

Sec. 8. Section 476C.3, subsection 3, Code 2011, is amended to read as follows:

3. a. A facility that is not operational within thirty months after issuance of an approval for the facility by the board shall cease to be an eligible renewable energy facility. However, a wind energy conversion facility that is approved as eligible under this section but is not operational within eighteen months due to the unavailability of necessary equipment shall be granted an additional twenty-four months to become operational.

b. A facility which notifies the board prior to the expiration of the time periods specified in paragraph "a" that the facility intends to become operational and wishes to preserve its eligibility shall be granted a twelve-month extension. An extension may be renewed for succeeding twelve-month periods if the board is notified prior to the expiration of the extension of the continued intention to become operational during the succeeding period of extension.

c. If the owner of a facility discontinues efforts to achieve operational status, the owner shall notify the board. Upon receipt of such notification, the board shall no longer consider the facility as an eligible renewable energy facility under this chapter.

d. A facility that is granted and thereafter loses approval may reapply to the board for a new determination.

Sec. 9. Section 476C.3, subsection 4, Code 2011, is amended to read as follows:

4. a. The maximum amount of nameplate generating capacity of all wind energy conversion facilities the board may find eligible under this chapter shall not exceed three hundred ~~thirty~~ sixty-three megawatts of nameplate generating capacity.

b. The maximum amount of energy production capacity equivalent of all other facilities the board may find eligible under this chapter shall not exceed a combined output of ~~twenty~~ fifty-three megawatts of nameplate generating capacity and one hundred sixty-seven billion British thermal units of heat for a commercial purpose.² Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, fifty-five billion British thermal units of heat for a commercial purpose shall be reserved for an eligible facility that is a refuse conversion facility for processed, engineered fuel from a multicounty solid waste management planning area. The maximum amount of energy production capacity the board may find eligible for a single refuse conversion facility is fifty-five billion British thermal units of heat for a commercial purpose. Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, an amount equivalent to ten megawatts of nameplate generating capacity shall be reserved for eligible renewable energy facilities incorporated within or associated with an ethanol cogeneration plant engaged in the sale of ethanol to states to meet a low carbon fuel standard.

² See chapter 118, §34, 89 herein

Sec. 10. Section 476C.4, subsections 1 and 2, Code 2011, are amended to read as follows:

1. A producer or purchaser of renewable energy may apply to the board for the renewable energy tax credit by submitting to the board all of the following:

a. A completed application in a form prescribed by the board.

b. A copy of the determination granting approval of the facility as an eligible renewable energy facility by the board.

c. A copy of a signed power purchase agreement or other agreement to purchase electricity, hydrogen fuel, methane or other biogas, or heat for a commercial purpose from an eligible renewable energy facility which shall designate either the producer or purchaser of renewable energy as eligible to apply for the renewable energy tax credit.

d. Sufficient documentation that the electricity, heat for a commercial purpose, methane gas or other biogas, or hydrogen fuel has been generated by the eligible renewable energy facility and sold to the purchaser of renewable energy.

e. To the extent the produced electricity, hydrogen fuel, methane or other biogas, or heat for a commercial purpose is used for on-site consumption, the requirements of paragraphs "c" and "d" shall not be applicable. For such renewable energy production, the owner must submit a certification under penalty of perjury that the claimed amount of electricity, hydrogen fuel, methane or other biogas, or heat for a commercial purpose was produced by the eligible facility and consumed by the owner.

e. ~~f.~~ Any other information the board deems necessary.

2. The board shall notify the department of the amount of kilowatt-hours, British thermal units of heat for a commercial purpose, British thermal units of methane gas or other biogas used to generate electricity, or standard cubic feet of hydrogen fuel generated and purchased from an eligible renewable energy facility or generated and used by the producer for on-site consumption. The department shall calculate the amount of the tax credit for which the applicant is eligible and shall issue the tax credit certificate for that amount or notify the applicant in writing of its refusal to do so. An applicant whose application is denied may file an appeal with the department within sixty days from the date of the denial pursuant to the provisions of chapter 17A.

Sec. 11. Section 476C.4, subsection 5, Code 2011, is amended to read as follows:

5. The department shall not issue a tax credit certificate if the facility approved by the board as an eligible renewable energy facility is not operational within eighteen months after the approval is issued, subject to the extension provisions of section 476C.3, subsection 3.

Sec. 12. Section 476C.5, Code 2011, is amended to read as follows:

476C.5 Certificate issuance period.

A producer or purchaser of renewable energy may receive renewable energy tax credit certificates for a ten-year period for each eligible renewable energy facility under this chapter. The ten-year period for issuance of the tax credit certificates begins with the date the purchaser of renewable energy first purchases electricity, hydrogen fuel, methane gas or other biogas used to generate electricity, or heat for commercial purposes from the eligible renewable energy facility for which a tax credit is issued under this chapter, or the date the producer of the renewable energy first uses the energy produced by the eligible renewable energy facility for on-site consumption. Renewable energy tax credit certificates shall not be issued for renewable energy purchased or produced for on-site consumption after December 31, ~~2021~~ 2024.

Sec. 13. EFFECTIVE UPON ENACTMENT. The section of this Act amending section 476B.5, subsection 4, being deemed of immediate importance, takes effect upon enactment.

Approved May 26, 2011

CHAPTER 116**BROWNFIELDS AND GRAYFIELDS REDEVELOPMENT TAX CREDIT PROGRAM***S.F. 514*

AN ACT relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

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

Section 1. Section 15.119, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The redevelopment tax credit program for brownfields and grayfields administered pursuant to sections 15.293A and 15.293B.

Sec. 2. Section 15.119, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. In allocating the amount of tax credits authorized pursuant to subsection 1 among the programs specified in subsection 2, the department shall not allocate more than five million dollars for purposes of subsection 2, paragraph “f”.

Sec. 3. Section 15.291, subsection 5, Code 2011, is amended to read as follows:

5. “Qualifying investment” means the purchase price, the cleanup costs, and the redevelopment costs that are directly related to a qualifying redevelopment project and that are incurred after the project has been registered and approved by the board. “Qualifying investment” only includes the purchase price, the cleanup costs, and the redevelopment costs.

Sec. 4. Section 15.292, subsections 1 and 4, Code 2011, are amended to read as follows:

1. The department shall establish and administer a brownfield redevelopment program for purposes of providing financial and technical assistance for the acquisition, remediation, or redevelopment of brownfield sites. Financial assistance under the program shall be provided from the brownfield redevelopment fund created in section 15.293. ~~Technical assistance under the program shall be in the form of providing an applicant with assistance in identifying other alternative forms of assistance for which the applicant may be eligible. The department may provide information on alternative forms of assistance.~~

4. An application for assistance under the program shall include any information required by the department including, ~~but not limited to, all of the following:~~

- a. A business plan which includes a remediation plan.
- b. A budget for remediating or redeveloping the site.
- c. A statement of purpose describing the intended use of and proposed repayment schedule for any financial assistance received by the applicant.
- d. Evidence of sponsorship.
- e. Other information the department deems necessary in order to process and review the application.

Sec. 5. Section 15.293A, subsections 2, 6, 7, 8, and 9, Code 2011, are amended to read as follows:

2. a. (1) The department shall accept and, in conjunction with the council and the board, review applications for tax credits pursuant to this section.

(2) Upon review of an application, the department may register the project under the program. If the department registers the project, the department shall, in conjunction with the council and the board, make a preliminary determination as to the amount of tax credit for which the investor qualifies.

(3) After registering the project, the department shall issue a letter notifying the investor of successful registration under the program. The letter shall include the amount of tax credit for which the investor has received preliminary approval. The letter shall state that the amount is a preliminary determination only. The amount of tax credit included on a certificate issued pursuant to this section shall be contingent upon completion of the requirements of subparagraphs (4) and (5).

(4) Upon completion of a registered project, an audit of the project, completed by an independent certified public accountant licensed in this state, shall be submitted to the department.

(5) Upon review of the audit and verification of the amount of the investment, the department may issue a certificate to the investor stating the amount of tax credit the investor may claim.

~~b. (1) To claim a redevelopment tax credit under this section, a taxpayer must attach one or more tax credit certificates to the taxpayer's tax return. A tax credit certificate shall not be used or attached to a return filed for a taxable year beginning prior to July 1, 2009. The tax credit certificate or certificates attached to the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return.~~

~~b. (2) After verifying the eligibility of a qualifying investor for a tax credit pursuant to this section, the department of economic development shall issue a redevelopment tax credit certificate to be attached to the investor's tax return. The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of the credit, the name of the qualifying investor, any 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.~~

~~e. (3) The tax credit certificate, unless rescinded by the board, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, divisions II, III, and V, and in chapter 432, and for the moneys and credits tax imposed in section 533.329, subject to any conditions or restrictions placed by the board upon the face of the tax credit certificate and subject to the limitations of this section.~~

~~d. (4) Tax credit certificates issued under this section may be transferred to any person or entity. Within ninety days of transfer, the transferee shall submit the transferred tax credit certificate to the department of revenue along with a statement containing the transferee's name, tax identification number, and address, the denomination that each replacement tax credit certificate is to carry, and any other information required by the department of revenue.~~

~~e. (5) Within thirty days of receiving the transferred tax credit certificate and the transferee's statement, the department of revenue shall issue one or more replacement tax credit certificates to the transferee. Each replacement tax credit certificate must contain the information required for the original tax credit certificate and must have the same expiration date that appeared in the transferred tax credit certificate. Tax credit certificate amounts of less than the minimum amount established by rule of the department of economic development shall not be transferable.~~

~~f. (6) A tax credit shall not be claimed by a transferee under this section until a replacement tax credit certificate identifying the transferee as the proper holder has been issued. The transferee may use the amount of the tax credit transferred against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for any tax year the original transferor could have claimed the tax credit. Any consideration received for the transfer of the tax credit shall not be included as income under chapter 422, divisions II, III, and V, under chapter 432, or against the moneys and credits tax imposed in section 533.329. Any consideration paid for the transfer of the tax credit shall not be deducted from income under chapter 422, divisions II, III, and V, under chapter 432, or against the moneys and credits tax imposed in section 533.329.~~

~~6. For the fiscal year beginning July 1, 2009, the maximum amount of tax credits issued by the department shall not exceed one million dollars. The department shall not issue tax credits pursuant to this section in subsequent fiscal years unless authorized pursuant to this subsection. For each subsequent fiscal year, the amount of tax credits that may be issued by the department shall be subject to the limitation in section 15.119.~~

~~7. An investment shall be deemed to have been made on the date the qualifying redevelopment project is completed. An investment made prior to January 1, 2009, or after June 30, 2010, shall not qualify for a tax credit under this part.~~

~~8. A qualifying redevelopment project that is not completed within thirty months after issuance of an approval for the project by the board shall cease to be eligible for a tax credit~~

~~pursuant to this section, however, the board in its discretion may provide for an additional twelve-month period in which to complete a project. A registered project shall be completed within thirty months of the project's approval unless the department, with the approval of the board, provides additional time to complete the project. A project shall not be provided more than twelve months of additional time. If the registered project is not completed within the time required, the project is not eligible to claim a tax credit pursuant to this section.~~

9. The department shall develop a system for registration and authorization of projects receiving tax credits authorized pursuant to this part and shall control distribution of all tax credits distributed to investors pursuant to this part. In developing the system, the department shall provide for a list of applicants for the tax credit and maintain it from year to year so that if the maximum aggregate amount of tax credits available under the program is reached in one year, an applicant can be given priority consideration for the credit in an ensuing year.

Sec. 6. Section 15.293A, subsection 12, Code 2011, is amended by striking the subsection.

Sec. 7. Section 15.293A, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 14. This section is repealed on June 30, 2021.

Sec. 8. Section 15.293B, subsection 1, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

1. The department shall accept and review applications for tax credits pursuant to section 15.293A and, with the approval of the council, make recommendations regarding the applications to the board.

Sec. 9. Section 15.293B, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

An investor applying for a tax credit shall provide the ~~council~~ department with all of the following:

Sec. 10. Section 15.293B, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 4. This section is repealed on June 30, 2021.

Sec. 11. Section 15.294, subsection 4, Code 2011, is amended to read as follows:

4. The council, in conjunction with the department, shall consider applications for redevelopment tax credits as described in sections 15.293A and 15.293B, and ~~the council may approve~~ may recommend to the board which applications to approve and the amount of such tax credits ~~for qualifying investments in qualifying redevelopment projects that each project is eligible to receive.~~

Sec. 12. RETROACTIVE APPLICABILITY. The sections of this Act amending sections 15.291 and 15.293A apply retroactively to January 1, 2011, for tax years beginning on or after that date.

Approved June 9, 2011

CHAPTER 117

STATE BUDGET PRACTICES — REVENUE ESTIMATES AND APPROPRIATION TRANSFERS

H.F. 148

AN ACT relating to state expenditure requirements involving the revenue estimating conference and appropriation transfers and including effective date provisions.

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

Section 1. Section 8.22A, subsection 2, Code 2011, is amended to read as follows:

2. The conference shall meet as often as deemed necessary, but shall meet at least quarterly three times per year. The conference may use sources of information deemed appropriate. At each meeting, the conference shall agree to estimates for the current fiscal year and the following fiscal year for the general fund of the state, lottery revenues to be available for disbursement, and from gambling revenues and from interest earned on the cash reserve fund and the economic emergency fund to be deposited in the rebuild Iowa infrastructure fund. Only an estimate for the following fiscal year agreed to by the conference pursuant to subsection 3, 4, or 5, shall be used for purposes of calculating the state general fund expenditure limitation under section 8.54, and any other estimate agreed to shall be considered a preliminary estimate that shall not be used for purposes of calculating the state general fund expenditure limitation.

Sec. 2. Section 8.39, subsections 1 and 2, Code 2011, are amended to read as follows:

1. Except as otherwise provided by law, an appropriation or any part of it shall not be used for any other purpose than that for which it was made. However, with the prior written consent and approval of the governor and the director of the department of management, the governing board or head of any state department, institution, or agency may, at any time during the fiscal year, make a whole or partial intradepartmental transfer of its unexpended appropriations for purposes within the scope of such department, institution, or agency. Such transfer shall be to an appropriation made from the same funding source and within the same fiscal year. The amount of a transfer made from an appropriation under this subsection shall be limited to not more than one-tenth of one percent of the total of all appropriations made from the funding source of the transferred appropriation for the fiscal year in which the transfer is made.

2. If the appropriation of a department, institution, or agency is insufficient to properly meet the legitimate expenses of the department, institution, or agency, the director, with the approval of the governor, may make an interdepartmental transfer from any other department, institution, or agency of the state having an appropriation in excess of its needs, of sufficient funds to meet that deficiency. Such transfer shall be to an appropriation made from the same funding source and within the same fiscal year. The amount of a transfer made from an appropriation under this subsection shall be limited to not more than one-tenth of one percent of the total of all appropriations made from the funding source of the transferred appropriation for the fiscal year in which the transfer is made. An interdepartmental transfer to an appropriation which is not an entitlement appropriation is not authorized when the general assembly is in regular session and, in addition, the sum of interdepartmental transfers in a fiscal year to an appropriation which is not an entitlement appropriation shall not exceed fifty percent of the amount of the appropriation as enacted by the general assembly. For the purposes of this subsection, an entitlement appropriation is a line item appropriation to the state public defender for indigent defense or to the department of human services for foster care, state supplementary assistance, or medical assistance, or for the family investment program.

Sec. 3. Section 8.39, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The aggregate amount of intradepartmental and interdepartmental transfers made from all appropriations for a fiscal year pursuant to this section is limited to not more than five-tenths of one percent of the total amount of the appropriations made from the general fund of the state for the fiscal year. The aggregate amount of the intradepartmental and interdepartmental transfers made from an appropriation for a fiscal year is limited to fifty percent of the appropriation.

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

CHAPTER 118

ECONOMIC DEVELOPMENT AGENCIES AND PROGRAMS

H.F. 590

AN ACT relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

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

DIVISION I
ECONOMIC DEVELOPMENT AUTHORITY

Section 1. Section 15.101, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

15.101 Findings and purpose — collaboration described.

1. The general assembly finds that economic development is an important public purpose and that both the public and private sectors have a shared interest in fostering the economic vitality of the state. Therefore, it is the purpose of this subchapter to implement economic development policy in the state by means of a collaboration between government and the private sector.

2. The collaboration shall involve the economic development authority and the Iowa innovation corporation, both of which shall work together to further economic development policy according to the provisions of this subchapter.

Sec. 2. Section 15.102, Code 2011, is amended by adding the following new subsections:
NEW SUBSECTION. 01. “*Authority*” means the economic development authority created in section 15.105.

NEW SUBSECTION. 01A. “*Business enterprise*” means a work or improvement located within the state, including but not limited to real property, buildings, equipment, furnishings, and any other real and personal property or any interest therein, financed, refinanced, acquired, owned, constructed, reconstructed, extended, rehabilitated, improved, or equipped, directly or indirectly, in whole or in part, by the authority or through loans made by it and which is designed and intended for the purpose of providing facilities for manufacturing, industrial, processing, warehousing, wholesale or retail commercial, recreational, hotel, office, research, business, or other related purposes, including but not limited to machinery and equipment deemed necessary or desirable for the operation thereof.

NEW SUBSECTION. 1A. “*Chief executive officer*” means the chief executive officer of the corporation.

NEW SUBSECTION. 2A. “*Corporation*” means the Iowa innovation corporation created pursuant to section 15.107.

NEW SUBSECTION. 4A. “*Financial assistance*” means assistance provided only from the funds, rights, and assets legally available to the authority and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty payments.

Sec. 3. Section 15.102, subsections 1 and 4, Code 2011, are amended to read as follows:

1. “*Board*” means the ~~Iowa economic development board~~ members of the authority appointed by the governor and in whom the powers of the authority are vested pursuant to section 15.105.

4. “*Director*” means the director of the ~~department~~ authority, appointed pursuant to section 15.106C, or the director’s designee.

Sec. 4. Section 15.102, subsection 3, Code 2011, is amended by striking the subsection.

Sec. 5. Section 15.105, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

15.105 Economic development authority.

1. The economic development authority is created, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions, to undertake programs which implement economic development policy in the state, and to undertake certain finance programs.

a. (1) The powers of the authority are vested in and shall be exercised by a board of eleven voting members appointed by the governor subject to confirmation by the senate. The voting members shall be comprised of the following:

(a) Two members from each United States congressional district in the state.

(b) Three members selected at large.

(2) Of the voting members appointed pursuant to subparagraph (1), the governor shall appoint the following:

(a) One person who is a member of the Iowa innovation council established in section 15.117A.

(b) One person who has professional experience in finance, insurance, or investment banking.

(c) One person who has professional experience in advanced manufacturing.

(d) One person with professional experience in small business development.

(e) One person with professional experience representing the interests of organized labor.

(f) Six persons who are actively employed in the private, for-profit sector of the economy or who otherwise have substantial expertise in economic development.

(3) The governor shall not appoint to the authority board any person who is either the spouse or a relative within the first degree of consanguinity of a serving member of the authority board or the board of directors of the corporation.

b. There shall be four ex officio, nonvoting legislative members consisting of the following:

(1) 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.

(2) Two state representatives, one appointed by the speaker and one appointed by the minority leader of the house of representatives from their respective parties.

c. (1) There shall be three ex officio, nonvoting members consisting of the following:

(a) The president of the state board of regents, or the president's designee.

(b) One person, selected by the Iowa association of independent colleges and universities, who is the president of a private college or university in the state, or that person's designee.

(c) One person, selected by the Iowa association of community college presidents, who is the president of a community college, or that person's designee.

(2) A person serving as a designee pursuant to subparagraph (1) shall serve a one-year term as an ex officio member of the authority board.

2. Members of the authority shall be appointed for staggered terms of four years beginning and ending as provided in section 69.19. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. A member of the authority may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing. Members of the authority board shall not serve as directors of the corporation.

3. a. Seven voting members of the authority constitute a quorum.

b. The affirmative vote of a majority of the quorum described in paragraph "a" is necessary for any action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose.

c. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

4. Members of the authority are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as members, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as members.

5. Members of the authority and the director shall give bond as required for public officers in chapter 64.

6. Meetings of the authority shall be held at the call of the chairperson or when two members so request.

7. Members shall elect a chairperson and vice chairperson annually, and other officers as they determine, but the director shall serve as secretary to the authority.

8. *a.* The members of the authority shall develop a strategic plan for economic development in the state.

b. (1) The strategic plan shall identify the authority's goals for the next calendar year and shall include a set of metrics that will be used to gauge and assess the extent to which the authority achieves those goals. Such metrics shall include, but are not limited to:

(a) The number of net new jobs created in the state.

(b) The average wage and benefit levels for such jobs.

(c) The impact to average household income for Iowa families as a result of the jobs created.

(d) Such other information as the authority or the director deems relevant.

(2) The strategic plan shall be submitted to the general assembly and the governor's office on or before January 31 of each year.

9. The net earnings of the authority, beyond that necessary to implement the public purposes and programs herein authorized, shall not inure to the benefit of any person other than the state. Upon termination of the existence of the authority, title to all property owned by the authority, including any such net earnings of the authority, shall vest in the state. The state reserves the right at any time to alter, amend, repeal, or otherwise change the structure, organization, programs, or activities of the authority, including the power to terminate the authority, except that no law shall impair the obligation of any contract or contracts entered into by the authority to the extent that any such law would contravene Article I, section 21, of the Constitution of the State of Iowa, or Article I, section 10, of the Constitution of the United States.

10. Members of the authority, or persons acting on behalf of the authority while acting within the scope of their agency or employment, are not subject to personal liability resulting from carrying out the powers and duties in this chapter.

11. The authority shall be the successor entity to the economic development board and the department of economic development which are hereby eliminated. The authority shall assume all duties and responsibilities previously assigned to the economic development board and the department of economic development to the extent that such duties and responsibilities are not otherwise assigned by the provisions of this subchapter.

Sec. 6. Section 15.106, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

15.106 Conflicts of interest.

1. *a.* If a member or employee of the authority has an interest, either direct or indirect, in a contract to which the authority is, or is to be, a party, the interest shall be disclosed to the authority in writing and shall be set forth in the minutes of the authority.

b. The member or employee having the interest shall not participate in any action of the authority with respect to that contract. A violation of a provision of this subsection is misconduct in office under section 721.2. However, a resolution of the authority is not invalid because of a vote cast by a member in violation of this subsection or of section 15.105, subsection 3, unless the vote was decisive in the passage of the resolution.

c. For the purposes of this subsection, "*action of the authority with respect to that contract*" means only an action directly affecting a separate contract, and does not include an action which benefits the general public or which affects all or a substantial portion of the contracts included in a program of the authority.

2. The director shall not have an interest in a bank or other financial institution in which the funds of the authority are, or are to be, deposited or which is, or is to be, acting as trustee or paying agent under a trust indenture to which the authority is a party. The director shall not receive, in addition to fixed salary or compensation, any money or valuable thing, either directly or indirectly, or through any substantial interest in any other corporation or business unit, for negotiating, procuring, recommending, or aiding in any purchase or sale of property, or loan, made by the authority, nor shall the director be pecuniarily interested,

either as principal, coprincipal, agent, or beneficiary, either directly or indirectly, or through any substantial interest in any other corporation or business unit, in any such purchase, sale, or loan.

3. Not more than one principal executive, employee, or other representative from a business or its affiliates may serve concurrently on the authority board, the board of directors of the corporation, or any combination thereof. For purposes of this subsection, “affiliate” means the same as defined in section 423.1.

Sec. 7. NEW SECTION. 15.106A General powers of the authority.

1. The authority has any and all powers necessary and convenient to carry out its purposes and duties and exercise its specific powers, including but not limited to the power to:

- a. Sue and be sued in its own name.
- b. Have and alter a corporate seal.
- c. Make and alter bylaws for its management consistent with the provisions of this chapter.
- d. Make and execute agreements, contracts, and other instruments of any and all types on such terms and conditions as the authority may find necessary or convenient to the purposes of the authority, with any public or private entity, including but not limited to contracts for goods and services. All political subdivisions, other public agencies, and state departments and agencies may enter into contracts and otherwise cooperate with the authority.
- e. Adopt by rule pursuant to chapter 17A procedures relating to competitive bidding, including the identification of those circumstances under which competitive bidding by the authority, either formally or informally, shall be required. In any bidding process, the authority may administer its own bidding and procurement or may utilize the services of the department of administrative services or any other agency. Except when such rules apply, the authority and all contracts made by it in carrying out its public and essential governmental functions with respect to any of its programs shall be exempt from the provisions and requirements of all laws or rules of the state which require competitive bids in connection with the letting of such contracts.
- f. Acquire, hold, improve, mortgage, lease, and dispose of real and personal property, including but not limited to the power to sell at public or private sale, with or without public bidding, any such property, or other obligation held by it.
- g. Procure insurance against any loss in connection with its operations and property interests.
- h. Accept appropriations, gifts, grants, loans, or other aid from public or private entities. A record of all gifts or grants, stating the type, amount, and donor, shall be clearly set out in the authority’s annual report along with the record of other receipts.
- i. Provide to public and private entities technical assistance and counseling related to the authority’s purposes.
- j. In cooperation with other local, state, or federal governmental agencies, conduct research studies, develop estimates of unmet economic development needs, gather and compile data useful to facilitating decision making, and enter into agreements to carry out programs within or without the state which the authority finds to be consistent with the goals of the authority.
- k. Enter into agreements with the federal government, tribes, and other states to undertake economic development activities in the state of Iowa.
- l. Own or acquire intellectual property rights including but not limited to copyrights, trademarks, service marks, and patents, and enforce the rights of the authority with respect to such intellectual property rights.
- m. Make, alter, interpret, and repeal rules consistent with the provisions of this chapter, and subject to chapter 17A.
- n. Form committees or panels as necessary to facilitate the authority’s duties. Committees or panels formed pursuant to this paragraph shall be subject to the provisions of chapters 21 and 22.
- o. Establish one or more funds within the state treasury under the control of the authority. Notwithstanding section 8.33 or 12C.7, or any other provision to the contrary, moneys invested by the treasurer of state pursuant to this subsection shall not revert to the general fund of the state and interest accrued on the moneys shall be moneys of the authority and

shall not be credited to the general fund. The nonreversion of moneys allowed under this paragraph does not apply to moneys appropriated to the authority by the general assembly.

p. Select projects to receive assistance by the exercise of diligence and care.

q. Exercise generally all powers typically exercised by private enterprises engaged in business pursuits unless the exercise of such a power would violate the terms of this chapter or the Constitution of the State of Iowa.

r. Issue negotiable bonds and notes as provided in section 15.106D.

2. Notwithstanding any other provision of law, any purchase or lease of real property, other than on a temporary basis, when necessary in order to implement the programs of the authority or protect the investments of the authority, shall require written notice from the authority to the government oversight standing committees of the general assembly and the prior approval of the executive council.

3. The powers enumerated in this section are cumulative of and in addition to those powers enumerated elsewhere in this chapter and such powers do not limit or restrict any other powers of the authority.

Sec. 8. NEW SECTION. **15.106B Specific program powers.**

1. In addition to the general powers described in section 15.106A, the authority shall have all powers convenient and necessary to carry out its programs.

2. For purposes of this section, “*powers convenient and necessary*” includes but is not limited to the power to:

a. Undertake more extensive research and discussion of the strategic plan developed by the members of the authority in order to better formulate and implement state economic development policy.

b. Establish a nonprofit corporation pursuant to section 15.107, for the purpose of receiving and disbursing funds from public or private sources to be used to further the overall development and economic well-being of the state.

c. Provide export documentation to Iowa businesses that are exporting goods and services if no other government entity is providing export documentation in a form deemed necessary for international commerce.

d. (1) Pursuant to a contract executed between the authority and the corporation, the authority may delegate to the corporation the performance of the following functions on behalf of the authority:

(a) Marketing and promotional activities.

(b) Policy research.

(c) Economic analysis.

(d) Expansion of international markets for Iowa-produced or Iowa-based products.

(e) Consulting services.

(f) Services related to statewide commercialization development as provided for in section 15.411, subsection 2.

(2) A contract executed pursuant to this paragraph “d” shall not delegate an essential government function, including the budgetary or personnel management responsibilities of the authority, and shall not delegate any sovereign power of the state.

(3) The terms of a contract executed pursuant to this paragraph “d” may provide for compensation at the fair market value of the services to be provided under the contract.

(4) Notwithstanding section 8A.311 and any rules promulgated thereunder by the department of administrative services, the authority may enter into contracts with the corporation for the sole source procurement of services. In entering into such sole source contracts, the authority shall negotiate a fair and reasonable price for the services and shall thoroughly document the circumstances of such sole source procurements.

(5) A contract executed pursuant to this paragraph “d” shall be drafted and executed with the assistance and advice of the attorney general.

3. The authority may enter into contracts on behalf of the Iowa innovation council established in section 15.117A. Such contracts may delegate the performance of functions to the corporation only if the contracts meet the requirements of subsection 2, paragraph “d”.

4. a. If the authority enters into a contract, including but not limited to a contract executed pursuant to subsection 2, paragraph “d”, with a nonprofit corporation organized under

chapter 504 or under the similar laws of another jurisdiction, the authority shall ensure that the terms of the contract shall provide for the disclosure of all gifts, grants, bequests, donations, or other conveyances of financial assistance to the corporation from all private and public sources. Such disclosure shall include information from the corporation's current fiscal year and its most recent three fiscal years and shall include the name and address of the person or entity making the conveyance and the amount.

b. If the authority enters into a contract for the provision of financial assistance to a business, the authority shall ensure that the terms of the contract provide for the disclosure of all donations the business has ever made to the corporation. The authority shall not consider the amount or frequency of such donations when evaluating the merits of the business's application or when determining the amount of financial assistance to be awarded to the business.

c. The authority shall not enter into a contract for services, including a contract executed pursuant to subsection 2, paragraph "d", that exceeds two years in duration.

Sec. 9. NEW SECTION. 15.106C Director — responsibilities.

1. The operations of the authority shall be administered by a director who shall be appointed by the governor, subject to confirmation by the senate, and who shall serve for a four-year term beginning and ending as provided in section 69.19. An appointment by the governor to fill a vacancy in the office of the director shall be for the balance of the unexpired four-year term.

2. The director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view or to favor a political candidate for office. The director shall ensure that the authority is operated free from political influence.

3. The director shall advise the authority on matters relating to economic development and act on the authority's behalf to carry out all directives from the authority board in regard to the operation of the authority.

4. The director shall employ personnel as necessary to carry out the duties and responsibilities of the authority. For nonprofessional employees, employment shall be consistent with chapter 8A, subchapter IV. The employment of professional employees shall be exempt from the provisions of chapter 8A, subchapter IV, and chapter 20.

5. A person shall not be employed concurrently by both the authority and the corporation.

6. A person leaving employment with the authority shall not be employed by the corporation until a period of two years has passed. A person leaving employment with the corporation shall not be employed by the authority until a period of two years has passed.

7. a. The director may create organizational divisions within the authority in the manner the director deems most efficient to carry out the duties and responsibilities of the department.

b. In structuring the authority, the director shall create a small business development division and ensure that the division focuses administrative efforts, program resources, and financial assistance awards on small businesses.

c. (1) On or before September 15, 2011, the authority shall submit a report to the governor and the general assembly assessing the extent to which each of the authority's programs can be used to provide assistance to small businesses and making recommendations for legislative changes to such programs in order to better and more intensively focus economic development efforts on such small businesses. The report shall also address the extent to which the authority's programs address local economic development needs and efforts.

(2) This paragraph "c" is repealed on June 30, 2012.

Sec. 10. NEW SECTION. 15.106D Private activity bonds and notes.

1. The authority may issue its negotiable bonds and notes in principal amounts as, in the opinion of the authority, are necessary to finance the cost of business enterprises, to finance the working capital needs of businesses, to refinance existing indebtedness incurred for any of the foregoing purposes or any combination of the foregoing, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the authority incident to and necessary or convenient to carry out the purposes of this section. The bonds and notes shall be deemed to be investment securities and

negotiable instruments within the meaning of and for all purposes of the uniform commercial code, chapter 554.

2. All bonds issued by the authority shall be limited obligations of the authority. The principal of and interest on such bonds shall be payable solely out of the revenues derived from the business enterprise to be financed by the bonds so issued under the provisions of this section. Bonds and interest coupons issued under authority of this section shall not constitute an indebtedness of the authority within the meaning of any state constitutional provision or statutory limitation, and shall not constitute nor give rise to a pecuniary liability of the authority or a charge against its general credit. Bonds or notes are not an obligation of this state or any political subdivision of this state, other than the authority, within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely and only from the sources provided in this section, and the authority may not pledge the credit or taxing power of this state or any political subdivision of this state, other than the authority, or make its debts payable out of any moneys except as provided in this section.

3. Bonds and notes must be authorized by a resolution of the authority. However, a resolution authorizing the issuance of bonds or notes may delegate to an officer of the authority the power to negotiate and fix the details of an issue of bonds or notes by an appropriate certificate of such authorized officer.

4. Bonds shall:

a. State the date and series of the issue, be consecutively numbered, and state on their face that they are payable both as to principal and interest solely out of the revenues derived from the business enterprise to be financed by the bonds so issued under the provisions of this section, constitute special obligations of the authority, and do not constitute an indebtedness of the authority, this state, or any political subdivision of this state within the meaning of any constitutional or statutory debt limit.

b. Be either registered, registered as to principal only, or in coupon form, issued in denominations as the authority prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the authority with the manual or facsimile signature of the chairperson or vice chairperson, attested by the manual or facsimile signature of the secretary, have impressed or imprinted thereon the seal of the authority or a facsimile of the seal of the authority, and the coupons attached shall be signed with the facsimile signature of the chairperson or vice chairperson, be payable as to interest at rates and at times as the authority determines, be payable as to principal at times over a period not to exceed fifty years from the date of issuance.

5. The authority may issue its bonds for the purpose of refunding any bonds or notes of the authority then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds or notes are applied to the purchase or retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this chapter. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the authority for use by it in any lawful manner. All refunding bonds shall be issued and secured and subject to the provisions of this section in the same manner and to the same extent as other bonds issued pursuant to this section.

6. The authority may issue negotiable bond anticipation notes and may renew them from time to time, but the maximum maturity of the notes, including renewals, shall not exceed ten years from the date of issue of the original notes. Notes are payable solely out of the revenues derived from the business enterprise to be financed by the notes so issued under the provisions of this section, or from the proceeds of the sale of bonds of the authority in anticipation of which the notes were issued. Notes shall be issued in the same manner and for the same purposes as bonds. Notes and the resolutions authorizing them may contain any provisions, conditions, or limitations, not inconsistent with the provisions of this

subsection, which the bonds or a bond resolution of the authority may contain. Notes may be sold at public or private sale. In case of default on its notes or violation of any obligations of the authority to the noteholders, the noteholders shall have all the remedies provided in the resolution authorizing their issuance. Notes shall be as fully negotiable as bonds of the authority.

7. It is the intent of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the authority shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective against the parties.

8. Neither the members of the authority nor any person executing its bonds, notes, or other obligations shall be liable personally on the bonds, notes, or other obligations or be subject to any personal liability or accountability by reason of the issuance of the authority's bonds or notes.

Sec. 11. NEW SECTION. 15.106E Review of authority operations.

Commencing July 1, 2014, the general assembly shall conduct a review of the authority and its activities and shall issue a report with findings and recommendations by January 1, 2015.

Sec. 12. Section 15.107, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

15.107 Iowa innovation corporation.

1. The authority shall establish the Iowa innovation corporation as a nonprofit corporation organized under chapter 504 and qualifying under section 501(c)(3) of the Internal Revenue Code as an organization exempt from taxation. Unless otherwise provided in this subchapter, the corporation is subject to the provisions of chapter 504. The corporation shall be established for the purpose of receiving and disbursing funds from public or private sources to be used to further the overall development and economic well-being of the state.

2. The corporation shall collaborate with the authority as described in this subchapter, but the corporation shall not be considered, in whole or in part, an agency, department, or administrative unit of the state.

a. The corporation shall not receive appropriations from the general assembly.

b. The corporation shall not be required to comply with any requirements that apply to a state agency, department, or administrative unit and shall not exercise any sovereign power of the state.

c. The corporation does not have authority to pledge the credit of the state, and the state shall not be liable for the debts or obligations of the corporation. All debts and obligations of the corporation shall be payable solely from the corporation's funds.

3. a. The corporation shall be established so that donations and bequests to it qualify as tax deductible under state income tax laws and under section 501(c)(3) of the Internal Revenue Code.

b. The corporation shall be established for the purpose of expanding economic development opportunities in the state of Iowa and for Iowa businesses operating in foreign markets in connection with the public purpose of economic development in Iowa. The corporation may effectuate this purpose by performing certain functions delegated to it by the authority pursuant to section 15.106B.

4. The articles of the corporation shall provide for its governance and its efficient management. In providing for its governance, the articles of the corporation shall address the following:

a. A board of directors to govern the corporation.

(1) The board of directors shall initially be comprised of seven members appointed by the governor to concurrent terms of four years. Two of such members shall be subject to confirmation by the senate.

(2) For appointments subsequent to the initial appointments pursuant to subparagraph (1), two of the members shall be appointed by the governor, subject to confirmation by the senate, to staggered terms of four years each, and the remaining five members shall be selected by a majority vote of the board of directors of the corporation for terms the length of which shall be provided in the articles of the corporation.

(3) The governor and the board of directors of the corporation shall not appoint or select any person who is either the spouse or a relative within the first degree of consanguinity of a serving member of the board of directors or of the authority board.

b. The appointment of a chief executive officer by the board to manage the corporation's daily operations.

c. The delegation of such powers and responsibilities to the chief executive officer as may be necessary for the corporation's efficient operation.

d. The employment of personnel necessary for the efficient performance of the duties assigned to the corporation. All such personnel shall be considered employees of a private, nonprofit corporation and shall be exempt from the personnel requirements imposed on state agencies, departments, and administrative units.

e. The financial operations of the corporation including the authority to receive and expend funds from public and private sources and to use its property, money, or other resources for the purpose of the corporation.

5. The board of directors of the corporation and the chief executive officer shall act to ensure all of the following:

a. That the corporation review and, at the board's direction, implement the applicable portions of the strategic plan developed by members of the authority pursuant to section 15.105.

b. That the corporation prepares an annual budget that includes funding levels for the corporation's activities and that shows sufficient moneys are available to support those activities.

c. That the corporation annually completes and files an information return as described in section 422.15 and that the information return is submitted to the general assembly.

Sec. 13. NEW SECTION. 15.107A Duties and responsibilities of the corporation.

1. The corporation's board of directors and the chief executive officer shall determine the activities and priorities of the corporation within the general parameters of the duties and responsibilities described in this section and in this subchapter.

2. The corporation shall, to the extent its articles so provide and within its public purpose, do all of the following with the purpose of increasing innovation in Iowa's economy and bringing more innovative businesses to the state:

a. Consult with the Iowa innovation council in the creation of a comprehensive strategic plan as described in section 15.117A, subsection 6, paragraph "a".

b. Act as an innovation intermediary by aligning local technologies, assets, and resources to work together on advancing innovation.

c. Perform any functions delegated by the authority pursuant to section 15.106B, subsection 2, paragraph "d".

(1) In performing such functions, the corporation shall not subcontract the performance of a delegated function except as provided in subparagraph (2).

(2) The corporation may subcontract services under the following conditions:

(a) The services are necessary to accomplish the functions delegated to the corporation.

(b) The contract delegating the function contains a list of the services that may be subcontracted pursuant to this subparagraph (2).

(c) The contract delegating the function requires that any agreement to subcontract a service must be approved by the authority prior to the execution of such an agreement by the corporation.

d. Encourage, stimulate, and support the development and expansion of the state's economy.

e. Develop and implement effective marketing and promotional programs.

f. Provide pertinent information to prospective new businesses.

g. Formulate and pursue programs for encouraging the location of new businesses in the state and for retaining and fostering the growth of existing businesses.

h. Solicit the involvement of the private sector, including support and funding, for economic development initiatives in the state.

i. Coordinate the economic development efforts of other state and local entities in an effort to achieve policy consistency.

j. Collect and maintain any economic data and research that is relevant to the formulation and implementation of effective policies.

k. Cooperate with and provide information to state agencies, local governments, community colleges, and the board of regents on economic development matters, including the areas of workforce development and job training.

Sec. 14. NEW SECTION. 15.107B Annual reporting requirements.

1. On or before January 31 of each year, the director shall submit to the authority board a report that describes the activities of the authority during the preceding fiscal year. The report may include such information as the director deems necessary or as otherwise required by law.

2. The report submitted pursuant to subsection 1 shall at a minimum include the following:

a. A summary of the report filed by December 1 of each year by the department of administrative services with the authority regarding targeted small business procurement activities conducted during the previous fiscal year.

b. A summary of the report filed by December 1 of each year by the department of inspections and appeals with the authority regarding certifications of targeted small businesses. At a minimum, the summary shall include the number of certified targeted small businesses for the previous year, the increase or decrease in that number during the previous fiscal year compared to the prior fiscal year, and the number of targeted small businesses that have been decertified in the previous fiscal year.

c. A summary of the internal report compiled by December 1 of each year by the authority regarding the targeted small business financial assistance program. At a minimum, the summary shall contain the number of loans, loan guarantees, and grants distributed during the previous fiscal year, the individual amounts provided to targeted small businesses during the previous fiscal year, and how many financial assistance awards to targeted small businesses were the subject of repayment or collection activity during the previous fiscal year.

d. A list of the procurement goals established pursuant to section 73.16, subsection 2, and compiled by the authority's targeted small business marketing and compliance manager and the performance of each agency in meeting the goals. The performance of each agency shall be determined based upon the reports required pursuant to section 73.16, subsection 2.

e. An assessment of economic development efforts in the state as measured by the goals and metrics contained in the strategic plan developed by the members of the authority pursuant to section 15.105.

Sec. 15. NEW SECTION. 15.107C Oversight of corporation.

1. In performing delegated functions pursuant to section 15.107A or when engaged in activities that utilize public funding, the corporation shall comply with the provisions of this section.

2. *a.* The corporation shall submit an annual report to the governor, general assembly, and the auditor of state by January 15. The report shall include the corporation's operations and activities during the prior fiscal year to the extent that such operations and activities pertain to the functions delegated to the corporation by the authority, as provided in sections 15.106B and 15.107A.

b. The report shall describe how the operations and activities serve the interests of the state and further economic development.

c. An annual audit of the corporation performed by a certified public accountant in accordance with generally accepted accounting principles shall be filed with the office of auditor of state and made available to the public.

3. The deliberations or meetings of the board of directors of the corporation that pertain to the performance of delegated functions or activities that utilize public funding shall be conducted in accordance with chapter 21.

4. All of the following shall be subject to chapter 22:

a. Minutes of the meetings conducted in accordance with subsection 3.

b. All records pertaining to the performance by the corporation of delegated functions or activities that utilize public funding.

5. Notwithstanding other provisions of this section to the contrary, if the corporation receives confidential information from the authority under the process described in section 15.118, the corporation shall comply with the provisions of section 15.118 in the same manner as the authority.

Sec. 16. Section 15.117A, subsection 6, paragraph a, Code 2011, is amended to read as follows:

a. Create a comprehensive strategic plan for implementing specific policies that further the purpose of the council as described in subsection 5. In creating the plan and implementing such policies, the council may consult with the corporation established pursuant to section 15.107.

Sec. 17. **AUTHORITY MERGER STUDY.** The economic development authority and the Iowa finance authority shall study the issue of merging the two authorities into a single authority. The authorities shall prepare a report analyzing the advantages and disadvantages of such a merger and assessing whether such a merger is feasible. The authorities shall submit the report to the governor and the general assembly on or before December 1, 2011.

Sec. 18. **CONTINUING VALIDITY OF DEPARTMENT RULES.**

1. All rules promulgated by the department of economic development shall be valid and enforceable after the elimination of the department as rules promulgated by the economic development authority.

2. As soon as practicable, the authority shall adopt revised rules issued under its own rulemaking authority.

Sec. 19. **TRANSITION OF EMPLOYEES.**

1. All employees of the department of economic development shall be considered employees of the economic development authority upon the elimination of the former and creation of the latter. If an employee of the department is an employee covered under the collective bargaining provisions of chapter 20, then that employee shall also be covered under chapter 20 upon employment with the authority.

2. Such employees shall suffer no loss in years served, sick leave and vacation time accrued, or other benefits of their current employment upon transition to employment with the authority.

3. All employees of the department transitioning to employment with the authority shall be considered employees for purposes of chapter 97B.

4. Notwithstanding any provisions to the contrary in chapter 68B or in this Act, and subject to the approval of the director of the economic development authority, the corporation established pursuant to section 15.107 may employ not more than two individuals who were employed by the department of economic development on or before November 1, 2010.

Sec. 20. **CONTINUATION OF FINANCIAL ASSISTANCE.**

1. Any moneys remaining in any account or fund under the control of the department of economic development on the effective date of this Act and relating to the provisions of this Act shall be transferred to a comparable fund or account under the control of the economic development authority for such purposes. Notwithstanding section 8.33, the moneys transferred in accordance with this subsection shall not revert to the account or fund from which appropriated or transferred.

2. Any license, permit, or contract issued or entered into by the department of economic development relating to the provisions of this Act in effect on the effective date of this Act

shall continue in full force and effect pending transfer of such licenses, permits, or contracts to the economic development authority.

3. Financial assistance awards made or provided for in agreements entered into under the Iowa values fund and financial assistance program pursuant to the provisions of chapter 15G prior to the effective date of this Act shall continue as provided in such agreements. Such agreements shall be administered by the economic development authority according to the provisions of chapter 15G.

4. Federal funds utilized by the director of the department of economic development prior to the effective date of this Act to employ personnel necessary for the administration of the department's programs shall be applied to and be available for the transfer of such personnel from the department of economic development to the economic development authority.

Sec. 21. ECONOMIC DEVELOPMENT AUTHORITY BOARD — TRANSITION PROVISION. Notwithstanding any provision of section 15.105, as amended by this Act, to the contrary, the initial board of the economic development authority shall consist of the members of the Iowa economic development board serving on the effective date of this Act and eight voting members of the initial board shall constitute a quorum. Said board members shall serve as members and fulfill the duties of the economic development authority board as created by this Act until such time as members of the economic development authority board are appointed as provided by section 15.105, as amended by this Act.

DIVISION II MISCELLANEOUS PROGRAM CHANGES

Sec. 22. Section 10B.5, subsection 2, Code 2011, is amended to read as follows:

2. Information provided in reports required in this chapter is a confidential record as provided in section 22.7. The attorney general may have access to the reports, and may use information in the reports in any action to enforce state law, including but not limited to chapters 9H, and 9I,~~and 10C.~~ The reports shall be made available to members of the general assembly and appropriate committees of the general assembly in order to determine the extent that agricultural land is held in this state by corporations and other business and foreign entities and the effect of such land ownership upon the economy of this state. The secretary of state shall assist any committee of the general assembly studying these issues.

Sec. 23. Section 15E.52, subsection 7, paragraph a, if enacted by 2011 Iowa Acts, Senate File 517,¹ is amended to read as follows:

a. The fund is organized for the purposes of making investments in promising early-stage companies which have a principal place of business in the state ~~and for using the profits from such investments to fund further investments.~~

Sec. 24. Section 15G.101, subsection 10, Code 2011, is amended to read as follows:

10. "*Fund*" means the ~~grow Iowa values~~ economic development fund created in section 15G.111.

Sec. 25. Section 15G.111, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~A grow Iowa values~~ An economic development fund is created in the state treasury under the control of the ~~department of economic development~~ authority consisting of the following:

Sec. 26. Section 15G.112, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. The department shall establish and administer a ~~grow Iowa values~~ an economic development financial assistance program for purposes of providing financial assistance from the fund to applicants. The financial assistance shall be provided from moneys credited to the ~~grow Iowa values~~ economic development fund and not otherwise obligated or allocated pursuant to section 15G.111.

¹ Chapter 130 herein

Sec. 27. NEW SECTION. 15H.1A Definitions.

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

1. “*Authority*” means the economic development authority created in section 15.105.
2. “*Director*” means the director of the authority.

Sec. 28. Section 15H.2, subsections 1 and 2, Code 2011, are amended to read as follows:

1. ~~The governor shall establish the Iowa commission on volunteer service which shall be part of the governor’s office~~ is created within the authority. The governor shall appoint the commission’s members. The director may employ personnel as necessary to carry out the duties and responsibilities of the commission.

2. The mission of the commission is to advise and assist in the development and implementation of a comprehensive, statewide plan for promoting volunteer involvement and citizen participation in Iowa, as well as to serve as the state’s liaison to national and state organizations which support the commission’s mission. The commission shall also carry out any duties and responsibilities described in the National Community Service Trust Act of 1993 or any related state or federal legislation.

Sec. 29. Section 15H.3, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Additional ex officio members selected by the commission to the extent that they are not in conflict with the provisions of the National Community Service Trust Act of 1993 or any related state or federal legislation.

Sec. 30. Section 15H.3, subsection 6, Code 2011, is amended to read as follows:

6. The chairperson of the commission shall be selected by the ~~governor and serve at the governor’s discretion~~ members of the commission.

Sec. 31. Section 15H.4, subsection 1, Code 2011, is amended to read as follows:

1. The ~~governor’s office~~ authority shall serve as the lead agency for administration of the commission. The authority may consult with the department of education, the state board of regents, and the department of workforce development, and the department of economic development shall provide for any additional administrative support as necessary to fulfill the duties of the commission. All other state agencies, at the request of the authority, shall provide assistance to the commission to ensure a fully coordinated state effort for promoting national and community service.

Sec. 32. Section 175.37, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. Be a person who may acquire or otherwise obtain or lease agricultural land in this state pursuant to chapter 9H or 9I. However, the taxpayer must not be a person who may acquire or otherwise obtain or lease agricultural land exclusively because of an exception provided in one of those chapters or in a provision of another chapter of this Code including but not limited to chapter 10, ~~10C~~, 10D, or 501, or section 15E.207.

Sec. 33. Section 476C.1, subsection 6, paragraph f, as enacted by 2011 Iowa Acts, House File 672,² section 4, is amended to read as follows:

f. For applications filed on or after July 1, 2011, except for wind energy conversion facilities, is a facility of no greater than ~~five~~ sixty megawatts of nameplate generating capacity or the energy production capacity equivalent.

Sec. 34. Section 476C.3, subsection 4, paragraph b, as enacted by 2011 Iowa Acts, House File 672,³ section 9, is amended to read as follows:

b. The maximum amount of energy production capacity equivalent of all other facilities the board may find eligible under this chapter shall not exceed a combined output of fifty-three megawatts of nameplate generating capacity and one hundred sixty-seven billion

² Chapter 115 herein

³ Chapter 115 herein

British thermal units of heat for a commercial purpose. Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, no more than ten megawatts of nameplate generating capacity or energy production capacity equivalent shall be allocated to any one facility. Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, fifty-five billion British thermal units of heat for a commercial purpose shall be reserved for an eligible facility that is a refuse conversion facility for processed, engineered fuel from a multicounty solid waste management planning area. The maximum amount of energy production capacity the board may find eligible for a single refuse conversion facility is fifty-five billion British thermal units of heat for a commercial purpose. Of the maximum amount of energy production capacity equivalent of all other facilities found eligible under this chapter, an amount equivalent to ten megawatts of nameplate generating capacity shall be reserved for eligible renewable energy facilities incorporated within or associated with an ethanol cogeneration plant engaged in the sale of ethanol to states to meet a low carbon fuel standard.

Sec. 35. REPEAL. Chapter 10C, Code 2011, is repealed.

Sec. 36. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2011, for tax years beginning and investments made on or after that date:

1. The section of this Act amending section 15E.52.

DIVISION III OFFICE OF ENERGY INDEPENDENCE TRANSFERRED

Sec. 37. Section 11.5B, subsection 15, Code 2011, is amended by striking the subsection.

Sec. 38. Section 15H.6, subsection 1, Code 2011, is amended to read as follows:

1. The Iowa commission on volunteer service, in collaboration with the department of natural resources, the department of workforce development, ~~the office of energy independence~~, and the utilities board of the department of commerce, shall establish an Iowa green corps program. The commission shall work with the collaborating agencies and nonprofit agencies in developing a strategy for attracting additional financial resources for the program from other sources which may include but are not limited to utilities, private sector, and local, state, and federal government funding sources. The financial resources received shall be credited to the community programs account created pursuant to section 15H.5.

Sec. 39. Section 22.7, subsection 60, Code 2011, is amended by striking the subsection.

Sec. 40. Section 103A.8B, Code 2011, is amended to read as follows:

103A.8B Sustainable design or green building standards.

The commissioner, after consulting with and receiving recommendations from the department of natural resources ~~and the office of energy independence~~, shall adopt rules pursuant to chapter 17A specifying standards and requirements for sustainable design and construction based upon or incorporating nationally recognized ratings, certifications, or classification systems, and procedures relating to documentation of compliance. The standards and requirements shall be incorporated into the state building code established in section 103A.7, but in lieu of general applicability shall apply to construction projects only if such applicability is expressly authorized by statute, or as established by another state agency by rule.

Sec. 41. Section 268.6, subsection 2, Code 2011, is amended to read as follows:

2. The university is encouraged to cooperate with agricultural and energy efficiency advocates and governmental entities in administering the program, ~~including the office of energy independence established pursuant to section 469.2.~~

Sec. 42. Section 470.1, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 01. “*Authority*” means the economic development authority created in section 15.105.

Sec. 43. Section 470.1, subsection 2, Code 2011, is amended to read as follows:

2. “*Director*” means the director of the ~~office of energy independence~~ economic development authority.

Sec. 44. Section 470.1, subsection 8, Code 2011, is amended by striking the subsection.

Sec. 45. Section 473.1, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 1A. “*Authority*” means the economic development authority created in section 15.105.

Sec. 46. Section 473.1, subsection 3, Code 2011, is amended to read as follows:

3. “*Director*” means the director of the ~~office~~ authority or a designee.

Sec. 47. Section 473.1, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 48. REPEAL. Section 455B.851, Code 2011, is repealed.

Sec. 49. REPEAL. Chapter 469, Code 2011, is repealed.

Sec. 50. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to change the words “office of energy independence” to “economic development authority” in Code sections 7D.34, 7D.35, 8A.362, 72.5, 103A.8, 103A.27, 159A.3, 159A.6B, 266.39C, 272C.2, 279.44, 323A.2, 441.21, 476.6, and 476.63.

2. The Code editor is directed to change the word “office” to “authority” in Code sections 470.3, 470.7, 473.7, 473.8, 473.10, 473.13A, 473.15, 473.19, 473.19A, 473.20, 473.20A, and 473.41.

Sec. 51. TRANSITION PROVISIONS — CONTINUATION OF GRANTS.

1. Any moneys remaining in any account or fund under the control of the office of energy independence on the effective date of this Act relative to the provisions of this Act shall be transferred to a comparable fund or account under the control of the economic development authority for such purposes. The board, as defined by section 15.102, may allocate an amount of repayments and recaptures for purposes of financial assistance or administrative costs of the economic development authority. Notwithstanding section 8.33, the moneys transferred in accordance with this subsection shall not revert to the account or fund from which appropriated or transferred.

2. Any license, permit, or contract issued or entered into by the office of energy independence relating to the provisions of this Act in effect on the effective date of this Act shall continue in full force and effect pending transfer of such licenses, permits, or contracts to the authority.

3. Grants or loans awarded from the Iowa power fund pursuant to section 469.9 prior to the effective date of this Act shall continue as provided by the terms of the grants or loans and shall be administered by the authority.

4. Federal funds utilized by the director of the office of energy independence prior to the effective date of this Act to administer the provisions of a federal grant under the provisions of this Act shall be applicable to the authority for the same purposes.

5. If an employee of the office of energy independence is an employee covered under the collective bargaining provisions of chapter 20, then that employee shall also be covered under chapter 20 for purposes of employment with the authority.

Sec. 52. TRANSITION PROVISIONS — EMERGENCY RULEMAKING. Not later than July 1, 2011, the economic development authority shall adopt administrative rules previously adopted by the office of energy independence relative to the provisions of this Act in existence on the effective date of this Act by emergency rulemaking pursuant to section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”. 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. Any rule, regulation, form, order, or directive promulgated by the office relative to the provisions of this Act shall continue in full force and effect until such emergency rules are adopted.

Sec. 53. EFFECTIVE UPON ENACTMENT. The sections of this division of this Act providing for emergency rulemaking, and repealing section 455B.851, being deemed of immediate importance, take effect upon enactment.

DIVISION IV CONFORMING CHANGES

Sec. 54. Section 7E.5, subsection 1, paragraph g, Code 2011, is amended to read as follows:

g. The ~~Iowa department~~ of economic development authority, created in section 15.105, which has primary responsibility for programs for carrying out ensuring that the economic development policies of the state are effectively and efficiently carried out.

Sec. 55. Section 15.327, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 01. “*Authority*” means the economic development authority created in section 15.105.

Sec. 56. Section 15.327, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 57. Section 15E.1, Code 2011, is amended to read as follows:

15E.1 Definition.

As used in this chapter, unless the context otherwise requires, “~~department~~” “*authority*” means the ~~Iowa department~~ of economic development authority created in section 15.105.

Sec. 58. Section 15E.64, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. The chairperson of the ~~Iowa economic development board~~ authority or a designee of the chairperson.

Sec. 59. Section 15E.64, subsection 3, Code 2011, is amended to read as follows:

3. After incorporation, the initial board of directors shall be elected by the members of an appointment committee. The members of the appointment committee shall be appointed by the ~~Iowa economic development board~~ authority. The initial board of directors shall consist of five members. The persons elected to the initial board of directors by the appointment committee shall include persons who have an expertise in the areas of the selection and supervision of investment managers or in the fiduciary management of investment funds, and other areas of expertise as deemed appropriate by the appointment committee. After the election of the initial board of directors, vacancies in the board of directors of the corporation shall be elected by the remaining directors of the corporation. Members of the board of directors shall be subject to any restrictions on conflicts of interest specified in the organizational documents and shall have no interest in any venture capital investment fund allocation manager selected by the corporation pursuant to the provisions of this division or in any investments made by the Iowa fund of funds.

Sec. 60. Section 15E.120, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 6. On the effective date of this Act, the economic development authority shall assume responsibility for the administration of this section.

Sec. 61. Section 15E.202, subsection 9, Code 2011, is amended by striking the subsection.

Sec. 62. Section 15E.202, subsection 10, Code 2011, is amended to read as follows:

10. “*Economic development board authority*” or “*authority*” means the economic development ~~board~~ authority created pursuant to section ~~15.103~~ 15.105.

Sec. 63. Section 15E.206, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. ~~The chairperson~~ A member of the economic development board authority chosen by the members of the authority or a designee of the chairperson member.

Sec. 64. Section 15E.206, subsection 3, paragraphs a and d, Code 2011, are amended to read as follows:

a. After incorporation, such a corporation shall be organized by an initial board of directors as provided in chapter 490, division II. The initial board of directors shall be elected by the members of an appointment committee. The members of the appointment committee shall be appointed by the economic development ~~board~~ authority. The initial board of directors shall consist of seven members. The members of the appointment committee shall include persons who have an expertise in areas of banking, agricultural lending, business development, agricultural production and processing, seed and venture capital investment, and other areas of expertise as deemed appropriate by the interim board of directors.

d. The department shall assist the incorporators and the appointment committee in any manner determined necessary and appropriate by the economic development ~~board~~ authority and the director of the ~~department~~ authority in order to administer this section.

Sec. 65. Section 15E.208, subsection 3, paragraph b, subparagraph (2), subparagraph division (d), Code 2011, is amended to read as follows:

(d) Notwithstanding any provision of this division to the contrary, the corporation shall repay the department of economic development, or its successor entity, the principal balance of the Iowa agricultural industry finance loan beginning on October 1, 2007. The principal balance of the loan equals twenty-one million five hundred seventeen thousand two hundred thirty-nine dollars. The corporation shall repay the department of economic development, or its successor entity, five hundred seventeen thousand two hundred thirty-nine dollars by October 1, 2007, and for each subsequent year the corporation shall repay the department, or its successor entity, at least one million dollars by October 1 until the total principal balance of the loan is repaid. This subparagraph ~~division~~ shall not be construed to limit the ~~department's~~ authority of the department of economic development, or its successor entity, to negotiate the payment of interest accruing on the principal balance which shall be paid ~~to the department~~ as provided by an agreement executed by the department of economic development and the corporation.

Sec. 66. Section 15E.208, subsection 4, paragraph c, Code 2011, is amended to read as follows:

c. A member of the economic development ~~board~~ authority, an employee of the ~~department~~ of economic development authority, an elected state official, or any director or other officer or an employee of the corporation.

Sec. 67. Section 15E.351, subsection 1, Code 2011, is amended to read as follows:

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

Sec. 68. Section 15F.101, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 01. "Authority" means the economic development authority created in section 15.105.

Sec. 69. Section 15F.101, subsection 2, Code 2011, is amended by striking the subsection.

Sec. 70. Section 15G.101, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 01. "Authority" means the economic development authority created in section 15.105.

Sec. 71. Section 15G.101, subsection 3, Code 2011, is amended by striking the subsection.

Sec. 72. Section 15G.101, subsection 6, Code 2011, is amended by striking the subsection.

Sec. 73. Section 15G.115, subsection 2, paragraph a, Code 2011, is amended by striking the paragraph.

Sec. 74. Section 15G.201, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 01. "Authority" means the economic development authority created in section 15.105.

Sec. 75. Section 15G.201, subsection 2, Code 2011, is amended by striking the subsection.

Sec. 76. Section 97B.1A, subsection 8, paragraph a, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (12) Persons employed by the economic development authority on or after July 1, 2011.

Sec. 77. Section 260F.2, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 1A. "Authority" means the economic development authority created in section 15.105.

Sec. 78. Section 260F.2, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 79. Section 260G.4C, Code 2011, is amended to read as follows:

260G.4C Facilitator.

The ~~department~~ of economic development authority shall administer the statewide allocations of program job credits to accelerated career education programs. The ~~department~~ authority shall provide information about the accelerated career education programs in accordance with its annual reporting requirements in section ~~15.104, subsection 8~~ 15.107B.

Sec. 80. Section 260G.6, subsection 4, Code 2011, is amended to read as follows:

4. In order to receive moneys pursuant to this section, a program agreement approved by the community college board of directors shall be in place, program capital cost requests shall be approved by the ~~Iowa economic development board~~ authority created in section ~~15.103~~ 15.105, program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the ~~department~~ of economic development authority, and employer contributions toward program capital costs shall be certified and agreed to in the agreement.

Sec. 81. Section 403.19A, subsection 2, Code 2011, is amended to read as follows:

2. ~~a. An eligible city may apply to the department of economic development to be designated for designation as a pilot project city pursuant to this subsection. An eligible city is a city that contains three or more census tracts and is located in a county meeting one of the following requirements:~~

(1) A county that borders Nebraska.

(2) A county that borders South Dakota.

(3) A county that borders a state other than Nebraska or South Dakota.

b. (1) The department of economic development shall approve four eligible cities as pilot project cities, one pursuant to paragraph "a", subparagraph (1), one pursuant to paragraph "a", subparagraph (2), and two pursuant to paragraph "a", subparagraph (3). If two eligible cities are approved which are located in the same county and the county has a population of less than forty-five thousand, the two approved eligible cities shall be considered one pilot

project city. If more than two cities meeting the requirements of paragraph “a”, subparagraph (3), apply to be designated as a pilot project city, the department of economic development shall determine which two cities hold the most potential to create new jobs or generate the greatest capital within their areas. Applications from eligible cities filed on or after October 1, 2006, shall not be considered.

(2) If a pilot project city does not enter into a withholding agreement within one year of its approval as a pilot project city, the city shall lose its status as a pilot project city. If two pilot project cities are located in the same county, the loss of status by one pilot project city shall not cause the second pilot project city in the county to lose its status as a pilot project city. Upon such occurrence, the department of economic development shall take applications from other eligible cities to replace that city. Another city shall be designated within six months.

(3) On the effective date of this Act, the economic development authority shall assume responsibility for the administration of this subsection.

Sec. 82. Section 496B.2, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 01. “*Authority*” means the economic development authority created in section 15.105, or any entity which succeeds to the functions of the authority.

Sec. 83. Section 496B.2, subsection 2, Code 2011, is amended by striking the subsection.

Sec. 84. CODE EDITOR DIRECTIVE. Sections 15.116, 15.247, 15.293A, 15.294, 15.335A, 15E.64, 15E.206, 15E.351, 15G.101, 68B.35, and 308.1, Code 2011, are amended as follows:

1. By striking from the sections the words “economic development board” and inserting in lieu thereof the words “economic development authority”.

2. By striking from the sections the word “board”, when referring to the economic development board, and inserting in lieu thereof the word “authority”.

Sec. 85. CODE EDITOR DIRECTIVE. Sections 7C.4A, 7E.5, 8.6, 8.31, 12.38, 12.73, 15.108, 15.109, 15.115, 15.117A, 15.247, 15.273, 15.274, 15.293A, 15.294, 15.295, 15.313, 15.333, 15.335A, 15.393, 15.411, 15.421, 15A.9, 15E.17, 15E.19, 15E.64, 15E.116, 15E.117, 15E.192, 15E.193, 15E.193B, 15E.194, 15E.195, 15E.196, 15E.197, 15E.206, 15E.208, 15E.311, 15E.351, 15F.102, 15G.101, 15G.109, 15G.110, 15G.111, 15H.5, 15H.6, 16.100A, 16.135, 16.191, 19B.7, 22.7, 28I.8, 28J.28, 28L.1, 28N.2, 28N.3, 73.16, 73.17, 73.18, 73.19, 73.20, 84A.1A, 84A.5, 84A.6, 99F.6, 99F.11, 123.143, 123.183, 159.18, 159.20, 159A.3, 159A.6B, 184.6, 185.3, 185C.10, 231.51, 239B.8, 239B.17, 256.31, 256.39, 256.40, 260C.18A, 260F.6, 260F.6B, 260F.7, 260G.3, 260G.4B, 260G.4C, 260G.6, 262.34A, 262B.3, 268.4, 303.3B, 303.3C, 306D.2, 307.49, 307C.3, 321.19, 321.252, 335.8, 352.4, 368.9, 403.19A, 403.21, 403.22, 404A.4, 422.16A, 422.33, 427B.1, 455B.199B, 455B.433, 455E.11, 455J.6, 461A.79, 461A.80, 465A.2, 465B.3, 466B.3, 483A.24, 496B.3, 496B.6, 496B.12, 496B.17, Code 2011, are amended as follows:

1. By striking from the sections the words “department of economic development” and inserting in lieu thereof the words “economic development authority”.

2. By striking from the sections the words “Iowa department of economic development” and inserting in lieu thereof the words “economic development authority”.

3. By striking from the sections the word “department”, when referring to the department of economic development, and inserting in lieu thereof the word “authority”.

Sec. 86. CODE EDITOR DIRECTIVE. Sections 15E.231, 15E.232, 15E.233, 15G.110, 15G.111, 15G.114, 15G.115, 159A.6B, 266.19, 455B.104, and 455B.433, Code 2011, are amended as follows:

1. By striking from the sections the words “grow Iowa values fund” and inserting in lieu thereof the words “economic development fund”.

2. By striking from the sections the words “grow Iowa values financial assistance program” and inserting in lieu thereof the words “economic development financial assistance program”.

Sec. 87. CODE EDITOR DIRECTIVE.

1. To the extent not amended or identified by the provisions of this Act, the Code editor is directed to correct all internal references to the economic development board,

the department of economic development, the director of the department of economic development, the grow Iowa values fund, and the grow Iowa values financial assistance program by replacing such references with references to the economic development authority, the director of the economic development authority, the economic development fund, and the economic development financial assistance program, as is appropriate to the context and to the extent that such corrections are in conformance with the intent of this Act.

2. The Code editor is also directed to correct in the same manner all similar references in any enacted Iowa Acts as necessary.

DIVISION V
INDUSTRIAL NEW JOBS TRAINING

Sec. 88. Section 260E.7, Code 2011, is amended to read as follows:

260E.7 ~~Department of economic development~~ Program review by economic development authority.

1. The Iowa department of economic development authority, in consultation with the department of education, the department of revenue, and the department of workforce development, shall coordinate and review the new jobs training program. The Iowa department of economic development authority shall adopt, amend, and repeal rules under chapter 17A that the community college will use in developing projects with new and expanding industrial new jobs training proposals and that the economic development authority shall use to review and report on the new jobs training program as required in this section.

2. a. The authority, in consultation with the community colleges participating in the new jobs training program pursuant to this chapter, shall identify the information necessary to effectively coordinate and review the program, and the community colleges shall provide such information to the authority. Using the information provided, the authority, in consultation with the community colleges, shall issue a report on the effectiveness of the program.

b. In coordinating and reviewing the program, due regard shall be given to the confidentiality of certain information provided by the community colleges, and the authority shall comply with the provisions of section 15.118 to the extent that such provisions are applicable to the new jobs training program.

3. The department authority is authorized to make any rule that is adopted, amended, or repealed effective immediately upon filing with the administrative rules coordinator or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing, and publication.

DIVISION VI
CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

Sec. 89. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

Approved July 18, 2011

CHAPTER 119**WATER RESOURCES COORDINATING COUNCIL**

S.F. 535

AN ACT relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship.

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

Section 1. Section 466B.3, subsection 1, Code 2011, is amended to read as follows:

1. *Council established.* A water resources coordinating council is established within the ~~office of the governor~~ department of agriculture and land stewardship.

Sec. 2. Section 466B.3, subsection 4, paragraph c, Code 2011, is amended by striking the paragraph.

Sec. 3. Section 466B.3, subsection 4, paragraph 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The ~~governor secretary~~, who shall be the chairperson, or the ~~governor's secretary's~~ designee. As the chairperson, and in order to further the coordination efforts of the council, the ~~governor secretary~~ may invite representatives from any other public agency, private organization, business, citizen group, or nonprofit entity to give public input at council meetings, provided the entity has an interest in the coordinated management of land resources, soil conservation, flood mitigation, or water quality. The ~~governor secretary~~ shall also invite and solicit advice from the following:

Sec. 4. Section 466B.3, subsection 5, paragraph a, Code 2011, is amended to read as follows:

a. The council shall be convened by the ~~office of the governor~~ secretary of agriculture at least quarterly.

Sec. 5. Section 466B.3, subsection 6, paragraph c, Code 2011, is amended to read as follows:

c. The council shall develop recommendations for policies and funding promoting a watershed management approach to reduce the adverse impact of future flooding on this state's residents, businesses, communities, and soil and water quality. ~~Policy and funding recommendations shall be submitted to the governor and the general assembly not later than November 15, 2009.~~ The council shall consider policies and funding options for various strategies to reduce the impact of flooding including but not limited to additional floodplain regulation; wetland protection, restoration, and construction; the promulgation and implementation of statewide storm water management standards; conservation easements and other land management; perennial ground cover and other agricultural conservation practices; pervious pavement, bioswales, and other urban conservation practices; and permanent or temporary water retention structures. In developing recommendations, the council shall consult with hydrological and land use experts, representatives of cities, counties, drainage and levee districts, agricultural interests, and soil and water conservation districts, and other urban and regional planning experts.

Sec. 6. Section 466B.5, Code 2011, is amended to read as follows:

466B.5 Regional watershed assessment, planning, and prioritization.

1. *Regional watershed assessment program.* The department of natural resources shall create a regional watershed assessment program. The program shall assess all the regional watersheds in the state.

a. The statewide assessment shall be conducted at the rate of approximately one-fifth of the watersheds per year, and an initial full assessment shall be completed within five years. Thereafter, the department of natural resources shall review and update the assessments on a regular basis.

b. Each regional watershed assessment shall provide a summary of the overall condition of the watershed. The information provided in the summary may include land use patterns, soil types, slopes, management practices, stream conditions, and both point and nonpoint source impairments.

c. In conducting a regional watershed assessment, the department of natural resources may provide opportunities for local data collection and input into the assessment process.

2. *Planning and prioritization.* In conducting the regional watershed assessment program, the department of natural resources shall provide hydrological and geological information sufficient for the water resources coordinating council to prioritize watersheds statewide and for the various communities in those watersheds to plan remedial efforts in their local communities and subwatersheds.

3. *Report to council.* Upon completion of the statewide assessment, and upon updating the assessments, the department of natural resources shall report the results of the assessment to the council and the general assembly, and shall make the report publicly available.

Sec. 7. Section 466B.6, subsection 1, Code 2011, is amended to read as follows:

1. *Facilitation of community-based subwatershed plans.* After the ~~department's~~ department of natural resources' completion of the initial regional watershed assessment, and after the council's prioritization of the regional watersheds, the council shall designate one or more of the agencies represented on the council to facilitate the development and implementation of local, community-based subwatershed improvement plans.

Sec. 8. Section 466B.7, Code 2011, is amended to read as follows:

466B.7 Community-based subwatershed monitoring.

1. *Monitoring assistance.* After completion of the statewide regional watershed assessment and prioritization, and throughout the implementation of local community-based subwatershed improvement plans, the department of natural resources shall assist communities with the monitoring and measurement of local subwatersheds. The monitoring and measurement shall be designed for the particular needs of individual communities.

2. *Data collection and use.* Local communities in which the department of natural resources conducts subwatershed monitoring shall use the information to support subwatershed planning activities, do local data collection, and identify priority areas needing additional resources. Local communities shall also collect data over time and use the data to evaluate the impacts of their management efforts.

Sec. 9. Section 466B.8, Code 2011, is amended to read as follows:

466B.8 Wastewater and storm water infrastructure assessment.

The department of natural resources shall assess and prioritize communities within a watershed presenting the greatest level of risk to water quality and the health of residents. This prioritization shall include both sewerred and unsewerred communities.

Sec. 10. Section 466B.9, Code 2011, is amended to read as follows:

466B.9 Rulemaking authority.

The department of natural resources and the department of agriculture and land stewardship shall have the power and authority reasonably necessary to carry out the duties imposed by this chapter. As to the department of natural resources, this includes rulemaking authority to carry out the regional watershed assessment program described in section 466B.5. As to the department of agriculture and land stewardship, this includes rulemaking authority to assist in the implementation of community-based subwatershed improvement plans.

CHAPTER 120**MEDICAL ASSISTANCE PROGRAM — MISCELLANEOUS CHANGES****S.F. 313**

AN ACT relating to medical assistance program-related provisions.

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

DIVISION I**MEDICAL ASSISTANCE — GENERAL PROVISIONS**

Section 1. Section 8A.504, subsection 1, paragraph c, subparagraph (1), Code 2011, is amended to read as follows:

(1) Any debt, which is assigned to the department of human services, or which is owed to the department of human services for unpaid premiums under section 249A.3, subsection 2, paragraph “a”, subparagraph (1), or section 249J.8, subsection 1, 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.

Sec. 2. Section 217.34, Code 2011, 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, nonpayment of premiums pursuant to section 249A.3, subsection 2, paragraph “a”, subparagraph (1), or section 249J.8, subsection 1, 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 in the implementation of the setoff under section 8A.504 in regard to money owed to the state for public assistance overpayments or nonpayment of premiums as specified in this section. The department of human services shall adopt rules under chapter 17A necessary to assist the department of administrative services in the implementation of the setoff under section 8A.504, in regard to collections by the child support recovery unit and the foster care recovery unit.

Sec. 3. Section 249A.3, subsection 2, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) (a) As allowed under 42 U.S.C. § 1396a(a)(10)(A)(ii)(XIII), individuals with disabilities, who are less than sixty-five years of age, who are members of families whose income is less than two hundred fifty percent of the most recently revised official poverty guidelines published by the United States department of health and human services for the family, who have earned income and who are eligible for medical assistance or additional medical assistance under this section if earnings are disregarded. As allowed by 42 U.S.C. § 1396a(r)(2), unearned income shall also be disregarded in determining whether an individual is eligible for assistance under this subparagraph. For the purposes of determining the amount of an individual’s resources under this subparagraph and as allowed by 42 U.S.C. § 1396a(r)(2), a maximum of ten thousand dollars of available resources shall be disregarded, and any additional resources held in a retirement account, in a medical savings account, or in any other account approved under rules adopted by the department shall also be disregarded.

(b) Individuals eligible for assistance under this subparagraph, whose individual income exceeds one hundred fifty percent of the official poverty guidelines published by the United States department of health and human services for an individual, shall pay a premium. The amount of the premium shall be based on a sliding fee schedule adopted by rule of the department and shall be based on a percentage of the individual’s income. The maximum

premium payable by an individual whose income exceeds one hundred fifty percent of the official poverty guidelines shall be commensurate with the cost of state employees' group health insurance in this state. The payment to and acceptance by an automated case management system or the department of the premium required under this subparagraph 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. Any unpaid premium shall be a debt owed the department.

Sec. 4. Section 249J.6, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. Refusal of an expansion population member to participate in a comprehensive medical examination or any health risk assessment implemented by the department shall not be a basis for ineligibility for or disenrollment from the expansion population. Refusal of an expansion population member to participate in a comprehensive medical examination or other preventative health service shall not negatively affect the calculation of performance payments for an expansion population network provider medical home.

Sec. 5. Section 249J.6, subsection 3, Code 2011, is amended to read as follows:

3. Expansion population members, including members assigned to an expansion population network provider medical home, shall be provided access to 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. 6. Section 249J.7, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. (1) 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.

(2) Secondary care shall be provided by 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, based on county of residence, only to the extent specified in the phase-in of the regional provider network designated by the department.

Sec. 7. Section 249J.8, subsection 1, Code 2011, is amended to read as follows:

1. a. ~~Each~~ The total monthly premium and other cost-sharing for an expansion population member whose family income exceeds 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 shall pay a monthly premium not to exceed one-twelfth of five percent of the member's annual family income regardless of the number of expansion population members in the household. The department shall adopt rules to establish a premium schedule in accordance with this subsection that is calculated based on a member's family income for each ten percent increment of the federal poverty level.

b. ~~Each~~ An expansion population member whose family income is 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 shall not be subject to payment of a monthly premium.

c. All premiums shall be paid ~~on~~ by the last day of the month of coverage.

d. 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.

e. An expansion population member shall 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.

f. 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.

g. Timely payment of premiums, including any arrearages accrued from prior enrollment, is a condition of receiving any expansion population services. An expansion population member who does not provide timely payment within sixty days of the date the premium is due is subject to disenrollment.

h. Any unpaid premiums are a debt owed to the department.

i. 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.

j. 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.

k. 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.

l. An expansion population member shall also pay the same copayments required of other adult recipients of medical assistance.

Sec. 8. Section 249J.14, subsection 5, Code 2011, is amended to read as follows:

5. *Dental home for children.*

a. 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.

b. By ~~December 31, 2011~~ July 1, 2013, 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.

Sec. 9. Section 249J.24A, subsection 1, Code 2011, is amended to read as follows:

1. A nonparticipating provider may be reimbursed for covered expansion population services provided to an expansion population member ~~by a nonparticipating provider if the nonparticipating provider contacts the appropriate participating provider prior to providing covered services to verify consensus regarding one of the following courses of action if any of the following conditions is met:~~

~~a.~~ a. ~~If the nonparticipating provider and the participating provider agree that the medical status of the expansion population member indicates it is medically possible to postpone provision of services, the nonparticipating provider shall direct the expansion population member to the appropriate participating provider for services.~~

~~b.~~ a. ~~If the nonparticipating provider and the participating provider agree determines that the medical status of the expansion population member indicates it is not medically possible advisable to postpone provision of services, the nonparticipating provider shall provide medically necessary services.~~

~~c.~~ b. ~~If the nonparticipating provider and the participating provider agree that transfer of the expansion population member is not possible due to lack of available inpatient capacity, the nonparticipating provider shall provide medically necessary services.~~

~~d.~~ c. ~~If the medical status of the expansion population member indicates a medical emergency and the nonparticipating provider is not able to contact the appropriate participating provider prior to providing medically necessary services, the nonparticipating provider shall document the medical emergency and inform the appropriate participating provider immediately after the member has been stabilized of any covered services provided.~~

Sec. 10. Section 249J.24A, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. If the nonparticipating provider meets the requirements specified in subsection 1, the nonparticipating provider shall be reimbursed for covered expansion population services, limited to emergency and other inpatient hospital services provided to the expansion population member up to the point of transfer to another provider, discharge, or transfer to another level of care, through the nonparticipating provider reimbursement fund in accordance with rules adopted by the department of human services. However, any funds received from participating providers, appropriated to participating providers, or deposited in the IowaCare account pursuant to section 249J.24, shall not be transferred or appropriated to the nonparticipating provider reimbursement fund or otherwise used to reimburse nonparticipating providers.

Sec. 11. Section 514I.5, subsection 3, Code 2011, is amended to read as follows:

3. Members appointed by the governor shall serve two-year staggered terms as designated by the governor, and legislative members of the board shall serve two-year terms. The filling of positions reserved for the public representatives, vacancies, membership terms, payment of compensation and expenses, and removal of the members are governed by chapter 69. Members of the board are entitled to receive reimbursement of actual expenses incurred in the discharge of their duties. Public members of the board are also eligible to receive compensation as provided in section 7E.6. A majority of the voting members constitutes a quorum and the affirmative vote of a majority of the voting members is necessary for any substantive action to be taken by the board. The members shall select a chairperson on an annual basis from among the membership of the board.

Sec. 12. REGIONAL PROVIDER NETWORK — ALTERNATIVE PROVIDER — PILOT. The department of human services shall consult with providers of primary care services in regional provider network areas established pursuant to section 249J.7 to determine if the option of establishing an alternative provider location is feasible. The department may implement a pilot program establishing an alternative provider location in an established regional provider network area experiencing capacity issues during the fiscal year beginning July 1, 2011, if the department determines that this option would most appropriately address such capacity issues and provide better access to care for expansion population members in the area. Any such pilot program shall be implemented within funds available under the existing appropriation for the regional provider network and any alternative provider location shall be subject to the requirements applicable to an expansion population provider pursuant to chapter 249J.

Approved July 26, 2011

CHAPTER 121

DISABILITY SERVICES

S.F. 525

AN ACT relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions.

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

DIVISION I SERVICE SYSTEM REDESIGN

Section 1. ADULT DISABILITY SERVICES SYSTEM REDESIGN.

1. For the purposes of this section, “disability services” means services and other support available to a person with mental illness or an intellectual disability or other developmental disability.

2. It is the intent of the general assembly to redesign the system for adult disability services to implement all of the following:

a. Shifting the funding responsibility for the nonfederal share of adult disability services paid for by the Medicaid program, including but not limited to all costs for the state resource centers, from the counties to the state.

b. Reorganizing adult disability services not paid for by the Medicaid program into a system administered on a regional basis in a manner that provides multiple local points of access to adult disability services both paid for by the Medicaid program and not paid for by the Medicaid program.

c. Replacing legal settlement as the basis for determining financial responsibility for publicly funded disability services by determining such responsibility based upon residency.

d. Meeting the needs of consumers for disability services in a responsive and cost-effective manner.

3. a. The legislative council is requested to authorize an interim committee on mental health and disability services for the 2011 legislative interim to commence as soon as practicable. The purpose of the interim committee is to closely engage with, monitor, and propose legislation concerning the recommendations and proposals developed by the workgroups and other bodies addressed by this Act, particularly with regard to the identification of core services.

b. (1) It is intended that the interim committee members consist of equal numbers of legislators from both chambers and from both political parties. It is also requested that legislators serving on the interim committee and other interested legislators be authorized to participate in the meetings of the workgroups and subcommittees addressed in this Act.

(2) In addition to addressing workgroup recommendations, it is intended that the interim committee address property tax issues, devise a means of ensuring the state maintains its funding commitments for the redesigned services system, recommend revisions in the requirements for mental health professionals who are engaged in the involuntary commitment and examination processes under chapter 229, recommend revisions to the chapter 230A amendments contained in this Act as necessary to conform with the system redesign proposed by the interim committee, develop proposed legislation for amending Code references to mental retardation to instead refer to intellectual disabilities, and consider issues posed by the July 1, 2013, repeals of county disability services administration and funding provisions in 2011 Iowa Acts, Senate File 209.¹ In addressing the repeal provisions, the interim committee shall consider all funding sources for replacing the county authority to levy for adult disability services.

(3) It is intended that the interim committee shall receive and make recommendations concerning the detailed and final proposals submitted by workgroups during the 2011 legislative interim for consideration by the general assembly in the 2012 legislative session.

c. (1) The department of human services shall design the workgroup process to facilitate effective decision making while allowing for a broad array of input. The workgroup process shall begin as soon after the effective date of this Act as is practicable. The membership of workgroups and subcommittees involved with the process shall include consumers, service providers, county representatives, and advocates and provide for adequate representation by both rural and urban interests. The department of public health shall be represented on those workgroups and subcommittees with a focus relevant to the department.

(2) The detailed and final proposals developed by the workgroups during the 2011 interim shall be submitted to the interim committee on or before December 9, 2011.

d. At least one workgroup shall address redesign of the adult mental health system and at least one workgroup shall address redesign of the adult intellectual and other developmental disability system. The workgroup process shall engage separate workgroups and subcommittees enumerated in this Act and may involve additional bodies in the process as determined by the department.

¹ Chapter 123 herein

e. It is intended that interim committee members be engaged, to the extent possible, in workgroup deliberations and begin formal discussions of preliminary proposals developed by the workgroups beginning in October.

4. The workgroup process implemented by the department of human services pursuant to subsection 3 shall result in the submission of proposals for redesign of adult disability services that include but are not limited to all of the following:

a. Identifying clear definitions and requirements for the following:

(1) Eligibility criteria for the individuals to be served.

(2) The array of core services and other support to be included in regional adult disability services plans and to be delivered by providers based on individual needs and medical necessity and in a manner that promotes cost-effectiveness, uniformity, accessibility, and best practice approaches. The array shall encompass and integrate services and other support paid for by both the Medicaid program and other sources.

(3) Outcome measures that focus on consumer needs, including but not limited to measures addressing individual choice, empowerment, and community.

(4) Quality assurance measures.

(5) Provider accreditation, certification, or licensure requirements to ensure high quality services while avoiding unreasonable expectations and duplicative surveys.

(6) Input in regional service plans and delivery provisions by consumer and provider representatives. The input process shall engage local consumers, providers, and counties in developing the regional provisions.

(7) Provisions for representatives of the regional system and the department to regularly engage in discussions to resolve Medicaid and non-Medicaid issues involving documentation requirements, electronic records, reimbursement methodologies, cost projections, and other measures to improve the services and other support available to consumers.

b. Incorporating strategies to allow individuals to receive services in accordance with the principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), in order for services to be provided in the most community-based, least restrictive, and integrated setting appropriate to an individual's needs.

c. Continuing the department's leadership role in the Medicaid program in defining services covered, establishing reimbursement methodologies, providing other administrative functions, and engaging in federal options for program enhancements that are beneficial to consumers and the state such as medical or behavioral health homes.

d. Implementing mental health crisis response services statewide in a manner determined to be most appropriate by each region.

e. Implementing a subacute level of care to provide short-term mental health services in a structured residential setting that supplies a less intensive level of care than is supplied by acute psychiatric services.

f. Reviewing best practices and programs utilized by other states in identifying new approaches for addressing the needs for publicly funded services for persons with brain injury. The proposals regarding these approaches may be submitted after the workgroup submission date set out in subsection 3.

g. Developing a proposal for addressing service provider and other workforce shortages. The development of the proposal shall incorporate an examination of scope of practice limitations and barriers to recruiting providers and maintaining the workforce, including recruitment of minorities and addressing cultural competency considerations for the workforce in general and for accrediting professional level providers, evaluating the impact of inadequate reimbursement, identifying the appropriate state role in providing the resources to ensure an appropriately trained workforce is available, and an examination of the variation in health insurance payment provisions for the services provided by different types of providers.

h. Developing a proposal for service providers addressing co-occurring mental health, intellectual disability, brain injury, and substance abuse disorders. Each workgroup or subcommittee shall address co-occurring disorders as appropriate to the focus of the workgroup or subcommittee. The overall proposal may be developed by a body consisting of members from other workgroups or subcommittees. The proposal shall also provide options, developed in coordination with the judicial branch and department of human

services workgroup, for implementation of the provision of advocates to patients with substance-related disorders.

i. Developing a proposal for redesign of publicly funded children's disability services, including but not limited to the needs of children who are placed out-of-state due to the lack of treatment services in this state. The proposal shall be developed by a separate workgroup or subcommittee led by the department of human services, in consultation with the department of public health, and in addition to the other interests and representation required by this section, the membership shall include the department of human services staff involved with child welfare, children's mental health, and Medicaid services, and education system and juvenile court representatives. The preliminary findings and recommendations, and the initial proposal shall be submitted by the October and December 2011 dates required for other workgroups and subcommittees. The initial proposal developed during the 2011 legislative interim shall include an analysis of gaps in the children's system and other planning provisions necessary to complete the final proposal for submission on or before December 10, 2012.

j. Developing a proposal for adult disability services not paid for by the Medicaid program to be administered on a regional basis in a manner that provides multiple local points of access for consumers needing adult disability services, regardless of the funding sources for the services. The proposal shall be integrated with the other proposals under this subsection and shall be developed by a separate workgroup or subcommittee engaging both urban and rural county supervisors and central-point-of-coordination administrators and other experts. The considerations for inclusion in the proposal for forming regional entities shall include but are not limited to all of the following:

(1) Modifying the relevant provisions of chapter 28E for use by counties in forming regional entities and addressing other necessary contracting measures.

(2) Providing for performance-based contracting between the department of human services and regional entities to ensure the existence of multiple, local points of access for adult disability services eligibility, intake, and authorization, service navigation support, and case coordination or case management, regardless of the funding sources for the services.

(3) Developing a three-year service plan and annual update to meet the needs of consumers.

(4) Providing for the regional entities to implement performance-based contracts, uniform cost reports, and consistent reimbursement practices and payment methodologies with local providers of services not paid for by the Medicaid program.

(5) Providing for the regional entities to determine the Medicaid program targeted case managers to serve the regions.

(6) Providing for the regional entities and the department of human services to regularly coordinate and communicate with one another concerning the adult disability services paid for by the Medicaid program so that services paid for by the program and the regional entities are integrated and coordinated.

(7) Identifying sufficient population size to attain economy of scale, adequate financial resources, and appropriate service delivery.

(8) Addressing full participation in regional entities by counties.

(9) Including dispute resolution provisions for county-to-county relationships, county-to-region relationships, and region-to-state relationships.

(10) Providing for a consumer appeal process that is clear, impartial, and consistent, with consideration of an option that appeals beyond the regional level should be to a state administrative law judge.

(11) Addressing financial management provisions, including appropriate financial reserve levels.

(12) Proposing other criteria for forming regional entities. The other criteria considered shall include but are not limited to all of the following:

(a) Requiring a region to consist of contiguous counties.

(b) Evaluating a proposed region's capacity for providing core services and performing required functions.

(c) Requiring a region to encompass at least one community mental health center or federally qualified health center with providers qualified to provide psychiatric services,

either directly or with assistance from psychiatric consultants, that has the capacity to provide outpatient services for the region and has provided evidence of a commitment to provide outpatient services for the region.

(d) Requiring a region to encompass or have reasonably close proximity to a hospital with an inpatient psychiatric unit or to a state mental health institute, that has the capacity to provide inpatient services for the region and has provided evidence of a commitment to provide inpatient services for the region.

(e) Requiring an administrative structure utilized by a region to have clear lines of accountability and to serve as a lead agency with shared county staff or other means of limiting administrative costs to not more than five percent of expenditures.

k. Incorporating into proposals any necessary changes to the chapter 230A amendments contained in this Act.

l. Providing cost estimates for the proposals.

5. The target date for full implementation of the plan and implementation provisions described in subsections 3 and 4 shall be July 1, 2013, provided, however, that any expansion of services is subject to available funding.

Sec. 2. CONTINUATION OF WORKGROUP BY JUDICIAL BRANCH AND DEPARTMENT OF HUMAN SERVICES. The judicial branch and department of human services shall continue the workgroup implemented pursuant to 2010 Iowa Acts, chapter 1192, section 24, subsection 2, to improve the processes for involuntary commitment for chronic substance abuse under chapter 125 and for serious mental illness under chapter 229, and shall coordinate its efforts with the legislative interim committee and other workgroups initiated pursuant to this Act. The recommendations issued by the workgroup shall address options to the current provision of transportation by the county sheriff; to the role, supervision, and funding of mental health patient advocates and substance-related disorder patient advocates, along with options for implementation of the provision of advocates to patients with such disorders; for revising requirements for mental health professionals who are engaged in the involuntary commitment and examination processes under chapter 229; for authorizing the court to order an involuntary hold of a patient under section 229.10 for not more than twenty-three hours who was not initially taken into custody but declined to be examined pursuant to a previous court order; for implementing jail diversion programs, comprehensive training of law enforcement in dealing with individuals who are experiencing a mental health crisis, mental health courts, and other promising reforms involving mental health and the criminal justice system; and for civil commitment prescreening. Preliminary recommendations shall be submitted to the legislative interim committee in October 2011, as specified by the interim committee. Additional stakeholders shall be added as necessary to facilitate the workgroup efforts. The workgroup shall complete deliberations and submit a final report to the legislative interim committee providing findings and recommendations on or before December 9, 2011.

Sec. 3. SERVICE SYSTEM DATA AND STATISTICAL INFORMATION INTEGRATION. In coordination with the legislative interim committee and workgroups initiated pursuant to this Act, representatives of the department of human services, department of public health, and the community services network hosted by the Iowa state association of counties shall develop implementation provisions for an integrated data and statistical information system for mental health, disability services, and substance abuse services. The implementation provisions shall incorporate federal data and statistical information requirements. When completed, the departments and affiliate shall report on the integrated system to the governor, the joint appropriations subcommittee on health and human services, and the legislative services agency, providing their findings and recommendations.

Sec. 4. DEPARTMENT OF HUMAN SERVICES. 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 the costs of planning and other processes associated with implementation of this Act:

..... \$ 250,000

Notwithstanding section 8.47 or any other provision of law to the contrary, the department may utilize a sole source approach to contract to support planning and other processes associated with implementation of this Act. 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. 5. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II CONFORMING PROVISIONS

Sec. 6. CONFORMING PROVISIONS. The legislative services agency shall prepare a study bill for consideration by the committees on human resources of the senate and house of representatives for the 2012 legislative session, providing any necessary conforming Code changes for implementation of the system redesign provisions contained in this Act.

DIVISION III PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

Sec. 7. Section 135H.3, subsection 1, Code 2011, is amended to read as follows:

1. A psychiatric medical institution for children shall utilize a team of professionals to direct an organized program of diagnostic services, psychiatric services, nursing care, and rehabilitative services to meet the needs of residents in accordance with a medical care plan developed for each resident. The membership of the team of professionals may include but is not limited to an advanced registered nurse practitioner or a physician assistant. Social and rehabilitative services shall be provided under the direction of a qualified mental health professional.

Sec. 8. Section 135H.6, subsection 8, Code 2011, is amended to read as follows:

8. The department of human services may give approval to conversion of beds approved under subsection 6, to beds which are specialized to provide substance abuse treatment. However, the total number of beds approved under subsection 6 and this subsection shall not exceed four hundred thirty. Conversion of beds under this subsection shall not require a revision of the certificate of need issued for the psychiatric institution making the conversion. Beds for children who do not reside in this state and whose service costs are not paid by public funds in this state are not subject to the limitations on the number of beds and certificate of need requirements otherwise applicable under this section.

Sec. 9. PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN AND RELATED SERVICES — TRANSITION COMMITTEE.

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

a. "Iowa plan" means the contract to administer the behavioral health managed care plan under the state's Medicaid program.

b. "PMIC" means a psychiatric medical institution for children.

2. It is the intent of the general assembly to do the following under this section:

a. Improve the reimbursement, expected outcomes, and integration of PMIC services to serve the best interests of children within the context of a redesign of the delivery of publicly funded children's mental health services in this state.

b. Support the development of specialized programs for children with high acuity requirements whose needs are not met by Iowa's current system and must be served in out-of-state placements.

c. Transition PMIC services while providing services in a manner that applies best practices and is cost-effective.

3. The department of human services, in collaboration with PMIC providers, shall develop a plan for transitioning the administration of PMIC services to the Iowa plan. The transition plan shall address specific strategies for appropriately addressing PMIC lengths of stay by increasing the availability of less intensive levels of care, establishing vendor performance standards, identifying levels of PMIC care, providing for performance and quality improvement technical assistance to providers, identifying methods and standards for credentialing providers of specialized programs, using innovative reimbursement incentives to improve access while building the capacity of less intensive levels of care, and providing implementation guidelines.

4. a. The transition plan shall address the development of specialized programs to address the needs of children in need of more intensive treatment who are currently underserved. All of the following criteria shall be used for such programs:

(1) Geographic accessibility.

(2) Expertise needed to assure appropriate and effective treatment.

(3) Capability to define and provide the appropriate array of services and report on standardized outcome measures.

(4) Best interests of the child.

b. The transition plan shall also address all of the following:

(1) Providing navigation, access, and care coordination for children and families in need of services from the children's mental health system.

(2) Integrating the children's mental health waiver services under the Medicaid program with other services addressed by the transition plan as a means for supporting the transition plan and ensuring availability of choices for community placements.

(3) Identifying admission and continued stay criteria for PMIC providers.

(4) Evaluating changes in licensing standards for PMICs as necessary to ensure that the standards are aligned with overall system goals.

(5) Evaluating alternative reimbursement and service models that are innovative and could support overall system goals. The models may include but are not limited to accountable care organizations, medical or other health homes, and performance-based payment methods.

(6) Evaluating the adequacy of reimbursement at all levels of the children's mental health system.

(7) Developing profiles of the conditions and behaviors that result in a child's involuntary discharge or out-of-state placement. The plan shall incorporate provisions for developing specialized programs that are designed to appropriately meet the needs identified in the profiles.

(8) Evaluating and defining the appropriate array of less intensive services for a child leaving a hospital or PMIC placement.

(9) Evaluating and defining the standards for existing and new PMIC and other treatment levels.

5. a. The department shall establish a transition committee that includes departmental staff representatives for Medicaid, child welfare, field, and mental health services, the director of the Iowa plan, the department of inspections and appeals, a representative of each licensed PMIC, the executive director of the coalition of family and children's services in Iowa, a person with knowledge and expertise in care coordination and integration of PMIC and community-based services, two persons representing families affected by the children's mental health system, and a representative of juvenile court officers.

b. The transition committee shall develop the plan and manage the transition if the plan is implemented. A preliminary plan shall be provided to the legislative interim committee authorized pursuant to division I of this Act for consideration by the committee in October 2011. The completed plan shall be provided to the interim committee by December 9, 2011, and any revisions to address concerns identified by the interim committee shall be incorporated into a final plan developed by December 31, 2011, which shall be submitted to the general assembly by January 16, 2012. The submitted plan shall include an independent finding by the director of human services, in consultation with the office of the governor and the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, that the plan meets the intent of the general assembly under this section. Unless otherwise directed by enactment of the general assembly the department

and the transition committee may proceed with implementation of the submitted plan on or before July 1, 2012.

c. The transition committee shall continue to meet through December 31, 2013, to oversee transition of PMIC services to the Iowa plan.

6. The director of the Medicaid enterprise of the department of human services shall annually report on or before December 15 to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services through December 15, 2016, regarding the implementation of this section. The content of the report shall include but is not limited to information on children served by PMIC providers, the types of locations to which children are discharged following a hospital or PMIC placement and the community-based services available to such children, and the incidence of readmission to a PMIC within 12 months of discharge. The report shall also recommend whether or not to continue administration of PMIC services under the Iowa plan based upon the quality of service delivery, the value of utilizing the Iowa plan administration rather than the previous approach through the Medicaid enterprise, and analysis of the cost and benefits of utilizing the Iowa plan approach.

DIVISION IV COMMUNITY MENTAL HEALTH CENTERS

COMMUNITY MENTAL HEALTH CENTERS — CATCHMENT AREAS

Sec. 10. **IMPLEMENTATION OF DIVISION — LEGISLATIVE INTENT.** It is the intent of the general assembly that the statutory amendments contained in this division shall receive further consideration in the disability services system redesign process implemented pursuant to division I of this Act and by the general assembly during the 2012 legislative session. The purpose of the further consideration is to ensure that the statutory amendments are integrated with the system redesign provisions, including but not limited to the provisions involving meeting the needs of consumers, connecting the regional administration of the overall system with the catchment areas for community mental health services, involvement of counties, terminology utilized, matching core services for centers with the core services for the overall system redesign, and matching accreditation standards, financing provisions, and accountability measures.

Sec. 11. **NEW SECTION. 230A.101 Services system roles.**

1. The role of the department of human services, through the division of the department designated as the state mental health authority with responsibility for state policy concerning mental health and disability services, is to develop and maintain policies for the mental health and disability services system. The policies shall address the service needs of individuals of all ages with disabilities in this state, regardless of the individuals' places of residence or economic circumstances, and shall be consistent with the requirements of chapter 225C and other applicable law.

2. The role of community mental health centers in the mental health and disability services system is to provide an organized set of services in order to adequately meet the mental health needs of this state's citizens based on organized catchment areas.

Sec. 12. **NEW SECTION. 230A.102 Definitions.**

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

1. "Administrator", "commission", "department", "disability services", and "division" mean the same as defined in section 225C.2.

2. "Catchment area" means a community mental health center catchment area identified in accordance with this chapter.

3. "Community mental health center" or "center" means a community mental health center designated in accordance with this chapter.

Sec. 13. **NEW SECTION. 230A.103 Designation of community mental health centers.**

1. The division, subject to agreement by any community mental health center that would provide services for the catchment area and approval by the commission, shall designate at

least one community mental health center under this chapter for addressing the mental health needs of the county or counties comprising the catchment area. The designation process shall provide for the input of potential service providers regarding designation of the initial catchment area or a change in the designation.

2. The division shall utilize objective criteria for designating a community mental health center to serve a catchment area and for withdrawing such designation. The commission shall adopt rules outlining the criteria. The criteria shall include but are not limited to provisions for meeting all of the following requirements:

a. An appropriate means shall be used for determining which prospective designee is best able to serve all ages of the targeted population within the catchment area with minimal or no service denials.

b. An effective means shall be used for determining the relative ability of a prospective designee to appropriately provide mental health services and other support to consumers residing within a catchment area as well as consumers residing outside the catchment area. The criteria shall address the duty for a prospective designee to arrange placements outside the catchment area when such placements best meet consumer needs and to provide services within the catchment area to consumers who reside outside the catchment area when the services are necessary and appropriate.

3. The board of directors for a designated community mental health center shall enter into an agreement with the division. The terms of the agreement shall include but are not limited to all of the following:

a. The period of time the agreement will be in force.

b. The services and other support the center will offer or provide for the residents of the catchment area.

c. The standards to be followed by the center in determining whether and to what extent the persons seeking services from the center shall be considered to be able to pay the costs of the services.

d. The policies regarding availability of the services offered by the center to the residents of the catchment area as well as consumers residing outside the catchment area.

e. The requirements for preparation and submission to the division of annual audits, cost reports, program reports, performance measures, and other financial and service accountability information.

4. This section does not limit the authority of the board or the boards of supervisors of any county or group of counties to continue to expend money to support operation of a center.

Sec. 14. NEW SECTION. **230A.104 Catchment areas.**

1. The division shall collaborate with affected counties in identifying community mental health center catchment areas in accordance with this section.

2. a. Unless the division has determined that exceptional circumstances exist, a catchment area shall be served by one community mental health center. The purpose of this general limitation is to clearly designate the center responsible and accountable for providing core mental health services to the target population in the catchment area and to protect the financial viability of the centers comprising the mental health services system in the state.

b. A formal review process shall be used in determining whether exceptional circumstances exist that justify designating more than one center to serve a catchment area. The criteria for the review process shall include but are not limited to a means of determining whether the catchment area can support more than one center.

c. Criteria shall be provided that would allow the designation of more than one center for all or a portion of a catchment area if designation or approval for more than one center was provided by the division as of October 1, 2010. The criteria shall require a determination that all such centers would be financially viable if designation is provided for all.

Sec. 15. NEW SECTION. **230A.105 Target population — eligibility.**

1. The target population residing in a catchment area to be served by a community mental health center shall include but is not limited to all of the following:

a. Individuals of any age who are experiencing a mental health crisis.

b. Individuals of any age who have a mental health disorder.

- c. Adults who have a serious mental illness or chronic mental illness.
 - d. Children and youth who are experiencing a serious emotional disturbance.
 - e. Individuals described in paragraph “a”, “b”, “c”, or “d” who have a co-occurring disorder, including but not limited to substance abuse, mental retardation, a developmental disability, brain injury, autism spectrum disorder, or another disability or special health care need.
2. Specific eligibility criteria for members of the target population shall be identified in administrative rules adopted by the commission. The eligibility criteria shall address both clinical and financial eligibility.

Sec. 16. NEW SECTION. 230A.106 Services offered.

1. A community mental health center designated in accordance with this chapter shall offer core services and support addressing the basic mental health and safety needs of the target population and other residents of the catchment area served by the center and may offer other services and support. The core services shall be identified in administrative rules adopted by the commission for this purpose.

2. The initial core services identified shall include all of the following:

a. *Outpatient services.* Outpatient services shall consist of evaluation and treatment services provided on an ambulatory basis for the target population. Outpatient services include psychiatric evaluations, medication management, and individual, family, and group therapy. In addition, outpatient services shall include specialized outpatient services directed to the following segments of the target population: children, elderly, individuals who have serious and persistent mental illness, and residents of the service area who have been discharged from inpatient treatment at a mental health facility. Outpatient services shall provide elements of diagnosis, treatment, and appropriate follow-up. The provision of only screening and referral services does not constitute outpatient services.

b. *Twenty-four-hour emergency services.*

Twenty-four-hour emergency services shall be provided through a system that provides access to a clinician and appropriate disposition with follow-up documentation of the emergency service provided. A patient shall have access to evaluation and stabilization services after normal business hours. The range of emergency services that shall be available to a patient may include but are not limited to direct contact with a clinician, medication evaluation, and hospitalization. The emergency services may be provided directly by the center or in collaboration or affiliation with other appropriately accredited providers.

c. *Day treatment, partial hospitalization, or psychosocial rehabilitation services.* Such services shall be provided as structured day programs in segments of less than twenty-four hours using a multidisciplinary team approach to develop treatment plans that vary in intensity of services and the frequency and duration of services based on the needs of the patient. These services may be provided directly by the center or in collaboration or affiliation with other appropriately accredited providers.

d. *Admission screening for voluntary patients.*

Admission screening services shall be available for patients considered for voluntary admission to a state mental health institute to determine the patient’s appropriateness for admission.

e. *Community support services.* Community support services shall consist of support and treatment services focused on enhancing independent functioning and assisting persons in the target population who have a serious and persistent mental illness to live and work in their community setting, by reducing or managing mental illness symptoms and the associated functional disabilities that negatively impact such persons’ community integration and stability.

f. *Consultation services.* Consultation services may include provision of professional assistance and information about mental health and mental illness to individuals, service providers, or groups to increase such persons’ effectiveness in carrying out their responsibilities for providing services. Consultations may be case-specific or program-specific.

g. *Education services.* Education services may include information and referral services regarding available resources and information and training concerning mental health, mental illness, availability of services and other support, the promotion of mental health, and

the prevention of mental illness. Education services may be made available to individuals, groups, organizations, and the community in general.

3. A community mental health center shall be responsible for coordinating with associated services provided by other unaffiliated agencies to members of the target population in the catchment area and to integrate services in the community with services provided to the target population in residential or inpatient settings.

Sec. 17. NEW SECTION. 230A.107 Form of organization.

1. Except as authorized in subsection 2, a community mental health center designated in accordance with this chapter shall be organized and administered as a nonprofit corporation.

2. A for-profit corporation, nonprofit corporation, or county hospital providing mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, Code 2011, as of October 1, 2010, may also be designated as a community mental health center.

Sec. 18. NEW SECTION. 230A.108 Administrative, diagnostic, and demographic information.

Release of administrative and diagnostic information, as defined in section 228.1, and demographic information necessary for aggregated reporting to meet the data requirements established by the division, relating to an individual who receives services from a community mental health center, may be made a condition of support of that center by the division.

Sec. 19. NEW SECTION. 230A.109 Funding — legislative intent.

1. It is the intent of the general assembly that public funding for community mental health centers designated in accordance with this chapter shall be provided as a combination of all funding sources.

2. It is the intent of the general assembly that the state funding provided to centers be a sufficient amount for the core services and support addressing the basic mental health and safety needs of the residents of the catchment area served by each center to be provided regardless of individual ability to pay for the services and support.

3. While a community mental health center must comply with the core services requirements and other standards associated with designation, provision of services is subject to the availability of a payment source for the services.

Sec. 20. NEW SECTION. 230A.110 Standards.

1. The division shall recommend and the commission shall adopt standards for designated community mental health centers and comprehensive community mental health programs, with the overall objective of ensuring that each center and each affiliate providing services under contract with a center furnishes high-quality mental health services within a framework of accountability to the community it serves. The standards adopted shall conform with federal standards applicable to community mental health centers and shall be in substantial conformity with the applicable behavioral health standards adopted by the joint commission, formerly known as the joint commission on accreditation of health care organizations, and other recognized national standards for evaluation of psychiatric facilities unless in the judgment of the division, with approval of the commission, there are sound reasons for departing from the standards.

2. When recommending standards under this section, the division shall designate an advisory committee representing boards of directors and professional staff of designated community mental health centers to assist in the formulation or revision of standards. The membership of the advisory committee shall include representatives of professional and nonprofessional staff and other appropriate individuals.

3. The standards recommended under this section shall include requirements that each community mental health center designated under this chapter do all of the following:

a. Maintain and make available to the public a written statement of the services the center offers to residents of the catchment area being served. The center shall employ or contract for services with affiliates to employ staff who are appropriately credentialed or meet other qualifications in order to provide services.

b. If organized as a nonprofit corporation, be governed by a board of directors which adequately represents interested professions, consumers of the center's services, socioeconomic, cultural, and age groups, and various geographical areas in the catchment area served by the center. If organized as a for-profit corporation, the corporation's policy structure shall incorporate such representation.

c. Arrange for the financial condition and transactions of the community mental health center to be audited once each year by the auditor of state. However, in lieu of an audit by state accountants, the local governing body of a community mental health center organized under this chapter may contract with or employ certified public accountants to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6 and 11.19 and audit format prescribed by the auditor of state. Copies of each audit shall be furnished by the accountant to the administrator of the division of mental health and disability services.

d. Comply with the accreditation standards applicable to the center.

Sec. 21. NEW SECTION. 230A.111 Review and evaluation.

1. The review and evaluation of designated centers shall be performed through a formal accreditation review process as recommended by the division and approved by the commission. The accreditation process shall include all of the following:

a. Specific time intervals for full accreditation reviews based upon levels of accreditation.

b. Use of random or complaint-specific, on-site limited accreditation reviews in the interim between full accreditation reviews, as a quality review approach. The results of such reviews shall be presented to the commission.

c. Use of center accreditation self-assessment tools to gather data regarding quality of care and outcomes, whether used during full or limited reviews or at other times.

2. The accreditation process shall include but is not limited to addressing all of the following:

a. Measures to address centers that do not meet standards, including authority to revoke accreditation.

b. Measures to address noncompliant centers that do not develop a corrective action plan or fail to implement steps included in a corrective action plan accepted by the division.

c. Measures to appropriately recognize centers that successfully complete a corrective action plan.

d. Criteria to determine when a center's accreditation should be denied, revoked, suspended, or made provisional.

Sec. 22. REPEAL. Sections 230A.1 through 230A.18, Code 2011, are repealed.

Sec. 23. IMPLEMENTATION — EFFECTIVE DATE.

1. Community mental health centers operating under the provisions of chapter 230A, Code 2011, and associated standards, rules, and other requirements as of June 30, 2012, may continue to operate under such requirements until the department of human services, division of mental health and disability services, and the mental health and disability services commission have completed the rules adoption process to implement the amendments to chapter 230A enacted by this Act, identified catchment areas, and completed designations of centers.

2. The division and the commission shall complete the rules adoption process and other requirements addressed in subsection 1 on or before June 30, 2012.

3. Except for this section, which shall take effect July 1, 2011, this division of this Act takes effect July 1, 2012.

DIVISION V
PERSONS WITH SUBSTANCE-RELATED DISORDERS
AND PERSONS WITH MENTAL ILLNESS

Sec. 24. Section 125.1, subsection 1, Code 2011, is amended to read as follows:

1. That substance abusers and persons suffering from chemical dependency persons with substance-related disorders be afforded the opportunity to receive quality treatment and

directed into rehabilitation services which will help them resume a socially acceptable and productive role in society.

Sec. 25. Section 125.2, subsection 2, Code 2011, is amended by striking the subsection.

Sec. 26. Section 125.2, subsection 5, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

5. "*Substance-related disorder*" means a diagnosable substance abuse disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment.

Sec. 27. Section 125.2, subsection 9, Code 2011, is amended to read as follows:

9. "*Facility*" means an institution, a detoxification center, or an installation providing care, maintenance and treatment for substance abusers persons with substance-related disorders licensed by the department under section 125.13, hospitals licensed under chapter 135B, or the state mental health institutes designated by chapter 226.

Sec. 28. Section 125.2, subsections 13, 17, and 18, Code 2011, are amended by striking the subsections.

Sec. 29. Section 125.9, subsections 2 and 4, Code 2011, are amended to read as follows:

2. Make contracts necessary or incidental to the performance of the duties and the execution of the powers of the director, including contracts with public and private agencies, organizations and individuals to pay them for services rendered or furnished to substance abusers, chronic substance abusers, or intoxicated persons persons with substance-related disorders.

4. Coordinate the activities of the department and cooperate with substance abuse programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local or private agencies in this and other states for the treatment of substance abusers, chronic substance abusers, and intoxicated persons persons with substance-related disorders and for the common advancement of substance abuse programs.

Sec. 30. Section 125.10, subsections 2, 3, 4, 5, 7, 8, 9, 11, 13, 15, and 17, Code 2011, are amended to read as follows:

2. Develop, encourage, and foster statewide, regional and local plans and programs for the prevention of substance abuse misuse and the treatment of substance abusers, chronic substance abusers, and intoxicated persons persons with substance-related disorders in cooperation with public and private agencies, organizations and individuals, and provide technical assistance and consultation services for these purposes.

3. Coordinate the efforts and enlist the assistance of all public and private agencies, organizations and individuals interested in the prevention of substance abuse and the treatment of substance abusers, chronic substance abusers, and intoxicated persons persons with substance-related disorders.

4. Cooperate with the department of human services and the Iowa department of public health in establishing and conducting programs to provide treatment for substance abusers, chronic substance abusers, and intoxicated persons persons with substance-related disorders.

5. Cooperate with the department of education, boards of education, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing programs for the prevention of substance abuse and the treatment of substance abusers, chronic substance abusers, and intoxicated persons persons with substance-related disorders, and in preparing relevant curriculum materials for use at all levels of school education.

7. Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of substance abusers, chronic substance abusers, and intoxicated persons persons with substance-related disorders, which program shall include the dissemination of information concerning the nature and effects of chemical substances.

8. Organize and implement, in cooperation with local treatment programs, training programs for all persons engaged in treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders.

9. Sponsor and implement research in cooperation with local treatment programs into the causes and nature of substance abuse misuse and treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders, and serve as a clearing house for information relating to substance abuse.

11. Develop and implement, with the counsel and approval of the board, the comprehensive plan for treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders in accordance with this chapter.

13. Utilize the support and assistance of interested persons in the community, particularly ~~recovered substance abusers and chronic substance abusers, persons who are recovering from substance-related disorders~~ to encourage ~~substance abusers and chronic substance abusers~~ persons with substance-related disorders to voluntarily undergo treatment.

15. Encourage general hospitals and other appropriate health facilities to admit without discrimination ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders and to provide them with adequate and appropriate treatment. The director may negotiate and implement contracts with hospitals and other appropriate health facilities with adequate detoxification facilities.

17. Review all state health, welfare, education and treatment proposals to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to substance abuse, ~~substance abusers, chronic substance abusers, and intoxicated persons~~ and persons with substance-related disorders.

Sec. 31. Section 125.12, subsections 1 and 3, Code 2011, are amended to read as follows:

1. The board shall review the comprehensive substance abuse program implemented by the department for the treatment of ~~substance abusers, chronic substance abusers, intoxicated persons~~ persons with substance-related disorders, and concerned family members. Subject to the review of the board, the director shall divide the state into appropriate regions for the conduct of the program and establish standards for the development of the program on the regional level. In establishing the regions, consideration shall be given to city and county lines, population concentrations, and existing substance abuse treatment services.

3. The director shall provide for adequate and appropriate treatment for ~~substance abusers, chronic substance abusers, intoxicated persons~~ persons with substance-related disorders, and concerned family members admitted under sections 125.33 and 125.34, or under section 125.75, 125.81, or 125.91. Treatment shall not be provided at a correctional institution except for inmates.

Sec. 32. Section 125.13, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. Except as provided in subsection 2, a person shall not maintain or conduct any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program, the primary purpose of which is the treatment and rehabilitation of ~~substance abusers or chronic substance abusers~~ persons with substance-related disorders without having first obtained a written license for the program from the department.

Sec. 33. Section 125.13, subsection 2, paragraphs a and c, Code 2011, are amended to read as follows:

a. A hospital providing care or treatment to ~~substance abusers or chronic substance abusers~~ persons with substance-related disorders licensed under chapter 135B which is accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the board. All survey reports from the accrediting or licensing body must be sent to the department.

c. Private institutions conducted by and for persons who adhere to the faith of any well recognized church or religious denomination for the purpose of providing care, treatment, counseling, or rehabilitation to ~~substance abusers or chronic substance abusers~~ persons with

substance-related disorders and who rely solely on prayer or other spiritual means for healing in the practice of religion of such church or denomination.

Sec. 34. Section 125.15, Code 2011, is amended to read as follows:

125.15 Inspections.

The department may inspect the facilities and review the procedures utilized by any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program that has as a primary purpose the treatment and rehabilitation of ~~substance abusers or chronic substance abusers~~ persons with substance-related disorders, for the purpose of ensuring compliance with this chapter and the rules adopted pursuant to this chapter. The examination and review may include case record audits and interviews with staff and patients, consistent with the confidentiality safeguards of state and federal law.

Sec. 35. Section 125.32, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, subject to chapter 17A, considering available treatment resources and facilities, for the purpose of early and effective treatment of ~~substance abusers, chronic substance abusers, intoxicated persons,~~ persons with substance-related disorders and concerned family members. In establishing the rules the department shall be guided by the following standards:

Sec. 36. Section 125.33, subsections 1, 3, and 4, Code 2011, are amended to read as follows:

1. A ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder may apply for voluntary treatment or rehabilitation services directly to a facility or to a licensed physician and surgeon or osteopathic physician and surgeon. If the proposed patient is a minor or an incompetent person, a parent, a legal guardian or other legal representative may make the application. The licensed physician and surgeon or osteopathic physician and surgeon or any employee or person acting under the direction or supervision of the physician and surgeon or osteopathic physician and surgeon, or the facility shall not report or disclose the name of the person or the fact that treatment was requested or has been undertaken to any law enforcement officer or law enforcement agency; nor shall such information be admissible as evidence in any court, grand jury, or administrative proceeding unless authorized by the person seeking treatment. If the person seeking such treatment or rehabilitation is a minor who has personally made application for treatment, the fact that the minor sought treatment or rehabilitation or is receiving treatment or rehabilitation services shall not be reported or disclosed to the parents or legal guardian of such minor without the minor's consent, and the minor may give legal consent to receive such treatment and rehabilitation.

3. A ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder seeking treatment or rehabilitation and who is either addicted or dependent on a chemical substance may first be examined and evaluated by a licensed physician and surgeon or osteopathic physician and surgeon who may prescribe a proper course of treatment and medication, if needed. The licensed physician and surgeon or osteopathic physician and surgeon may further prescribe a course of treatment or rehabilitation and authorize another licensed physician and surgeon or osteopathic physician and surgeon or facility to provide the prescribed treatment or rehabilitation services. Treatment or rehabilitation services may be provided to a person individually or in a group. A facility providing or engaging in treatment or rehabilitation shall not report or disclose to a law enforcement officer or law enforcement agency the name of any person receiving or engaged in the treatment or rehabilitation; nor shall a person receiving or participating in treatment or rehabilitation report or disclose the name of any other person engaged in or receiving treatment or rehabilitation or that the program is in existence, to a law enforcement officer or law enforcement agency. Such information shall not be admitted in evidence in any court, grand jury, or administrative proceeding. However, a person engaged in or receiving

treatment or rehabilitation may authorize the disclosure of the person's name and individual participation.

4. If a patient receiving inpatient or residential care leaves a facility, the patient shall be encouraged to consent to appropriate outpatient or halfway house treatment. If it appears to the administrator in charge of the facility that the patient is a ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder who requires help, the director may arrange for assistance in obtaining supportive services.

Sec. 37. Section 125.34, Code 2011, is amended to read as follows:

125.34 Treatment and services for ~~intoxicated persons and persons incapacitated by alcohol~~ persons with substance-related disorders due to intoxication and substance-induced incapacitation.

1. ~~An intoxicated~~ A person with a substance-related disorder due to intoxication or substance-induced incapacitation may come voluntarily to a facility for emergency treatment. A person who appears to be intoxicated or incapacitated by a ~~chemical~~ substance in a public place and in need of help may be taken to a facility by a peace officer under section 125.91. If the person refuses the proffered help, the person may be arrested and charged with intoxication under section 123.46, if applicable.

2. If no facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons. The peace officer in detaining the person and in taking the person to a facility shall make every reasonable effort to protect the person's health and safety. In detaining the person the detaining officer may take reasonable steps for self-protection. Detaining a person under section 125.91 is not an arrest and no entry or other record shall be made to indicate that the person who is detained has been arrested or charged with a crime.

3. A person who arrives at a facility and voluntarily submits to examination shall be examined by a licensed physician as soon as possible after the person arrives at the facility. The person may then be admitted as a patient or referred to another health facility. The referring facility shall arrange for transportation.

4. If a person is voluntarily admitted to a facility, the person's family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, the request shall be respected.

5. A peace officer who acts in compliance with this section is acting in the course of the officer's official duty and is not criminally or civilly liable therefor, unless such acts constitute willful malice or abuse.

6. If the physician in charge of the facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

7. A licensed physician and surgeon or osteopathic physician and surgeon, facility administrator, or an employee or a person acting as or on behalf of the facility administrator, is not criminally or civilly liable for acts in conformity with this chapter, unless the acts constitute willful malice or abuse.

Sec. 38. Section 125.43, Code 2011, is amended to read as follows:

125.43 Funding at mental health institutes.

Chapter 230 governs the determination of the costs and payment for treatment provided to ~~substance abusers or chronic substance abusers~~ persons with substance-related disorders in a mental health institute under the department of human services, except that the charges are not a lien on real estate owned by persons legally liable for support of the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder and the daily per diem shall be billed at twenty-five percent. The superintendent of a state hospital shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to ~~substance abusers or chronic substance abusers~~ persons with substance-related disorders for purposes of determining the daily per diem. Section 125.44 governs the determination of who is legally liable for the cost of care, maintenance, and treatment of a ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder and of the amount for which the person is liable.

Sec. 39. Section 125.43A, Code 2011, is amended to read as follows:

125.43A Prescreening — exception.

Except in cases of medical emergency or court-ordered admissions, a person shall be admitted to a state mental health institute for substance abuse treatment only after a preliminary intake and assessment by a department-licensed treatment facility or a hospital providing care or treatment for ~~substance abusers~~ persons with substance-related disorders licensed under chapter 135B and accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the board, or by a designee of a department-licensed treatment facility or a hospital other than a state mental health institute, which confirms that the admission is appropriate to the person's substance abuse service needs. A county board of supervisors may seek an admission of a patient to a state mental health institute who has not been confirmed for appropriate admission and the county shall be responsible for one hundred percent of the cost of treatment and services of the patient.

Sec. 40. Section 125.44, Code 2011, is amended to read as follows:

125.44 Agreements with facilities — liability for costs.

The director may, consistent with the comprehensive substance abuse program, enter into written agreements with a facility as defined in section 125.2 to pay for one hundred percent of the cost of the care, maintenance, and treatment of ~~substance abusers and chronic substance abusers~~ persons with substance-related disorders, except when section 125.43A applies. All payments for state patients shall be made in accordance with the limitations of this section. Such contracts shall be for a period of no more than one year.

The contract may be in the form and contain provisions as agreed upon by the parties. The contract shall provide that the facility shall admit and treat ~~substance abusers and chronic substance abusers~~ persons with substance-related disorders regardless of where they have residence. If one payment for care, maintenance, and treatment is not made by the patient or those legally liable for the patient, the payment shall be made by the department directly to the facility. Payments shall be made each month and shall be based upon the rate of payment for services negotiated between the department and the contracting facility. If a facility projects a temporary cash flow deficit, the department may make cash advances at the beginning of each fiscal year to the facility. The repayment schedule for advances shall be part of the contract between the department and the facility. This section does not pertain to patients treated at the mental health institutes.

If the appropriation to the department is insufficient to meet the requirements of this section, the department shall request a transfer of funds and section 8.39 shall apply.

The ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder is legally liable to the facility for the total amount of the cost of providing care, maintenance, and treatment for the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder while a voluntary or committed patient in a facility. This section does not prohibit any individual from paying any portion of the cost of treatment.

The department is liable for the cost of care, treatment, and maintenance of ~~substance abusers and chronic substance abusers~~ persons with substance-related disorders admitted to the facility voluntarily or pursuant to section 125.75, 125.81, or 125.91 or section 321J.3 or 124.409 only to those facilities that have a contract with the department under this section, only for the amount computed according to and within the limits of liability prescribed by this section, and only when the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder is unable to pay the costs and there is no other person, firm, corporation, or insurance company bound to pay the costs.

The department's maximum liability for the costs of care, treatment, and maintenance of ~~substance abusers and chronic substance abusers~~ persons with substance-related disorders in a contracting facility is limited to the total amount agreed upon by the parties and specified in the contract under this section.

Sec. 41. Section 125.46, Code 2011, is amended to read as follows:

125.46 County of residence determined.

The facility shall, when a ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records the Iowa county of residence of the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder, or that the person resides in some other state or country, or that the person is unclassified with respect to residence.

Sec. 42. Section 125.75, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Proceedings for the involuntary commitment or treatment of a ~~chronic substance abuser~~ person with a substance-related disorder to a facility may be commenced by the county attorney or an interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located or which is the respondent's place of residence. The clerk or the clerk's designee shall assist the applicant in completing the application. The application shall:

Sec. 43. Section 125.75, subsection 1, Code 2011, is amended to read as follows:

1. State the applicant's belief that the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder.

Sec. 44. Section 125.80, subsections 3 and 4, Code 2011, are amended to read as follows:

3. If the report of a court-designated physician is to the effect that the respondent is not a ~~chronic substance abuser~~ person with a substance-related disorder, the court, without taking further action, may terminate the proceeding and dismiss the application on its own motion and without notice.

4. If the report of a court-designated physician is to the effect that the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder, the court shall schedule a commitment hearing as soon as possible. The hearing shall be held not more than forty-eight hours after the report is filed, excluding Saturdays, Sundays, and holidays, unless an extension for good cause is requested by the respondent, or as soon thereafter as possible if the court considers that sufficient grounds exist for delaying the hearing.

Sec. 45. Section 125.81, subsection 1, Code 2011, is amended to read as follows:

1. If a person filing an application requests that a respondent be taken into immediate custody, and the court upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder who is likely to injure the person or other persons if allowed to remain at liberty, the court may enter a written order directing that the respondent be taken into immediate custody by the sheriff, and be detained until the commitment hearing, which shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next business day. The court may order the respondent detained for the period of time until the hearing is held, and no longer except as provided in section 125.88, in accordance with subsection 2, paragraph "a", if possible, and if not, then in accordance with subsection 2, paragraph "b", or, only if neither of these alternatives is available in accordance with subsection 2, paragraph "c".

Sec. 46. Section 125.82, subsection 4, Code 2011, is amended to read as follows:

4. The respondent's welfare is paramount, and the hearing shall be tried as a civil matter and conducted in as informal a manner as is consistent with orderly procedure. Discovery as permitted under the Iowa rules of civil procedure is available to the respondent. The court shall receive all relevant and material evidence, but the court is not bound by the rules of evidence. A presumption in favor of the respondent exists, and the burden of evidence and support of the contentions made in the application shall be upon the person who filed the application. If upon completion of the hearing the court finds that the contention that the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder has not been sustained by clear and convincing evidence, the court shall deny the application and terminate the proceeding.

Sec. 47. Section 125.83, Code 2011, is amended to read as follows:

125.83 Placement for evaluation.

If upon completion of the commitment hearing, the court finds that the contention that the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder has been sustained by clear and convincing evidence, the court shall order the respondent placed at a facility or under the care of a suitable facility on an outpatient basis as expeditiously as possible for a complete evaluation and appropriate treatment. The court shall furnish to the facility at the time of admission or outpatient placement, a written statement of facts setting forth the evidence on which the finding is based. The administrator of the facility shall report to the court no more than fifteen days after the individual is admitted to or placed under the care of the facility, which shall include the chief medical officer's recommendation concerning substance abuse treatment. An extension of time may be granted for a period not to exceed seven days upon a showing of good cause. A copy of the report shall be sent to the respondent's attorney who may contest the need for an extension of time if one is requested. If the request is contested, the court shall make an inquiry as it deems appropriate and may either order the respondent released from the facility or grant extension of time for further evaluation. If the administrator fails to report to the court within fifteen days after the individual is admitted to the facility, and no extension of time has been requested, the administrator is guilty of contempt and shall be punished under chapter 665. The court shall order a rehearing on the application to determine whether the respondent should continue to be held at the facility.

Sec. 48. Section 125.83A, subsection 1, Code 2011, is amended to read as follows:

1. If upon completion of the commitment hearing, the court finds that the contention that the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder has been sustained by clear and convincing evidence, and the court is furnished evidence that the respondent is eligible for care and treatment in a facility operated by the United States department of veterans affairs or another agency of the United States government and that the facility is willing to receive the respondent, the court may so order. The respondent, when so placed in a facility operated by the United States department of veterans affairs or another agency of the United States government within or outside of this state, shall be subject to the rules of the United States department of veterans affairs or other agency, but shall not lose any procedural rights afforded the respondent by this chapter. The chief officer of the facility shall have, with respect to the respondent so placed, the same powers and duties as the chief medical officer of a hospital in this state would have in regard to submission of reports to the court, retention of custody, transfer, convalescent leave, or discharge. Jurisdiction is retained in the court to maintain surveillance of the respondent's treatment and care, and at any time to inquire into the respondent's condition and the need for continued care and custody.

Sec. 49. Section 125.84, subsections 2, 3, and 4, Code 2011, are amended to read as follows:

2. That the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder who is in need of full-time custody, care, and treatment in a facility, and is considered likely to benefit from treatment. If the report so states, the court shall enter an order which may require the respondent's continued placement and commitment to a facility for appropriate treatment.

3. That the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder who is in need of treatment, but does not require full-time placement in a facility. If the report so states, the report shall include the chief medical officer's recommendation for treatment of the respondent on an outpatient or other appropriate basis, and the court shall enter an order which may direct the respondent to submit to the recommended treatment. The order shall provide that if the respondent fails or refuses to submit to treatment, as directed by the court's order, the court may order that the respondent be taken into immediate custody as provided by section 125.81 and, following notice and hearing held in accordance with the procedures of sections 125.77 and 125.82, may order the respondent treated as a patient requiring full-time custody, care, and treatment as provided in subsection 2, and may order the respondent involuntarily committed to a facility.

4. That the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder who is in need of treatment, but in the opinion of the chief medical officer is not responding to the treatment provided. If the report so states, the report shall include the facility administrator's recommendation for alternative placement, and the court shall enter an order which may direct the respondent's transfer to the recommended placement or to another placement after consultation with respondent's attorney and the facility administrator who made the report under this subsection.

Sec. 50. Section 125.91, subsections 1, 2, and 3, Code 2011, are amended to read as follows:

1. The procedure prescribed by this section shall only be used for an ~~intoxicated~~ a person with a substance-related disorder due to intoxication or substance-induced incapacitation who has threatened, attempted, or inflicted physical self-harm or harm on another, and is likely to inflict physical self-harm or harm on another unless immediately detained, or who is incapacitated by a ~~chemical~~ substance, if that person cannot be taken into immediate custody under sections 125.75 and 125.81 because immediate access to the court is not possible.

2. a. A peace officer who has reasonable grounds to believe that the circumstances described in subsection 1 are applicable may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2, paragraph "b" or "c". Such an ~~intoxicated or incapacitated~~ a person with a substance-related disorder due to intoxication or substance-induced incapacitation who also demonstrates a significant degree of distress or dysfunction may also be delivered to a facility by someone other than a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under this section, the examining physician may order treatment of the person, but only to the extent necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue. The peace officer or other person who delivered the person to the facility 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 has reasonable grounds to believe that the circumstances in subsection 1 are applicable, 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. 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 125.75. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility and the grounds supporting the finding of probable cause to believe that the person is a ~~chronic substance abuser~~ person with a substance-related disorder likely to result in physical injury to the person or others if not detained. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the ~~chief medical officer of the facility~~ attending physician, to which the person was originally taken, 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.

3. The ~~chief medical officer of the facility~~ attending physician shall examine and may detain the person pursuant to the magistrate's order for a period not to exceed forty-eight hours from the time the order is dated, excluding Saturdays, Sundays, and holidays, unless the order is dismissed by a magistrate. The facility may provide treatment which is necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue or is otherwise deemed medically necessary by the ~~chief medical officer~~ attending physician, but shall not otherwise provide treatment to the person without the person's consent. The person shall be

discharged from the facility and released from detention no later than the expiration of the forty-eight-hour period, unless an application for involuntary commitment is filed with the clerk pursuant to section 125.75. The detention of a person by the procedure in this section, and not in excess of the period of time prescribed by this section, shall not render the peace officer, attending physician, or facility detaining the person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, physician, or facility had reasonable grounds to believe that the circumstances described in subsection 1 were applicable.

Sec. 51. Section 226.9C, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. (1) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been prescreened. The person performing the prescreening shall be either the mental health professional, as defined in section 228.1, who is contracting with the county central-point-of-coordination process to provide the prescreening or a mental health professional with the requisite qualifications. A mental health professional with the requisite qualifications shall meet all of the following qualifications: is a mental health professional as defined in section 228.1, is a certified alcohol and drug counselor certified by the nongovernmental Iowa board of substance abuse certification, and is employed by or providing services for a facility, as defined in section 125.2.

(2) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been screened through a county's central point of coordination process implemented pursuant to section 331.440 to determine the appropriateness of the treatment.

Sec. 52. Section 229.1, subsection 12, Code 2011, is amended to read as follows:

12. "*Psychiatric advanced registered nurse practitioner*" means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is registered with the board of nursing as an advanced registered nurse practitioner.

Sec. 53. Section 229.15, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. A psychiatric advanced registered nurse practitioner treating a patient previously hospitalized under this chapter may complete periodic reports pursuant to this section on the patient if the patient has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 229.14, subsection 1, paragraph "c", ~~and if a psychiatrist licensed pursuant to chapter 148 personally evaluates the patient on at least an annual basis.~~

Sec. 54. Section 229.21, subsection 2, Code 2011, is amended to read as follows:

2. When an application for involuntary hospitalization under this chapter or an application for involuntary commitment or treatment of ~~chronic substance abusers~~ persons with substance-related disorders under sections 125.75 to 125.94 is filed with the clerk of the district court in any county for which a judicial hospitalization referee has been appointed, and no district judge, district associate judge, or magistrate who is admitted to the practice of law in this state is accessible, the clerk shall immediately notify the referee in the manner required by section 229.7 or section 125.77. The referee shall discharge all of the duties imposed upon the court by sections 229.7 to 229.22 or sections 125.75 to 125.94 in the proceeding so initiated. Subject to the provisions of subsection 4, orders issued by a referee, in discharge of duties imposed under this section, shall have the same force and effect as if ordered by a district judge. However, any commitment to a facility regulated and operated under chapter 135C, shall be in accordance with section 135C.23.

Sec. 55. Section 229.21, subsection 3, paragraphs a and b, Code 2011, are amended to read as follows:

a. Any respondent with respect to whom the magistrate or judicial hospitalization referee has found the contention that the respondent is seriously mentally impaired or a ~~chronic substance abuser~~ person with a substance-related disorder sustained by clear and convincing evidence presented at a hearing held under section 229.12 or section 125.82, may appeal from

the magistrate's or referee's finding to a judge of the district court by giving the clerk notice in writing, within ten days after the magistrate's or referee's finding is made, that an appeal is taken. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney.

b. An order of a magistrate or judicial hospitalization referee with a finding that the respondent is seriously mentally impaired or a ~~chronic substance abuser~~ person with a substance-related disorder shall include the following notice, located conspicuously on the face of the order:

NOTE: The respondent may appeal from this order to a judge of the district court by giving written notice of the appeal to the clerk of the district court within ten days after the date of this order. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney. For a more complete description of the respondent's appeal rights, consult section 229.21 of the Code of Iowa or an attorney.

Sec. 56. Section 229.21, subsection 4, Code 2011, is amended to read as follows:

4. If the appellant is in custody under the jurisdiction of the district court at the time of service of the notice of appeal, the appellant shall be discharged from custody unless an order that the appellant be taken into immediate custody has previously been issued under section 229.11 or section 125.81, in which case the appellant shall be detained as provided in that section until the hospitalization or commitment hearing before the district judge. If the appellant is in the custody of a hospital or facility at the time of service of the notice of appeal, the appellant shall be discharged from custody pending disposition of the appeal unless the chief medical officer, not later than the end of the next secular day on which the office of the clerk is open and which follows service of the notice of appeal, files with the clerk a certification that in the chief medical officer's opinion the appellant is seriously mentally ill or a ~~substance abuser~~ person with a substance-related disorder. In that case, the appellant shall remain in custody of the hospital or facility until the hospitalization or commitment hearing before the district court.

Sec. 57. Section 230.15, unnumbered paragraph 2, Code 2011, is amended to read as follows:

A ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder while a voluntary or committed patient. When a portion of the cost is paid by a county, the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder is legally liable to the county for the amount paid. The ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the ~~abuser's~~ person's care, maintenance, and treatment in a state hospital to the state. Any payments received by the state from or on behalf of a ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder shall be in part credited to the county in proportion to the share of the costs paid by the county. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any person with mental illness, ~~substance abuser, or chronic substance abuser~~ or a substance-related disorder as established by the department of human services.

Sec. 58. Section 232.116, subsection 1, paragraph 1, subparagraph (2), Code 2011, is amended to read as follows:

(2) The parent has a severe, ~~chronic substance abuse problem,~~ substance-related disorder and presents a danger to self or others as evidenced by prior acts.

Sec. 59. Section 600A.8, subsection 8, paragraph a, Code 2011, is amended to read as follows:

a. The parent has been determined to be a ~~chronic substance abuser~~ person with a substance-related disorder as defined in section 125.2 and the parent has committed a second or subsequent domestic abuse assault pursuant to section 708.2A.

Sec. 60. Section 602.4201, subsection 3, paragraph h, Code 2011, is amended to read as follows:

h. Involuntary commitment or treatment of ~~substance abusers~~ persons with a substance-related disorders.

Sec. 61. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this division of this Act.

Sec. 62. EFFECTIVE DATE. This division of this Act takes effect July 1, 2012.

Approved July 26, 2011

CHAPTER 122

MISCELLANEOUS APPROPRIATION REDUCTIONS, TRANSFERS, AND SUPPLEMENTALS

H.F. 45

AN ACT relating to public funding and regulatory matters and revising appropriations and including effective and other applicability date provisions, and making penalties applicable.

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

DIVISION I UNIFORM PROVISIONS

Section 1. LEGISLATIVE GROUP HEALTH PLANS. The group health insurance coverage available to members and employees of the general assembly on or after the effective date of this section shall not provide for additional coverage benefits, lower costs, or other enhancements that are unavailable to officials and employees of the executive branch of state government.

Sec. 2. STATE AGENCY OFFICE SUPPLIES PURCHASE, EQUIPMENT PURCHASES, PRINTING AND BINDING, AND MARKETING.

1. For the purposes of this section, “department” means the same as defined in section 8.2.

2. a. For the period beginning on the effective date of this section through the close of the fiscal year ending on June 30, 2011, each state department shall be subject to a limitation on expenditures made on or after the effective date of this section for office supplies, purchases of equipment, office equipment, and equipment noninventory, printing and binding, and marketing in accordance with this section.

b. The limitation shall be equal to 50 percent of the unexpended or unencumbered amount that a department has budgeted or otherwise designated for purposes of office supplies, purchases of equipment, office equipment, and equipment noninventory, printing and binding, and marketing from the appropriations made from all sources other than federal funds for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to the department from all sources, as of the effective date of this section.¹

3. For the period beginning on the effective date of this section through the close of the fiscal year ending on June 30, 2011, out-of-state travel by an employee of a department, which travel is funded in whole or in part by an appropriation from a source other than federal funds, shall not be authorized unless a waiver for the travel is approved by the executive council. The executive council shall adopt waiver criteria based on the relative importance

¹ See chapter 133, §45 – 47 herein

of the travel to fulfilling statutorily required duties, the potential for the travel to bring cost savings or enhanced revenues for the state, and other means to determine whether the benefit or potential benefit of the travel significantly outweighs the potential cost.

4. The committees on appropriations of the senate and house of representatives shall recommend legislation applying a directive for the executive branch to implement a master marketing contract for state agencies that commences on or before July 1, 2011.

5. The appropriations to which the expenditure reductions required by this section are attributed shall be reduced by the amount of the expenditure reductions. Within 30 days of the enactment date of this section, the department of management shall apply such appropriation reductions and shall submit a report to the general assembly and legislative services agency itemizing the expenditure and appropriation reductions applied.

6. This section is not applicable to the state board of regents and the institutions under the control of the state board.

Sec. 3. Section 7E.3, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *Adults not lawfully present.* Unless expressly authorized by federal or state law, ensure that the public benefits administered by the department or independent agency are not provided to persons who are not lawfully present in the United States.

Sec. 4. Section 68B.8, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A state agency of the executive branch of state government shall not employ a person through the use of its public funds whose position with the agency is primarily representing the agency relative to the passage, defeat, approval, or modification of legislation that is being considered by the general assembly.

Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II ADMINISTRATION AND REGULATION

Sec. 6. JOINT APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION REQUIREMENTS. If the joint appropriations subcommittee on administration and regulation determines one or both of the options described in subsections 1 and 2 are significantly less costly than maintaining the current system, the joint subcommittee shall develop and shall submit recommended implementation provisions to the general assembly's committees on appropriations in proposed legislation concerning one or both of the following:

1. Eliminating and selling the pool of state-owned passenger vehicles located in Polk county for temporary assignment to multiple drivers of a department or agency that is located within Polk county. The recommendations shall not encompass vehicles assigned for law enforcement purposes or for specialized use by the department of natural resources.

2. Outsourcing state vehicle leasing through a private entity to fill the needs addressed by the vehicles subject to sale under subsection 1.

Sec. 7. DEPARTMENT OF ADMINISTRATIVE SERVICES — STATE-OWNED PASSENGER VEHICLES.

1. Consistent with the requirements of section 8A.361, for the period beginning on the effective date of this section and ending June 30, 2011, the department of administrative services shall be the sole department authorized to operate a pool of passenger vehicles located in Polk county for temporary assignment to multiple drivers of a state department or agency that is located within Polk county. For that period, the department shall not purchase new passenger vehicles for the pool. The department shall continue to be the sole department authorized to operate a pool of passenger vehicles as provided under this section until a date specified in a later enactment, or the end date of the period, whichever is later.

2. For purposes of this section, “passenger vehicles” means United States environmental protection agency designated compact sedans, compact wagons, midsize sedans, midsize wagons, full-size sedans, and passenger minivans. “Passenger vehicles” does not mean utility vehicles, vans other than passenger minivans, fire trucks, ambulances, motor homes, buses, medium-duty and heavy-duty trucks, heavy construction equipment, and other highway maintenance vehicles, vehicles assigned for law enforcement purposes, vehicles assigned for specialized use by the department of natural resources, and any other classes of vehicles of limited application approved by the director of the department of administrative services.

Sec. 8. SALE OR LEASE OF IOWA COMMUNICATIONS NETWORK. The Iowa telecommunications and technology commission shall implement a request for proposals process to sell or lease the Iowa communications network. The request for proposals shall provide for the sale to be concluded or the lease to commence during the fiscal year beginning July 1, 2011. The commission shall condition the sale or lease of the Iowa communications network with terms that will allow existing authorized users of the network to continue such use at a lower overall long-term cost when compared to the anticipated operation and maintenance costs if state ownership and control were to continue. Public funds shall not be used to secure the purchase of the network. The commission shall submit periodic status reports to the general assembly at three-month intervals, beginning on October 1, 2011, regarding progress made toward selling or leasing the network.²

Sec. 9. Section 8A.321, subsection 6, paragraph a, Code 2011, is amended to read as follows:

a. Lease all buildings and office space necessary to carry out the provisions of this subchapter or necessary for the proper functioning of any state agency at the seat of government. For state agencies at the seat of government, the director may lease buildings and office space in Polk county or in a county contiguous to Polk county. If no specific appropriation has been made, the proposed lease shall be submitted to the executive council for approval. The cost of any lease for which no specific appropriation has been made shall be paid from the fund provided in section 7D.29. An office space lease shall not be terminated at a time when either contract damages or early termination penalties may be applicable for doing so.

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

DIVISION III ECONOMIC DEVELOPMENT

Sec. 11. Section 15.108, subsection 5, paragraph c, Code 2011, is amended to read as follows:

c. Coordinate and develop with the department of transportation, the department of natural resources, the department of cultural affairs, ~~the generation Iowa commission~~, the vision Iowa board, other state agencies, and local and regional entities public interpretation, marketing, and education programs that encourage Iowans and out-of-state visitors to participate in the recreational and leisure opportunities available in Iowa. The department shall establish and administer a program that helps connect both Iowa residents and residents of other states to new and existing Iowa experiences as a means to enhance the economic, social, and cultural well-being of the state. The program shall include a broad range of new opportunities, both rural and urban, including main street destinations, green space initiatives, and artistic and cultural attractions.

Sec. 12. 2010 Iowa Acts, chapter 1186, section 1, subsection 11, is amended to read as follows:

11. For membership in North America’s supercorridor coalition:

² See chapter 127, §55, 89 herein

..... \$ 50,000
Beginning July 1, 2011, the department shall not renew membership in North America's supercorridor coalition.

Sec. 13. REPEAL. Section 15.421, Code 2011, is repealed.

Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
EDUCATION

Sec. 15. 2010 Iowa Acts, chapter 1183, section 6, subsection 1, is amended to read as follows:

1. GENERAL ADMINISTRATION

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

.....	\$	7,096,482
		<u>7,037,482</u>
.....	FTEs	83.67

Sec. 16. LIBRARY ACQUISITION FUNDING — DEPARTMENT OF EDUCATION — STATE LIBRARY.

1. For the period beginning on the effective date of this section through the close of the fiscal year ending on June 30, 2011, the department of education shall be subject to a limitation on expenditures made on or after the effective date of this section for library acquisitions at the state library including digital acquisitions.

2. The limitation shall be equal to 50 percent of the unexpended or unencumbered amount that the department of education has budgeted or otherwise designated for purposes of library acquisitions, including digital acquisitions, from the appropriations made to the department from all sources, as of the effective date of this section.

Sec. 17. REGENTS UNIVERSITY LEAVE LIMITATION. For the period beginning on the effective date of this section and ending June 30, 2012, the state board of regents shall limit the number of leave of absence assignments granted pursuant to section 262.9, subsection 14, to not more than the equivalent of 3 percent of the faculty staff members employed at each of the institutions under the state board. In addition, the board shall establish policies and oversight to ensure that the assignments enhance the core mission of the institutions. The board shall annually prepare a report comparing each assignment proposal to the results received.

Sec. 18. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V
HEALTH AND HUMAN SERVICES

Sec. 19. Section 217.6, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The rules and regulations adopted for the public benefits and programs administered by the department of human services shall apply the residency eligibility restrictions required by federal and state law.

Sec. 20. DEPARTMENT ON AGING — PLAN FOR REDUCTION IN NUMBER OF AREA AGENCIES ON AGING. The department on aging shall develop a plan for reducing the number of area agencies on aging in the state, to be effective beginning July 1, 2012. The department shall submit the plan to the standing committees on human resources of the senate and house of representatives and the joint appropriations subcommittee on health and human services on or before December 15, 2011.

LEGISLATIVE HEALTH CARE
COVERAGE COMMISSION

*Sec. 21. 2009 Iowa Acts, chapter 118, section 1, subsection 11, is amended to read as follows:

11. This section is repealed on ~~December 31, 2011~~ July 1, 2013.*

Sec. 22. 2009 Iowa Acts, chapter 183, section 65, subsection 3, is amended to read as follows:

3. There is appropriated from the human services reinvestment fund for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount to be used for the following designated purpose:

For the legislative services agency to be used for costs associated with the legislative health care coverage commission created in 2009 Iowa Acts, Senate File 389, ³ if enacted, or a similar legislative commission:

..... \$ 315,000
160,000

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 expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2010.

Sec. 23. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI
INFRASTRUCTURE AND TRANSPORTATION

Sec. 24. WILDFLOWERS. For the period beginning on the effective date of this section through the close of the fiscal year ending June 30, 2011, the department of transportation shall only pay for wildflowers or other aesthetic plantings when justified to prevent erosion or control weed growth, and to reduce maintenance costs.

Sec. 25. SUSTAINABLE COMMUNITIES — JOINT APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS. The joint appropriations subcommittee on transportation, infrastructure, and capitals shall develop and, on or before April 4, 2011, shall submit recommended implementation provisions to the general assembly’s committees on appropriations in proposed legislation concerning reductions of all identifiable appropriations enacted by the Eighty-third General Assembly, 2010 session, for purposes of sustainable communities projects.

Sec. 26. 2010 Iowa Acts, chapter 1184, section 1, subsection 1, paragraph c, unnumbered paragraph 1, is amended to read as follows:

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
125,000

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

* Item veto; see message at end of the Act
³ 2009 Iowa Acts, chapter 118

DIVISION VII
REBUILD IOWA OFFICE

Sec. 28. Section 16.191, subsection 2, paragraph e, Code 2011, is amended to read as follows:

e. ~~The executive director of the rebuild Iowa office or the director's designee until June 30, 2011, and then the administrator of the homeland security and emergency management division of the department of public defense or the administrator's designee.~~

Sec. 29. Section 29C.20B, subsection 1, Code 2011, is amended to read as follows:

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 shall work 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.~~

Sec. 30. Section 29C.20B, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

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:

Sec. 31. Section 103A.8C, subsection 1, Code 2011, is amended to read as follows:

1. The commissioner, after consulting with and receiving recommendations from the department of public defense, ~~and the department of natural resources, and the rebuild Iowa office~~, shall adopt rules pursuant to chapter 17A specifying standards and requirements for design and construction of safe rooms and storm shelters. In developing these standards, the commissioner shall consider nationally recognized standards. The standards and requirements shall be incorporated into the state building code established in section 103A.7, but shall not be interpreted to require the inclusion of a safe room or storm shelter in a building construction project unless such inclusion is expressly required by another statute or by a federal statute or regulation. However, if a safe room or storm shelter is included in any building construction project which reaches the design development phase on or after January 1, 2011, compliance with the standards developed pursuant to this section shall be required.

Sec. 32. 2010 Iowa Acts, chapter 1189, section 28, is amended to read as follows:

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
.....		<u>497,014</u>
.....	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.

Sec. 33. REBUILD IOWA OFFICE ELIMINATION — JOINT APPROPRIATIONS SUBCOMMITTEE ON THE JUSTICE SYSTEM. The joint appropriations subcommittee on the justice system shall consult with the homeland security and emergency management division of the department of public defense and other relevant sources in proposing legislation identifying the appropriate state agencies to assume the duties of the rebuild Iowa office.

Sec. 34. EFFECTIVE UPON ENACTMENT. The provision of this division of this Act amending 2010 Iowa Acts, chapter 1189, section 28, being deemed of immediate importance, takes effect upon enactment.

DIVISION VIII
CORRECTIVE PROVISIONS
EARLY CHILDHOOD IOWA INITIATIVE

Sec. 35. 2010 Iowa Acts, chapter 1031, section 310, is amended by adding the following new subsection:

5. a. References to community empowerment areas in 2010 Iowa Acts, shall be deemed to instead refer to early childhood Iowa areas, including but not limited to such references made in the following provisions:

- (1) 2010 Iowa Acts, chapter 1183, section 6, subsection 10, paragraph “c”.
- (2) 2010 Iowa Acts, chapter 1192, section 2, subsection 4, paragraph “a”.
- (3) 2010 Iowa Acts, chapter 1192, section 6, subsection 12.

b. References to the Iowa empowerment fund and the school ready children grants account in 2010 Iowa Acts, shall be deemed to instead refer to the early childhood Iowa fund and the comparable account within that fund, including but not limited to such references made in the following provisions: 2010 Iowa Acts, chapter 1183, section 6, subsections 10, 11, and 12.

UNEMPLOYMENT COMPENSATION PROGRAM REFERENCE

Sec. 36. 2010 Iowa Acts, chapter 1188, section 22, is amended to read as follows:

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~~ 2010.

DIVISION IX
GOVERNMENT EFFICIENCY MEASURES

Sec. 37. Section 8.51, Code 2011, is amended to read as follows:

8.51 ~~Fiscal year of political~~ Political subdivisions — fiscal year — unexpended funds.

1. The fiscal year of cities, counties, and other political subdivisions of the state shall begin July 1 and end the following June 30. For the purpose of this section, the term political subdivision includes school districts.

2. Each department that provides state funding to a political subdivision of the state shall annually review the statutory and regulatory requirements applicable to the political subdivision's receipt of the funding. The purpose of the review is to identify any barrier in statute or departmental rule or policy that would prevent recovery of any such state funding provided to a political subdivision that remains unencumbered or unobligated and the political subdivision no longer complies with requirements to receive the state funding. If an identified barrier exists in state law, the department shall propose legislation to the governor and general assembly to remove the barrier. If an identified barrier is in departmental rule or policy, the department shall amend the rule or policy to remove the barrier.

Sec. 38. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X
BUDGET AND TAX RATE DATABASE

Sec. 39. Section 8.6, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 9A. *Budget and tax rate databases.* To develop and make available to the public a searchable budget database and internet site as required under chapter 8G, division I, and to develop and make available to the public a searchable tax rate database and internet site as required under chapter 8G, division II.⁴

Sec. 40. Section 8A.502, subsection 9, Code 2011, is amended by striking the subsection.

Sec. 41. NEW SECTION. **8G.1 Intent — findings.**

The general assembly finds that taxpayers should be able to easily access the details on how the state is spending their tax dollars and the performance results achieved for those expenditures. Therefore, it is the intent of the general assembly to direct the department of management to create and maintain a searchable budget database and internet site detailing where tax dollars are expended, the purposes for which tax dollars are expended, and the results achieved for all taxpayer investments in state government.

Sec. 42. NEW SECTION. **8G.2 Short title.**

This subchapter shall be known as and may be cited as the “*Taxpayer Transparency Act*”.

Sec. 43. NEW SECTION. **8G.3 Definitions.**

As used in this subchapter, unless the context otherwise requires:

1. “*Agency*” means a state department, office, board, commission, bureau, division, institution, or public institution of higher education. “*Agency*” includes individual state agencies and programs, as well as those programs and activities that are administered by or involve more than one agency. “*Agency*” includes all elective offices in the executive branch of government and the general assembly. “*Agency*” includes the judicial branch of state government.

2. “*Director*” means the director of the department of management.

3. “*Entity*” or “*recipients*” means any of the following:

a. A corporation.

b. An association.

c. An employee union.

d. A limited liability company.

e. A limited liability partnership.

f. Any other legal business entity, including nonprofit entities.

g. A grant recipient.

h. Contractors.

i. A county, city, school district, or other local government entity.

“*Entity*” or “*recipients*” does not include an individual recipient of state assistance, an employee, or a student. The department of management shall define by rule adopted pursuant to chapter 17A the meaning of the term “*individual recipient of state assistance*”.

4. “*Funding action or expenditure*” includes details on the type of spending that is provided including but not limited to grants, contracts, and appropriations. “*Funding action or expenditure*” includes tax exemptions or credits. Where possible, an electronic link to the actual grants or contracts shall be provided. An electronic link shall be in a format that is a searchable document.

5. “*Funding source*” means the state account or fund from which the expenditure is appropriated. “*Funding source*” does not include federal moneys or grants received by an agency.

⁴ See chapter 131, §49, 158 herein

6. “*Searchable internet site*” means an internet site that allows the public at no cost to search and compile the information identified in section 8G.4 and that provides such information in a format capable of being downloaded from the site to personal computers.

7. “*State audit or report*” shall include any audit or report issued by the auditor of state, department of management, legislative services agency, legislative committee, or executive body relating to the entity or recipient of state funds, the budget program or activity, or agency.

8. “*Tax exemption or credit*” means an exclusion from the operation or collection of a tax imposed in this state. Tax exemption or credit includes tax credits, exemptions, deductions, and rebates. “*Tax exemption or credit*” also includes sales tax refunds if such refunds are applied for and granted as a form of financial assistance, including but not limited to the refunds allowed in sections 15.331A and 423.4.

9. “*Taxing jurisdiction*” means a political subdivision of the state with the authority to levy taxes. Taxing jurisdiction includes but is not limited to a city, a county, a school district, and a township.

Sec. 44. **NEW SECTION. 8G.4 Searchable budget database internet site created.**

1. By January 1, 2013, the director shall develop and make publicly available a database internet site for searching, accessing, and processing data, including the data required in this section, for the most recent state budget. The internet site shall be developed in such a way that the information can be provided to other software applications, including internet software applications, in a manner and format that allows such software applications to access and interpret the data using the internal programming of the software applications. In gathering or receiving information from agencies, the director shall make a good faith effort to minimize the costs and disruptions to other agencies and their computer systems of providing such information.

2. The searchable internet site developed pursuant to this section shall allow the public at no cost to search and compile the information provided pursuant to this subsection. Each state agency, except the institutions under the state board of regents, shall provide the following:

- a. Name of the entity or recipient of state funds.
- b. Amount of state funds expended.
- c. Funding or expending agency.
- d. Funding source.
- e. Budget program or activity of the expenditure.
- f. Descriptive purpose for the funding action or expenditure.
- g. Expected performance outcome for the funding action or expenditure, to the extent that such information is available and can be provided.
- h. Past performance outcomes achieved for the funding action or expenditure, to the extent that such information is available and can be provided.
- i. State audit or report relating to the entity or recipient of state funds or the budget program or activity or agency.
- j. Any other relevant information specified by the director.

3. For purposes of complying with this section, the institutions under the state board of regents, for each budgeted department, program, or activity, shall provide the following:

- a. The funding source and the amount of state funds received by the institutions.
- b. The amount of state funds expended by the institutions.
- c. The names of the entities or recipients receiving state funds from the institutions.
- d. The amounts paid to the entities or recipients named in paragraph “c”.
- e. A description of the department, program, or activity involved, including, to the extent practicable, the descriptive purpose and expected performance outcome of each budget program or activity.
- f. Past performance outcomes of the budget program or activity.
- g. State audit or report relating to the budget program or activity.
- h. Other information as the institutions may deem appropriate for a budget program or activity.

4. a. In providing information pursuant to this section on tax exemptions or credits, the department of revenue shall do the following:

(1) Provide aggregate information for those tax exemptions or credits that are claimed by individual taxpayers.

(2) Provide the information described in subsection 2 for those tax exemptions or credits that are awarded by an agency.

(3) Adhere to all applicable confidentiality provisions to the extent possible while complying with the requirements of this section.

b. An agency awarding tax exemptions or credits shall provide to the department of revenue any information the department may request regarding such exemptions or credits.

5. In addition to the information to be provided pursuant to subsection 2, there shall be provided on the searchable internet site all of the following:

a. A listing and description of awarded tax credits claimed for the individual income tax, corporate income tax, franchise tax, and insurance premiums tax. An awarded tax credit is a tax credit allowed and claimed through a state-authorized program. For each category of tax the internet site shall list each of the awarded tax credits applicable to it, the total amount of that tax credit claimed, and the number of taxpayers claiming the tax credit.

b. The estimated cost to the state of each of the twenty sales tax exemptions that account for the largest dollar amount share of sales tax exemptions under section 423.3. The estimated cost to the state shall include the amount of exempt sales by business type for each county. This paragraph does not apply to the tax exemptions pursuant to section 423.3, subsections 2, 31, 39, 58, 73, and 85.

c. The information to be provided pursuant to subsection 2 shall also be provided for entities or recipients of the awarded tax credits or exemptions described in this subsection.

6. This section does not apply to local governments.

Sec. 45. NEW SECTION. 8G.5 Internet site updates.

1. Effective July 1, 2013, the internet site shall be updated regularly as new data and information become available, but shall be updated no less frequently than annually within sixty days following the close of the state fiscal year. In addition, the director may update the internet site as new data becomes available. All agencies shall provide to the director data that is required to be included on the internet site not later than sixty days following the close of the state fiscal year. The director shall provide guidance to agency heads or the governing body of an agency to ensure compliance with this section.

2. By January 1, 2014, the director shall add data for the previous budgets to the internet site. Data for previous fiscal years may be added as it becomes available and as time permits. The director shall ensure that all data added to the internet site remain accessible to the public for a minimum of ten years.

Sec. 46. NEW SECTION. 8G.6 Noncompliance.

The director shall not be considered in compliance with this subchapter if the data required for the internet site is not available in a searchable manner and capable of being compiled or if the public is redirected to other government internet sites unless each of those sites displays information from all agencies and each category of information required can be searched electronically by field in a single search.

Sec. 47. NEW SECTION. 8G.10 Intent — findings.

The general assembly finds that increasing the ease of public access to state and local tax rates, particularly where the rates are currently available from disparate government sources and are difficult for the public to collect and efficiently aggregate, significantly contributes to governmental accountability, public participation, and the understanding of the cost of government services. Therefore, it is the intent of the general assembly to direct the department of management, in consultation with the department of revenue, to create and maintain a searchable database and internet site of each tax rate for all taxing jurisdictions in the state to make citizen access to state and local tax rates as open, transparent, and publicly accessible as is feasible.

Sec. 48. NEW SECTION. 8G.11 Short title.

This subchapter shall be known and cited as the “*Taxation Disclosure Act*”.

Sec. 49. **NEW SECTION. 8G.12 Tax rate database.**

1. *Searchable tax rate database.* By January 1, 2012, the department of management, in consultation with the department of revenue, shall make publicly available on an internet site a searchable database of all tax rates in the state for each taxing jurisdiction. The information shall include all applicable tax types imposed in the taxing jurisdiction and shall be organized, presented, and accessible, to the extent possible, by county, city, and physical address for each residency or business. Individual tax levies shall be further specified within each tax rate.

2. *Geographical tax rate map.* In addition to searching for tax rates in the manner described in subsection 1, searches shall be accommodated by a geographical tax rate map of the state that is capable of being displayed with a level of specificity corresponding to each taxing jurisdiction.

Sec. 50. **NEW SECTION. 8G.13 Updating database.**

To facilitate the department of management's efforts in creating and maintaining a searchable database of the taxes identified in section 8G.12, subsection 3,⁵ for all taxing jurisdictions in the state, each taxing jurisdiction may annually be required to report its tax rates to the department of management or the department of revenue and shall report any changes to its tax rates within thirty days of the change.

Sec. 51. Section 422.20, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, subsection 27, paragraph "k", and subsection 31, 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. 52. Section 422.72, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, subsection 27, paragraph "k", and subsection 31, 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.

Approved March 7, 2011, with exception noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Speaker:

I hereby transmit House File 45, an Act relating to public funding and regulatory matters and revising appropriations and including effective and other applicability date provisions and making penalties applicable.

House File 45 is, therefore, signed on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as Section 21. This language would extend the sunset date for the Legislative Health Care Coverage Commission ("Commission") from December 31, 2011 to July 1, 2013. Section 22 of House File 45 defunds the Commission and

⁵ See chapter 131, §51, 158 herein

I see no reason to extend the final date already provided in current law, given the decrease in funding for the Commission.

For the above reasons, I respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 45 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 123

MISCELLANEOUS SUPPLEMENTAL APPROPRIATIONS AND PUBLIC FUNDING MEASURES

S.F. 209

AN ACT relating to public funding and regulatory matters by making appropriations, providing for certain additional depreciation allowances, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

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

DIVISION I 2011 BONUS DEPRECIATION COUPLING

**Section 1. Section 422.7, subsection 39A, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 18, is amended to read as follows:*

*The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, section 103, Pub. L. No. 111-5, section 1201, Pub. L. No. 111-240, section 2022, and Pub. L. No. 111-312, section 401, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:**

**Sec. 2. Section 422.7, subsection 39B, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 18, is amended to read as follows:*

*The additional first-year depreciation allowance authorized in section 168(n) of the Internal Revenue Code, as enacted by Pub. L. No. 110-343, section 710, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal adjusted gross income, then the taxpayer shall make the following adjustments to federal adjusted gross income when computing net income for state tax purposes:**

**Sec. 3. Section 422.35, subsection 19A, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 21, is amended to read as follows:*

The additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code, as enacted by Pub. L. No. 110-185, section 103, Pub. L. No. 111-5, section 1201, Pub. L. No. 111-240, section 2022, and Pub. L. No. 111-312, section 401, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes

* Item veto; see message at end of the Act

of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:*

*Sec. 4. Section 422.35, subsection 19B, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 512, section 21, is amended to read as follows:

The additional first-year depreciation allowance authorized in section 168(n) of the Internal Revenue Code, as enacted by Pub. L. No. 110-343, section 710, does not apply in computing net income for state tax purposes for tax years beginning before January 1, 2011. If the taxpayer has taken the additional first-year depreciation allowance for purposes of computing federal taxable income, then the taxpayer shall make the following adjustments to federal taxable income when computing net income for state tax purposes:*

Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

*Sec. 6. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2008, for tax years ending on or after that date:

1. The sections of this Act amending section 422.7, subsections 39A and 39B, as enacted by 2011 Iowa Acts, Senate File 512, section 18.

2. The sections of this Act amending section 422.35, subsections 19A and 19B, as enacted by 2011 Iowa Acts, Senate File 512, section 21.*

DIVISION II
EARNED INCOME TAX CREDIT

*Sec. 7. Section 422.12B, subsection 1, Code 2011, is amended to read as follows:

1. The taxes imposed under this division less the credits allowed under section 422.12 shall be reduced by an earned income credit equal to ~~seven~~ ten percent of the federal earned income credit provided in section 32 of the Internal Revenue Code. Any credit in excess of the tax liability is refundable.*

Sec. 8. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2011, for tax years beginning on or after that date.

DIVISION III
SUPPLEMENTAL APPROPRIATIONS

Sec. 9. DEPARTMENT OF EDUCATION — COMMUNITY COLLEGES. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, to the appropriations made for the following designated purposes, 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 is necessary, to supplement the appropriations made for the following designated purposes:

1. MERGED AREA I — NORTHEAST IOWA COMMUNITY COLLEGE

For general state financial aid for merged area I, in 2010 Iowa Acts, chapter 1183, section 6, subsection 19, and reflecting a corrective addition of \$4,474 in the overall amount appropriated for the merged area’s general state financial aid for the fiscal year:

..... \$ 298,883

2. MERGED AREA II — NORTH IOWA AREA COMMUNITY COLLEGE

For general state financial aid for merged area II, in 2010 Iowa Acts, chapter 1183, section 6, subsection 20, and reflecting a corrective reduction of \$28,512 in the overall amount appropriated for the merged area’s general state financial aid for the fiscal year:

..... \$ 286,545

3. MERGED AREA III — IOWA LAKES COMMUNITY COLLEGE

For general state financial aid for merged area III, in 2010 Iowa Acts, chapter 1183, section

* Item veto; see message at end of the Act

6, subsection 21, and reflecting a corrective reduction of \$32,233 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 257,873

4. MERGED AREA IV — NORTHWEST COMMUNITY COLLEGE

For general state financial aid for merged area IV, in 2010 Iowa Acts, chapter 1183, section 6, subsection 22, and reflecting a corrective reduction of \$13,939 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 128,526

5. MERGED AREA V — IOWA CENTRAL COMMUNITY COLLEGE

For general state financial aid for merged area V, in 2010 Iowa Acts, chapter 1183, section 6, subsection 23, and reflecting a corrective addition of \$18,745 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 344,251

6. MERGED AREA VI — IOWA VALLEY COMMUNITY COLLEGE DISTRICT

For general state financial aid for merged area VI, in 2010 Iowa Acts, chapter 1183, section 6, subsection 24, and reflecting a corrective reduction of \$25,507 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 251,942

7. MERGED AREA VII — HAWKEYE COMMUNITY COLLEGE

For general state financial aid for merged area VII, in 2010 Iowa Acts, chapter 1183, section 6, subsection 25, and reflecting a corrective reduction of \$11,837 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 401,298

8. MERGED AREA IX — EASTERN IOWA COMMUNITY COLLEGE

For general state financial aid for merged area IX, in 2010 Iowa Acts, chapter 1183, section 6, subsection 26, and reflecting a corrective reduction of \$4,921 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 508,961

9. MERGED AREA X — KIRKWOOD COMMUNITY COLLEGE

For general state financial aid for merged area X, in 2010 Iowa Acts, chapter 1183, section 6, subsection 27, and reflecting a corrective addition of \$55,034 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 959,044

10. MERGED AREA XI — DES MOINES AREA COMMUNITY COLLEGE

For general state financial aid for merged area XI, in 2010 Iowa Acts, chapter 1183, section 6, subsection 28, and reflecting a corrective addition of \$106,395 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 1,016,636

11. MERGED AREA XII — WESTERN IOWA TECH COMMUNITY COLLEGE

For general state financial aid for merged area XII, in 2010 Iowa Acts, chapter 1183, section 6, subsection 29, and reflecting a corrective reduction of \$8,974 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 328,413

12. MERGED AREA XIII — IOWA WESTERN COMMUNITY COLLEGE

For general state financial aid for merged area XIII, in 2010 Iowa Acts, chapter 1183, section 6, subsection 30, and reflecting a corrective addition of \$9,196 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 355,950

13. MERGED AREA XIV — SOUTHWESTERN COMMUNITY COLLEGE

For general state financial aid for merged area XIV, in 2010 Iowa Acts, chapter 1183, section 6, subsection 31, and reflecting a corrective reduction of \$12,340 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 132,279

14. MERGED AREA XV — INDIAN HILLS COMMUNITY COLLEGE

For general state financial aid for merged area XV, in 2010 Iowa Acts, chapter 1183, section 6, subsection 32, and reflecting a corrective reduction of \$43,717 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 409,622

15. MERGED AREA XVI — SOUTHEASTERN COMMUNITY COLLEGE

For general state financial aid for merged area XVI, in 2010 Iowa Acts, chapter 1183, section 6, subsection 33, and reflecting a corrective reduction of \$11,864 in the overall amount appropriated for the merged area's general state financial aid for the fiscal year:

..... \$ 248,098

16. COMMUNITY COLLEGE SALARIES. For distribution to community colleges to supplement faculty salaries, in 2010 Iowa Acts, chapter 1183, section 8:

..... \$ 20,415

Sec. 10. DEPARTMENT OF CORRECTIONS. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, 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 supplement the appropriations made for the following designated purposes:

1. For the operation of adult correctional institutions in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "a":

..... \$ 1,920,083

b. For the operation of the Anamosa correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "b":

..... \$ 1,293,060

c. For the operation of the Oakdale correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "c":

..... \$ 2,385,141

d. For the operation of the Newton correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "d":

..... \$ 1,101,460

e. For the operation of the Mount Pleasant correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "e":

..... \$ 1,359,865

f. For the operation of the Rockwell City correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "f":

..... \$ 412,008

g. For the operation of the Clarinda correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "g":

..... \$ 1,180,617

h. For the operation of the Mitchellville correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "h":

..... \$ 504,674

i. For the operation of the Fort Dodge correctional facility in 2010 Iowa Acts, chapter 1190, section 3, subsection 1, paragraph "i":

..... \$ 1,162,060

2. For general administration in 2010 Iowa Acts, chapter 1190, section 4, subsection 1, paragraph "a":

..... \$ 110,202

3. For the judicial district departments of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, to be allocated as follows:

a. For the first judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph "a":

..... \$ 393,353

b. For the second judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph "b":

..... \$ 360,912

c. For the third judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “c”:	\$ 221,793
d. For the fourth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “d”:	\$ 169,067
e. For the fifth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “e”:	\$ 723,637
f. For the sixth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “f”:	\$ 460,329
g. For the seventh judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “g”:	\$ 265,431
h. For the eighth judicial district department of correctional services in 2010 Iowa Acts, chapter 1190, section 5, subsection 1, paragraph “h”:	\$ 177,991

Sec. 11. STATE PUBLIC DEFENDER. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, to the appropriations 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, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the office of the state public defender, in 2010 Iowa Acts, chapter 1190, section 10, subsection 1:	\$ 2,551,500
2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815, in 2010 Iowa Acts, chapter 1190, section 10, subsection 2:	\$ 16,000,000

Sec. 12. DEPARTMENT OF PUBLIC SAFETY. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, 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 supplement the appropriations made for the following designated purposes:

1. For the department’s administrative functions in 2010 Iowa Acts, chapter 1190, section 14, subsection 1:	\$ 275,000
2. For the division of criminal investigation in 2010 Iowa Acts, chapter 1190, section 14, subsection 2:	\$ 325,000
3. For the division of narcotics enforcement in 2010 Iowa Acts, chapter 1190, section 14, subsection 4, paragraph “a”:	\$ 225,000
4. For the division of state fire marshal in 2010 Iowa Acts, chapter 1190, section 14, subsection 5:	\$ 130,000
5. For the division of state patrol in 2010 Iowa Acts, chapter 1190, section 14, subsection 6:	\$ 2,000,000

Sec. 13. DEPARTMENT OF PUBLIC HEALTH. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations made for the following designated purposes, 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 supplement the appropriations made for the following designated purposes:

1. For addictive disorders, in 2010 Iowa Acts, chapter 1192, section 2, subsection 1:	\$ 675,896
2. For healthy children and families, in 2010 Iowa Acts, chapter 1192, section 2, subsection 2:	\$ 68,192
3. For community capacity, in 2010 Iowa Acts, chapter 1192, section 2, subsection 4:	\$ 13,275
4. For healthy aging, in 2010 Iowa Acts, chapter 1192, section 2, subsection 5:	\$ 403,500
5. For infectious diseases, in 2010 Iowa Acts, chapter 1192, section 2, subsection 7:	\$ 51,688

Sec. 14. DEPARTMENT OF HUMAN SERVICES — APPROPRIATIONS. After applying the reductions made pursuant to 2010 Iowa Acts, chapter 1193, section 27, and any transfers made pursuant to 2010 Iowa Acts, chapter 1193, section 28, to the appropriations 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, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the state mental health institute at Cherokee, in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph “a”:	\$ 784,607
2. For the state mental health institute at Clarinda, in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph “b”:	\$ 623,793
3. For the state mental health institute at Independence, in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph “c”:	\$ 1,235,916

Sec. 15. 2010 Iowa Acts, chapter 1193, section 84, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For the duties of the office of the state debt coordinator established in 2010 Iowa Acts, Senate File 2383,¹ 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

Beginning on the effective date of this division of this 2011 Iowa Act, moneys appropriated in this subsection that remain unencumbered or unobligated shall be used by the department of revenue for the administrative costs associated with state tax processing.

Sec. 16. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV CORRECTIVE PROVISIONS

Sec. 17. 2010 Iowa Acts, chapter 1193, section 199, is amended to read as follows:

SEC. 199. TERRACE HILL — GENERAL FUND — DEPARTMENT OF ADMINISTRATIVE SERVICES. There is appropriated from the general fund of the state to the department of

¹ 2010 Iowa Acts, chapter 1146

administrative services for the fiscal year beginning July 1, ~~2009~~ 2010, and ending June 30, ~~2010~~ 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, and for not more than the following full-time equivalent positions:	\$	263,329
.....	FTEs	6.38

Sec. 18. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment. The section of this division of this Act amending 2010 Iowa Acts, chapter 1193, section 199, applies retroactively to April 29, 2010.

DIVISION V
IOWA COMMUNICATIONS NETWORK

Sec. 19. IOWA COMMUNICATIONS NETWORK — AUTHORIZATION FOR CONTRACTS. Pursuant to section 8D.11, subsection 1, paragraph “a”, the general assembly authorizes the Iowa telecommunications and technology commission to enter into contracts in excess of the contract limitation amount established in section 8D.11, subsection 1, paragraph “c”, for purposes of the commission’s project associated with the federal grant awarded to the commission under the federal broadband technology opportunities program. This authorization applies for the duration of the commission’s project and to all affected contracts associated with the project and project funding.

Sec. 20. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI
ADULT MENTAL HEALTH AND INTELLECTUAL AND OTHER DEVELOPMENTAL
DISABILITIES SERVICES SYSTEM REFORM

Sec. 21. ADULT MENTAL HEALTH AND INTELLECTUAL AND OTHER DEVELOPMENTAL DISABILITIES SERVICES SYSTEM REFORM — APPROPRIATION.

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 purposes designated:

To be credited to the property tax relief fund created in chapter 426B and for distribution in accordance with appropriations made from the property tax relief fund enacted by the Eighty-fourth General Assembly, 2011 Session, pursuant to recommendations by the general assembly’s committees on appropriations, to address needs in the publicly funded adult mental health and intellectual and other developmental disability services system, which may include but are not limited to eliminating county waiting lists or providing risk pool funding:

.....	\$	20,000,000
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2. It is the intent of the general assembly to enact legislation providing for the reform of the publicly funded adult mental health and intellectual and other developmental disability services system and to implement a new services system structure by July 1, 2013, when the repeals contained in this division of this Act take effect.

Sec. 22. Section 331.424A, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section is repealed July 1, 2013.

Sec. 23. Section 331.438, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. This section is repealed July 1, 2013.

Sec. 24. Section 331.439, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 10. This section is repealed July 1, 2013.

Sec. 25. Section 331.440, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 7. This section is repealed July 1, 2013.

Sec. 26. NEW SECTION. 426B.6 Future repeal.
This chapter is repealed July 1, 2013.

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

DIVISION VII TAXPAYERS TRUST FUND

Sec. 28. Section 8.54, subsection 5, Code 2011, is amended to read as follows:

5. For fiscal years in which it is anticipated that the distribution of moneys from the Iowa economic emergency fund in accordance with section 8.55, subsection 2, results will result in moneys being transferred to the general fund, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include the amount of moneys which are so anticipated to be so transferred.

Sec. 29. Section 8.55, subsection 2, Code 2011, is amended to read as follows:

2. a. The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be transferred to the general fund, distributed as follows:

(1) The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund.

(2) The remainder of the excess, if any, shall be transferred to the general fund of the state.

b. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be transferred to the general fund of the state distributed as provided in paragraph "a" but shall be transferred to the senior living trust fund. The total amount appropriated, reverted, or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph "c".

Sec. 30. NEW SECTION. 8.57E Taxpayers trust fund.

1. A taxpayers trust fund is created. 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. The moneys credited to 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.

2. Moneys in the taxpayers trust fund shall only be used pursuant to appropriations made by the general assembly for tax relief.

3. a. Moneys in the taxpayer's² trust fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

b. Except as provided in section 8.58, the taxpayers trust fund shall be considered a special account for the purposes of section 8.53 in determining the cash position of the general fund of the state for the payment of state obligations.

² See chapter 131, §50, 158 herein

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the taxpayers trust fund shall be credited to the fund.

Sec. 31. Section 8.58, Code 2011, is amended to read as follows:

8.58 Exemption from automatic application.

1. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, ~~and Iowa economic emergency fund, and taxpayers trust fund~~ shall not be considered in the application of any formula, index, or other statutory triggering mechanism which would affect appropriations, payments, or taxation rates, contrary provisions of the Code notwithstanding.

2. To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, ~~and Iowa economic emergency fund, and taxpayers trust fund~~ shall not be considered by an arbitrator or in negotiations under chapter 20.

Sec. 32. APPLICABILITY. The amendments in this division of this Act to sections 8.54 and 8.55 apply to moneys attributed to fiscal years beginning on or after July 1, 2011.

Approved April 21, 2011, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. President:

I hereby transmit Senate File 209, an Act relating to public funding and regulatory matters by making appropriations, providing for certain additional depreciation allowances, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

Senate File 209 made supplemental appropriations that were necessary as a result of past bad budgeting practices. For example, the current shortfall in the funds available to pay the state's indigent defense bills is the result of actions taken during the 2010 Session of the General Assembly wherein the Governor and General Assembly approved a budget for indigent defense that purposely underfunded this program by nearly \$20 million. This decision was made with the full knowledge the 2011 General Assembly would be forced to take action to provide supplemental funds to the State Public Defender's office for this purpose. Similar poor budgeting practices by the General Assembly and Governor in 2010 necessitated \$84 million dollars in cuts that were made in January of this year. Senate File 209 makes supplemental appropriations in areas where these cuts would affect the health and safety of Iowans.

Senate File 209 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division I. The item vetoed language in Division I of Senate File 209 would couple Iowa's tax law with that portion of the federal short term stimulus legislation which allows businesses to take additional depreciation related deductions, often referred to as "bonus depreciation". This short term measure is estimated to reduce revenue to the state general fund by over \$27 million in Fiscal Year 2011, over \$113 million in Fiscal Year 2012 and over \$35 million in Fiscal Year 2013. Any temporary economic stimulus effect of bonus depreciation is primarily accomplished through the federal tax code. Iowa should instead focus its energies on improving our state's long term competitive tax position for new job creation. With our limited budget, that is best

accomplished by reducing our commercial property taxes which are second highest in the country and our marginal corporate tax rate which is the highest in the nation. The short term and misdirected approach to policy contained in Senate File 209 will not improve our tax climate for new jobs in Iowa.

I am committed to continuing a tax and jobs policy discussion with the House and Senate to adopt a package of tax reductions that stimulate our long-term economic growth and job creation. Acceptance of the provisions in Division I would prevent our ability to consider other more effective options and I disapprove these provisions in order to allow our tax policy discussions to continue.

I am unable to approve the item designated as Division II. The item vetoed language would increase the Earned Income Tax Credit from the current level of 7.0% of the federal credit to 10.0% of the federal credit. This change is estimated to reduce revenue to the state general fund by \$28.5 million for Fiscal Years 2011-2013.

As earlier indicated, it is my desire to approach tax policy in a comprehensive and holistic manner. As such, I urge members of the House and Senate to continue to work with my office on an overall tax reduction package that both fits within our sound budgeting principles while reducing those taxes that are impeding our state's ability to compete for new business and jobs.

For the above reasons, I respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 209 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 124

APPROPRIATIONS — TEMPORARY DETERMINATIONS, SHORT-TERM FUNDING, AND STATE LIBRARY PERSONNEL

H.F. 698

AN ACT relating to and making appropriations for a period of short duration beginning July 1, 2011, providing for related matters, and including effective date and retroactive applicability provisions.

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

DIVISION I APPROPRIATIONS

Section 1. FISCAL YEAR 2011-2012 TEMPORARY APPROPRIATIONS.

1. APPROPRIATIONS DETERMINED FROM ENROLLED BILLS. The department of management, in consultation with the legislative services agency, shall determine the amount of all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including appropriations from federal and nonstate funds, made for the fiscal year beginning July 1, 2011, and ending June 30, 2012, by bills passed by both the senate and the house of representatives during the 2011 Regular Session of the Eighty-fourth General Assembly and enrolled for presentation to the governor, as affected by any applicable provision of law. The department of management,

in consultation with the legislative services agency, shall also identify the entities to which such appropriations are so made.

2. TEMPORARY APPROPRIATIONS. There is appropriated from the appropriate state fund or account to the entities identified pursuant to subsection 1, for the period beginning July 1, 2011, and ending July 31, 2011, amounts, or so much thereof as is necessary, equal to one-twelfth of the amounts of all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including federal and nonstate funds, made for the fiscal year beginning July 1, 2011, and ending June 30, 2012, as determined pursuant to subsection 1.

3. CARRYFORWARDS TEMPORARILY SUPPLANTED. The amounts appropriated under subsection 2 shall supplant, for only the period beginning July 1, 2011, and ending July 31, 2011, any appropriation carried forward from any previous fiscal year into the fiscal year beginning July 1, 2011, and ending June 30, 2012.

4. TEMPORARY APPROPRIATION CONSIDERED ALLOTMENT OF FULL YEAR APPROPRIATION. Upon the governor's approval of any enrolled bill, as passed by both the senate and the house of representatives during the 2011 Regular Session of the Eighty-fourth General Assembly, containing the same line item appropriation or limited standing appropriation for the fiscal year beginning July 1, 2011, and ending June 30, 2012, as made in the one-twelfth appropriation under subsection 2, the one-twelfth appropriation amount shall be considered an allotment of the line item appropriation or limited standing appropriation for the full fiscal year beginning July 1, 2011, and ending June 30, 2012.

Sec. 2. FISCAL YEAR 2011-2012 CONTINUING APPROPRIATIONS.

1. APPROPRIATIONS DETERMINED FROM 2010-2011 LINE ITEM AND LIMITED STANDING APPROPRIATIONS.

a. For all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including appropriations from federal and nonstate funds, not included in bills passed by both the senate and the house of representatives during the 2011 Regular Session of the Eighty-fourth General Assembly and enrolled for presentation to the governor, the department of management, in consultation with the legislative services agency, shall determine the amount of such line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including appropriations from federal and nonstate funds, made for the fiscal year beginning July 1, 2010, and ending June 30, 2011, by taking into consideration all of the following:

- (1) 2011 Iowa Acts, House File 45¹ and Senate File 209,² and other 2011 Iowa Acts.
- (2) 2010 Iowa Acts, chapter 1193, sections 27 and 28, and other 2010 Iowa Acts.

(3) All interdepartmental and intradepartmental transfers made pursuant to section 8.39 and other provisions of law.

- (4) Other provisions of law.

b. The department of management, in consultation with the legislative services agency, shall also identify the entities to which such appropriations were so made, or the entities' successors.

2. CONTINUING APPROPRIATIONS. There is appropriated from the appropriate state fund or account to the entities identified pursuant to subsection 1, for the period beginning July 1, 2011, and ending July 31, 2011, amounts, or so much thereof as is necessary, equal to one-twelfth of the amounts of all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including federal and nonstate funds, made for the fiscal year beginning July 1, 2010, and ending June 30, 2011, as determined pursuant to subsection 1.

3. DUPLICATIVE STANDING APPROPRIATIONS TEMPORARILY SUPPLANTED. The amounts appropriated under subsection 2 shall supplant, for only the period beginning July 1, 2011, and ending July 31, 2011, any duplicative standing appropriation for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

¹ Chapter 122 herein

² Chapter 123 herein

4. CARRYFORWARDS TEMPORARILY SUPPLANTED. The amounts appropriated under subsection 2 shall supplant, for only the period beginning July 1, 2011, and ending July 31, 2011, any appropriation carried forward from any previous fiscal year into the fiscal year beginning July 1, 2011, and ending June 30, 2012.

5. CONTINUING APPROPRIATION CONSIDERED ALLOTMENT OF FULL YEAR APPROPRIATION. Upon the governor’s approval of any enrolled bill, as passed by both the senate and the house of representatives during the 2011 Regular Session of the Eighty-fourth General Assembly, containing the same line item or limited standing appropriation for the fiscal year beginning July 1, 2011, and ending June 30, 2012, as made in the one-twelfth appropriation under subsection 2, the one-twelfth appropriation amount shall be considered an allotment of the line item appropriation or limited standing appropriation for the full fiscal year beginning July 1, 2011, and ending June 30, 2012.

6. CAPITAL PROJECTS EXCLUDED. This section of this Act does not apply to appropriations for capital projects.

Sec. 3. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act takes effect upon enactment and, if approved by the governor after July 1, 2011, applies retroactively to July 1, 2011.

DIVISION II
MISCELLANEOUS

Sec. 4. 2011 Iowa Acts, House File 645,³ section 5, subsection 4, paragraph a, if enacted, is amended to read as follows:

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,209,619
.....	FTEs	17.00
		<u>29.00</u>

Approved June 30, 2011

CHAPTER 125

APPROPRIATIONS — TRANSPORTATION

H.F. 683

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 and including conditional retroactive applicability provisions.

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

DIVISION I
TRANSPORTATION
FY 2011-2012

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, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

³ Chapter 132 herein

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 expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:

..... \$ 6,570,000

b. Planning:

..... \$ 458,000

c. Motor vehicles:

..... \$ 33,921,000

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:

..... \$ 119,000

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 motor vehicle division field facility maintenance projects at various locations:

..... \$ 200,000

12. For scale replacement projects at various locations:

..... \$ 550,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 11 and 12 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, 2011, and ending June 30, 2012, 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:

..... \$ 40,356,529

..... FTEs 296.00

b. Planning:

..... \$ 8,697,095

.....	FTEs	121.00
c. Highways:		
.....	\$	230,913,992
.....	FTEs	2,247.00
d. Motor vehicles:		
.....	\$	1,413,540
.....	FTEs	445.00
2. For payments to the department of administrative services for utility services:	\$	1,388,000
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:	\$	2,846,000
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:	\$	5,366,000
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:	\$	400,000
13. For deferred maintenance projects at field facilities throughout the state:	\$	1,000,000
14. For elevator upgrades at the Ames complex:	\$	100,000
15. For wastewater treatment improvements at various locations:	\$	1,000,000
16. For replacement of the Swea City garage:	\$	2,100,000

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
TRANSPORTATION
FY 2012-2013

Sec. 3. 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, 2012, and ending June 30, 2013, 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 expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.		
2. For salaries, support, maintenance, and miscellaneous purposes:		
a. Operations:		
.....	\$	3,285,000
b. Planning:		
.....	\$	229,000
c. Motor vehicles:		
.....	\$	16,960,500
3. For payments to the department of administrative services for utility services:		
.....	\$	112,500
4. Unemployment compensation:		
.....	\$	3,500
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:		
.....	\$	59,500
6. For payment to the general fund of the state for indirect cost recoveries:		
.....	\$	39,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:		
.....	\$	33,660
8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:		
.....	\$	703,000
9. For transfer to the department of public safety for operating a system providing toll-free telephone road and weather conditions information:		
.....	\$	50,000
10. For costs associated with the participation in the Mississippi river parkway commission:		
.....	\$	20,000
11. For motor vehicle division field facility maintenance projects at various locations:		
.....	\$	200,000
12. For scale replacement projects at various locations:		
.....	\$	550,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 11 and 12 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. 4. 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, 2012, and ending June 30, 2013, 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:		
.....	\$	20,178,265
.....	FTEs	296.00
b. Planning:		
.....	\$	4,348,548
.....	FTEs	121.00
c. Highways:		

.....	\$	115,456,996
.....	FTEs	2,247.00
d. Motor vehicles:		
.....	\$	706,770
.....	FTEs	445.00
2. For payments to the department of administrative services for utility services:		
.....	\$	694,000
3. Unemployment compensation:		
.....	\$	69,000
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:		
.....	\$	1,423,000
5. For disposal of hazardous wastes from field locations and the central complex:		
.....	\$	400,000
6. For payment to the general fund of the state for indirect cost recoveries:		
.....	\$	286,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:		
.....	\$	207,591
8. For costs associated with producing transportation maps:		
.....	\$	121,000
9. For inventory and equipment replacement:		
.....	\$	2,683,000
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 wastewater treatment improvements at various locations:		
.....	\$	1,000,000
15. For replacement of the New Hampton combined facility:		
.....	\$	5,200,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 15 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 III
CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

Sec. 5. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

Approved July 7, 2011

CHAPTER 126

FEDERAL BLOCK GRANT APPROPRIATIONS AND OTHER FEDERAL FUNDING

S.F. 508

AN ACT appropriating federal funds made available from federal block grants 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.

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

DIVISION I
FY 2011-2012

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, 2011, and ending September 30, 2012, the following amount:

..... \$ 13,571,229

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 prevention and treatment of substance abuse 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, 2010, 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 prevention and treatment of substance abuse 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, 2011, and ending September 30, 2012, the following amount:

..... \$ 3,370,840

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 and disability services 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, 2011, and ending September 30, 2012, 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, 2011, and ending September 30, 2012, the following amount:

..... \$ 1,102,464

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 exceeding 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, 2011, and ending September 30, 2012, the following amount:

..... \$ 1,588,692

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, 2011, and ending September 30, 2012, the following amount:

..... \$ 246,826

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, 2011, and ending September 30, 2012, the following amount:

..... \$ 2,974,695

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, 2011, and ending September 30, 2012, the following amount:

..... \$ 7,540,877

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, 2011, and ending September 30, 2012, the following amount:

..... \$ 28,514,788

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 \$1,240,000 for the federal fiscal year beginning October 1, 2011, 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 \$670,000 for the federal fiscal year beginning October 1, 2011, of funds appropriated in subsection 1 and a matching contribution from the state equal to \$570,000 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, 2011, and ending September 30, 2012, the following amount:

..... \$ 70,527,851

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 remaining moneys are 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 remaining moneys 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 not more than 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, 2011, and ending September 30, 2012, the following amount:

..... \$ 16,562,583

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 \$1,065,917 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, 2011, for the following programs within the department of human services:

- a. Field operations: \$ 6,375,369
- b. Child and family services: \$ 824,195
- c. Local administrative costs and other local services: \$ 676,125
- d. Volunteers: \$ 74,023
- e. MH/MR/DD/BI community services (local purchase): \$ 7,546,954

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, 2011, and ending September 30, 2012, 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 and 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, 2011, and ending September 30, 2012, the following amount:

..... \$ 43,792,517

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, 2011, and ending June 30, 2012, these grants, receipts, and funds are appropriated to the extent necessary, provided that the fiscal committee of the legislative council is notified within 30 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, 2011, and ending June 30, 2012, 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
FY 2012-2013

Sec. 19. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 13,571,229

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 prevention and treatment of substance abuse 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, 2011, 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 prevention and treatment of substance abuse 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. 20. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 3,370,840

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 and disability services 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. 21. 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, 2012, and ending September 30, 2013, 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. 22. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 1,102,464

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 exceeding 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. 23. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 1,588,692

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. 24. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 246,826

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. 25. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 2,974,695

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. 26. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 7,540,877

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. 27. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 28,514,788

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 \$1,240,000 for the federal fiscal year beginning October 1, 2012, 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 \$670,000 for the federal fiscal year beginning October 1, 2012, of funds appropriated in subsection 1 and a matching contribution from the state equal to \$570,000 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. 28. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 70,527,851

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 remaining moneys are 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 remaining moneys 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 not more than 5 percent of the amount appropriated in this section that is actually received.

Sec. 29. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 16,562,583

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 \$1,065,917 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, 2012, for the following programs within the department of human services:

a. Field operations:	\$	6,375,369
b. Child and family services:	\$	824,195
c. Local administrative costs and other local services:	\$	676,125
d. Volunteers:	\$	74,023
e. MH/MR/DD/BI community services (local purchase):	\$	7,546,954

Sec. 30. 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. 31. 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, 2012, and ending September 30, 2013, 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 and 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. 32. 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, 2012, and ending September 30, 2013, the following amount:

..... \$ 43,792,517

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. 33. 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 22, subsection 3, of this division of this Act, for which each block grant is available according to the percentages that each program is to receive as specified in this division of 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. 34. 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 19, 20, 21, 22, 25, 27, and 29 of this division 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 28 of this division 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 26 of this division of this Act, 100 percent of the excess is allocated to the community services block grant program.

Sec. 35. 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, 2012, and ending June 30, 2013, these grants, receipts, and funds are appropriated to the extent necessary, provided that the fiscal committee of the legislative council is notified within 30 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. 36. EXPENDITURE REPORT. Each department, agency, or authority receiving an appropriation of federal funds pursuant to this Act for the federal fiscal year beginning October 1, 2011, or October 1, 2012, shall submit a detailed plan for the expenditure of the federal funds designated for departmental administrative expenses to the members of the joint appropriations subcommittee with jurisdiction over the state appropriations for the department, agency, or authority. The plan shall be submitted at least 60 calendar days prior to the commencement of the federal fiscal year to which the plan applies and shall be accompanied by a detailed report on the actual department administrative expenditures for the federal fiscal year in progress and the most recently completed federal fiscal year, both in a form acceptable to the legislative services agency.

Sec. 37. 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, 2012, and ending June 30, 2013, 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.

* Item veto; see message at end of the Act

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.

Approved July 18, 2011, with exception noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 508, an Act appropriating federal funds made available from federal block grants and other non-state 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.

Senate File 508 is, therefore, signed on this date with the following exception, which I hereby disapprove.

I am unable to approve Section 36 of the bill in its entirety. This item creates a redundant mandate by requiring departments that receive funds from this appropriation bill to provide a detailed plan of the past, current, and future expenditures of federal funds designated for departmental administrative expenses 60 days before the start of the new federal fiscal year. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems. Furthermore, the future year's plan will be of little to no benefit beyond what is currently available because most of the amounts will not have been established by the federal government in a timely fashion that would allow a complete and accurate report 60 days before the start of the new federal fiscal year.

For the above reasons, I respectfully disapprove the designated item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 508 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 127

APPROPRIATIONS — ADMINISTRATION AND REGULATION

H.F. 646

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 provisions.

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

DIVISION I
FY 2011-2012

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, 2011, and ending June 30, 2012, the following amounts, 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:

a. For salaries, support, maintenance, and miscellaneous purposes:	\$	4,020,344
.....	FTEs	84.18

b. For the payment of utility costs:	\$	2,626,460
.....	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.

c. For Terrace Hill operations:	\$	405,914
.....	FTEs	6.88

d. For the I3 distribution account:	\$	3,277,946
.....		

e. For operations and maintenance of the Iowa building:	\$	995,535
.....	FTEs	7.00

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. LEASING AUTHORITY IMPLEMENTATION.

1. A state agency that has entered into a lease for any buildings or office space shall forward a copy of each such existing lease to the department of administrative services for review prior to July 1, 2011.

2. A state agency that is in the process of entering into or renewing a lease for any building or office space shall contact the department of administrative services prior to finalizing such lease. Such lease shall not be entered into or renewed without the approval of the department.

3. The department shall provide space management services and begin to lease all buildings and office space wherever located throughout the state as provided in section 8A.321, as amended by this Act, as soon as practicable, but by no later than December 1,

2011. Prior to assuming those responsibilities, the department shall review and approve leases under subsection 2 unless, in the department’s discretion, it is determined that entering into or renewing such lease would not be in the best interests of the state.

4. The department is authorized to assess a fee to a state agency for which a lease is negotiated or renewed pursuant to this Act sufficient to cover the department’s costs in providing space management services under this Act.

Sec. 3. TRAVEL REIMBURSEMENT IMPLEMENTATION.

1. If this Act is approved by the governor prior to July 1, 2011, the electronic online travel authorization form provided for in section 8A.512A, if enacted, shall be developed on or before July 1, 2011, and executive branch employees subject to that section traveling out of state on behalf of the state shall utilize the form on and after that date.

2. The database to be made available by the department of administrative services as provided in section 8A.512A, if enacted, shall be developed and available for public access on or before January 1, 2012.

3. The department shall develop a plan for converting the existing reimbursement process to a paperless process, including implementation steps, a timeline, and an estimated budget. The plan shall be submitted to the governor by no later than January 1, 2012.

Sec. 4. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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. 5. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the first \$750,000 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 IowAccess 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 IowAccess shall be deposited in the IowAccess revolving fund and shall be used only for the support of IowAccess projects.

3. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, there is appropriated from the IowAccess revolving fund, to the office of the secretary of state \$75,000 for costs associated with decennial redistricting.

Sec. 6. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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. 7. 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, 2011, and ending June 30, 2012, 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

2. 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.

3. The auditor of state shall allocate resources from the appropriation in this section solely for audit work related to the comprehensive annual financial report, federally required audits, and investigations of embezzlement, theft, or other significant financial irregularities until the audit of the comprehensive annual financial report is complete.

Sec. 8. 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, 2011, and ending June 30, 2012, 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:

.....	\$	475,000
.....	FTEs	5.00

Sec. 9. 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, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,220,391
.....	FTEs	21.00

(2) Of the funds appropriated pursuant to this paragraph, up to \$60,000 shall be used to establish and implement a web-based alcohol compliance employee training program for alcoholic beverage sales personnel.

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

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

.....	\$	600,353
.....	FTEs	12.00

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, 2011, and ending June 30, 2012, 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:

.....	\$	4,983,244
.....	FTEs	106.50

(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 provisions to the contrary, any unencumbered or unobligated 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, 2011, and ending June 30, 2012, 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.

(4) In addition to the funds otherwise appropriated to the division in subparagraph (1), and contingent upon the enactment of legislation during the 2011 legislative session relating to the permitting, licensing, construction, and operation of nuclear generation facilities and establishing rate-making principles in relation thereto, for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	500,000
.....	FTEs	3.50

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.

Sec. 10. 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, 2011, and ending June 30, 2012, 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. 11. 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, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	2,288,025
.....	FTEs	22.88

Sec. 12. 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, 2011, and ending June 30, 2012, 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:

.....	\$	290,000
.....	FTEs	8.00

Sec. 13. 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, 2011, and ending June 30, 2012, 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:

.....	\$	206,103
.....	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:

.....	\$	1,028,077
.....	FTEs	17.00

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:

.....	\$	1,023,892
.....	FTEs	10.00

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. 14. 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, 2011, and ending June 30, 2012, 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:

.....	\$	1,527,740
.....	FTEs	37.40

2. ADMINISTRATIVE HEARINGS DIVISION

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

.....	\$	528,753
.....	FTEs	23.00

3. INVESTIGATIONS DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,168,639
.....	FTEs	58.50

b. The department, in coordination with the investigations division, shall provide a report to the general assembly by January 10, 2012, 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:

.....	\$	3,555,328
.....	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, 2011, and ending June 30, 2012:

(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

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	42,215
.....	FTEs	14.00

b. 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

a. 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:

.....	\$	2,680,290
.....	FTEs	40.80

b. 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.

c. The court appointed special advocate program shall investigate and develop opportunities for expanding fund-raising for the program.

d. 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.

Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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 period beginning July 1, 2009, and ending June 30, 2011, for the purpose of enforcing the provisions of chapters 137C, 137D, and 137F.

Sec. 16. 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. 17. DEPARTMENT OF INSPECTIONS AND APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND APPROPRIATION. There is appropriated from the Medicaid fraud fund created in section 249A.7 to the health facilities division of the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 650,000

Sec. 18. DEPARTMENT OF INSPECTIONS AND APPEALS — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND APPROPRIATION. There is appropriated from the Medicaid fraud fund created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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. 19. DEPARTMENT OF INSPECTIONS AND APPEALS — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND APPROPRIATION. There is appropriated from the Medicaid fraud fund created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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, chapter 1177:

..... \$ 250,000

Sec. 20. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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:

..... \$ 2,511,440

..... FTEs 28.53

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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:

..... \$ 3,078,100

..... FTEs 44.22

Sec. 21. 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, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes: \$ 1,623,897

Sec. 22. DEPARTMENT OF MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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:

..... \$ 2,393,998
..... FTEs 25.00

2. 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. 23. 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, 2011, and ending June 30, 2012, 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

Sec. 24. DEPARTMENT OF REVENUE.

1. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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:

..... \$ 17,659,484
..... FTEs 303.48

2. 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.

3. 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.

Sec. 25. 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, 2011, and ending June 30, 2012, 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 administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

..... \$ 1,305,775

Sec. 26. SECRETARY OF STATE.

1. 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, 2011, and ending June 30, 2012, 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	45.00

2. 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. 27. 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, 2011, 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 chapter 17A.

Sec. 28. TREASURER.

1. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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

2. The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 29. 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, 2011, and ending June 30, 2012, 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
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Sec. 30. 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, 2011, and ending June 30, 2012, 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. 31. STATE CAPITOL SIDEWALK HEATING — DISCONNECTION. The department of administrative services shall disconnect electricity to the heated sidewalk installed in the entry walkway on the East side of the state capitol building, and shall not reconnect the electricity without the authorization of the general assembly.

Sec. 32. Section 8A.111, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 33. Section 8A.311, subsection 15, Code 2011, is amended to read as follows:

15. a. A bidder awarded, to be considered for an award of a state construction contract, shall disclose to the state agency awarding the contract the names of all subcontractors, and suppliers who will work on the project being bid, within forty-eight hours after the award of the contract published date and time by which bids must be submitted.

b. A bidder shall not replace a subcontractor or supplier disclosed under paragraph "a" without the approval of the state agency awarding the contract.

c. A bidder, prior to an award or who is awarded a state construction contract, shall disclose all of the following, as applicable:

b. (1) If a subcontractor named or supplier disclosed under paragraph "a" by a bidder awarded a state construction contract is replaced, or if the reason for replacement and the name of the new subcontractor or supplier.

(2) If the cost of work to be done by a subcontractor or supplier is reduced, the bidder shall disclose the name of the new subcontractor or changed or if the replacement of a subcontractor or supplier results in a change in the cost, the amount of the reduced change in cost.

Sec. 34. Section 8A.315, subsection 1, paragraph d, Code 2011, is amended by striking the paragraph.

Sec. 35. Section 8A.321, subsection 6, Code 2011, is amended to read as follows:

6. a. Lease all buildings and office space necessary to carry out the provisions of this subchapter or necessary for the proper functioning of any state agency ~~at the seat of government~~ wherever located throughout the state. For state agencies at the seat of government, the director may lease buildings and office space in Polk county or in a county contiguous to Polk county. If no specific appropriation has been made, the proposed lease shall be submitted to the executive council for approval. The cost of any lease for which no specific appropriation has been made shall be paid from the fund provided in section 7D.29. Additionally, the director shall also develop cooperative relationships with the state board of regents in order to promote colocation of state agencies.

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

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

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

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

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

8A.361 Vehicle assignment — authority in department.

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

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

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

vehicles at governmental or dealer auctions if the purchase is determined to be in the best interests of the state.

b. The director, and any other state agency, which for purposes of this subsection includes but is not limited to community colleges and institutions under the control of the state board of regents, or local governmental subdivisions purchasing new motor vehicles, shall purchase ~~new passenger motor vehicles and light trucks, which are not rented or leased pursuant to section 8A.367,~~ so that the average fuel efficiency for the fleet of new passenger vehicles and light trucks purchased in that year equals or exceeds the average fuel economy standard for the vehicles' model year as established by the United States secretary of transportation under 15 U.S.C. § 2002. This paragraph does not apply to vehicles purchased for law enforcement purposes or used for off-road maintenance work, or work vehicles used to pull loaded trailers.

c. Not later than June 15 of each year, the director shall report compliance with the corporate average fuel economy standards published by the United States secretary of transportation for ~~new assigned~~ motor vehicles, other than motor vehicles purchased by the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other state agency exempted from the requirements of this subsection. The report of compliance shall classify the vehicles ~~purchased assigned~~ for the current vehicle model year using the following categories: passenger automobiles, enforcement automobiles, vans, and light trucks. The director shall deliver a copy of the report to the office of energy independence. As used in this paragraph, "corporate average fuel economy" means the corporate average fuel economy as defined in 49 C.F.R. § 533.5.

Sec. 39. Section 8A.362, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 40. Section 8A.362, subsections 7 through 9, Code 2011, are amended to read as follows:

7. The director may authorize the establishment of motor pools consisting of a number of ~~state-owned state-assigned~~ motor vehicles under the director's supervision. The director may store the motor vehicles in a public or private garage. If the director establishes a motor pool, any state officer or employee desiring the use of a ~~state-owned state-assigned~~ motor vehicle on state business shall notify the director of the need for a vehicle within a reasonable time prior to actual use of the motor vehicle. The director may assign a motor vehicle from the motor pool to the state officer or employee, or from the vendor awarded a contract pursuant to section 8A.367. If two or more state officers or employees desire the use of a ~~state-owned state-assigned~~ motor vehicle for a trip to the same destination for the same length of time, the director may assign one vehicle to make the trip.

8. The director shall require that a sign be placed on each state-owned motor vehicle in a conspicuous place which indicates its ownership by the state. This requirement shall not apply to motor vehicles requested to be exempt by the director or by the commissioner of public safety. All state-owned motor vehicles shall display registration plates bearing the word "official" except motor vehicles requested to be furnished with ordinary plates by the director or by the commissioner of public safety pursuant to section 321.19. The director shall keep an accurate record of the registration plates used on all state-owned motor vehicles. This subsection shall not apply to an assigned vehicle rented or leased pursuant to section 8A.367.

9. All fuel used in ~~state-owned state-assigned~~ automobiles shall be purchased at cost from the various installations or garages of the state department of transportation, state board of regents, department of human services, or state motor pools throughout the state, unless the state-owned sources for the purchase of fuel are not reasonably accessible. If the director determines that state-owned sources for the purchase of fuel are not reasonably accessible, the director shall authorize the purchase of fuel from other sources. The director may prescribe a manner, other than the use of the revolving fund, in which the purchase of fuel from state-owned sources is charged to the state agency responsible for the use of the motor vehicle. The director shall prescribe the manner in which oil and other normal motor vehicle maintenance for state-owned motor vehicles may be purchased from private sources, if they cannot be reasonably obtained from a state motor pool. The director may advertise for bids and award contracts in accordance with competitive bidding procedures for items

and services as provided in this subchapter for furnishing fuel, oil, grease, and vehicle replacement parts for all state-owned motor vehicles. The director and other state agencies, when advertising for bids for gasoline, shall also seek bids for ethanol blended gasoline.

Sec. 41. Section 8A.363, subsection 1, Code 2011, is amended to read as follows:

1. A state officer or employee shall not use a ~~state-owned~~ state-assigned motor vehicle for personal private use. A state officer or employee shall not be compensated for driving a privately owned motor vehicle unless it is done on state business with the approval of the director. In that case the state officer or employee shall receive an amount to be determined by the director. The amount shall not exceed the maximum allowable under the federal internal revenue service rules per mile, notwithstanding established mileage requirements or depreciation allowances. However, the director may authorize private motor vehicle rates in excess of the rate allowed under the federal internal revenue service rules for state business use of substantially modified or specially equipped privately owned vehicles required by persons with disabilities. A statutory provision establishing reimbursement for necessary mileage, travel, or actual expenses to a state officer falls under the private motor vehicle mileage rate limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section 801.4 who is required to use a private motor vehicle in the performance of official duties shall receive the private vehicle mileage rate at the rate provided in this section. However, the director may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director. If a state motor vehicle has been assigned to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned motor vehicle unless the state motor vehicle assigned is not usable.

Sec. 42. NEW SECTION. **8A.367 State-owned passenger vehicles — disposition and sale — fleet privatization.**

1. For purposes of this section, “*passenger vehicles*” means United States environmental protection agency designated compact sedans, compact wagons, midsize sedans, midsize wagons, full-size sedans, and passenger minivans, and additional vehicle classes determined by the department to be able to be reasonably supported by a private entity for rental or leasing. “*Passenger vehicles*” does not mean utility vehicles, vans other than passenger minivans, fire trucks, ambulances, motor homes, buses, medium-duty and heavy-duty trucks, heavy construction equipment and other highway maintenance vehicles, vehicles assigned for law enforcement purposes, and any other classes of vehicles of limited application approved by the director of the department of administrative services.

2. On or before September 30, 2011, the department shall implement a request for proposal process to enter into a contract for the purpose of state passenger vehicle rental or leasing from a private entity. Prior to awarding a contract, a private entity shall demonstrate the following:

a. Existence of sufficient inventory of passenger vehicles within this state to accommodate the needs of the state in assigning passenger vehicles.

b. Existence of adequate personnel in any county within the state where rental and leasing activity can be supported to satisfy the terms of the contract in renting or leasing state-assigned vehicles.

c. Existence of adequate personnel to facilitate the sale and disposition of the existing state-owned passenger vehicles returned to the department pursuant to subsection 3 or otherwise under the control of the department. Notwithstanding the provisions of section 8A.364 to the contrary, proceeds from the sale of motor vehicles as provided by this subsection shall be credited to the fund from which the motor vehicles were purchased.

3. By March 1, 2012, the department shall award a vehicle rental or leasing contract to a private entity, and shall assign passenger vehicles for rental or lease pursuant to that contract, to the extent the department determines doing so would be economically feasible and financially advantageous. By March 1, 2012, all state-assigned passenger vehicles designated for use by multiple drivers, and located in any county of this state which can support the operation of a private entity for rental and leasing purposes, which

the department determines would be suitable for rental or leasing shall be returned to the department for use and disposition as provided in this section.

4. Notwithstanding any other provision of state law to the contrary, a private entity awarded a contract pursuant to this section shall not be required to indemnify or hold harmless the state for any liability the state might have to any third party due to the negligence of the state or any of its employees.

5. The department shall conduct an ongoing evaluation regarding the economic advantages of renting or leasing state-assigned vehicles versus state ownership of such vehicles, and shall accordingly adjust the number of vehicles subject to the rental and leasing contract pursuant to this section at intervals specified in the contract.

Sec. 43. Section 8A.512, subsection 2, Code 2011, is amended by striking the subsection.

Sec. 44. **NEW SECTION. 8A.512A Executive branch employee travel — information and database.**

1. The department shall develop and maintain the following:

a. An electronic travel authorization form to be used for any executive branch employee's out-of-state travel, conference, or related expenditures associated with the employee's official duties. The electronic travel authorization form shall include all of the following:

(1) The identification of the employee, the employee's title, and the employee's department or agency.

(2) The travel departure point and destination point.

(3) The reason for the travel.

(4) The estimated reimbursable expenses.

(5) The date or dates upon which the travel is to occur.

b. A searchable database available on the department's internet site containing information related to all executive branch employee travel that includes all of the following:

(1) The identification of the employee who engaged in the travel, the employee's department or agency, and the employee's title.

(2) The travel departure point and destination point.

(3) The reason for the travel.

(4) The actual amount of expenses reimbursed.

(5) The date or dates upon which the travel occurred.

c. Notwithstanding paragraph "b" of this subsection, the searchable database shall not include information regarding travel by officers and employees of the department of public safety occurring in relation to or during the course of criminal investigations, including but not limited to undercover operations.

2. A claim for reimbursement for any out-of-state travel, conference, or related expenditures shall only be allowed after the occurrence of both of the following:

a. The electronic travel authorization form is approved by the head of the employee's department.

b. The request for reimbursement is submitted by the employee on the appropriate form with required approvals.

3. For purposes of this section, "executive branch employee" means an employee of the executive branch as defined in section 7E.2, other than a member or employee of the state board of regents and institutions under the control of the state board of regents.

Sec. 45. Section 22.3A, subsection 1, paragraph e, Code 2011, is amended to read as follows:

e. "Data processing software" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data, and includes any program or set of programs, procedures, or routines used to employ and control capabilities of computer hardware. As used in this paragraph "data processing software" includes but is not limited to an operating system, compiler, assembler, utility, library resource, maintenance routine, application, or computer networking program, or the associated documentation.

Sec. 46. Section 99D.14, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding sections 8.60 and 99D.17, the portion of the fee paid pursuant to paragraph “a” relating to the costs of the commission, shall not be deposited in the general fund of the state but instead shall be deposited into the gaming regulatory revolving fund established in section 99F.20.

Sec. 47. Section 99F.10, subsection 4, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding sections 8.60 and 99F.4, the portion of the fee paid pursuant to paragraph “a” relating to the costs of the commission, shall not be deposited in the general fund of the state but instead shall be deposited into the gaming regulatory revolving fund established in section 99F.20.

Sec. 48. **NEW SECTION. 99F.20 Gaming regulatory revolving fund.**

1. A gaming regulatory revolving fund is created in the state treasury under the control of the department of inspections and appeals. The fund shall consist of fees collected and deposited into the fund paid by licensees pursuant to section 99D.14, subsection 2, paragraph “c”, and fees paid by licensees pursuant to section 99F.10, subsection 4, paragraph “c”. All costs relating to racetrack, excursion boat, and gambling structure regulation shall be paid from the fund as provided in appropriations made for this purpose by the general assembly. The department shall provide quarterly reports to the department of management and the legislative services agency specifying revenues billed and collected and expenditures from the fund in a format as determined by the department of management in consultation with the legislative services agency.

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. Notwithstanding any provision to the contrary, the department shall, to the fullest extent possible, make an estimate of billings and make such billings as early as possible in each fiscal year, so that the need for the use of general fund moneys is minimized to the lowest extent possible. Periodic billings shall be deemed sufficient to satisfy this requirement. 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.

4. The establishment of the revolving fund pursuant to this section shall not be interpreted in any manner to compromise or impact the accountability of, or limit authority with respect to, the department under state law. Any provision applicable to, or responsibility of, the department shall not be altered or impacted by the existence of the fund and shall remain applicable to the same extent as if the department were receiving moneys pursuant to a general fund appropriation. The department shall comply with directions by the governor to executive branch departments regarding restrictions on out-of-state travel, hiring justifications, association memberships, equipment purchases, consulting contracts, and any other expenditure efficiencies that the governor deems appropriate.

Sec. 49. Section 249A.7, subsection 3, as amended by 2011 Iowa Acts, House File 389,¹ section 1, is amended by striking the subsection and inserting in lieu thereof the following:

3. a. A Medicaid fraud fund is created in the state treasury under the authority of the department of inspections and appeals. Moneys from penalties, investigative costs recouped by the Medicaid fraud control unit, and other amounts received as a result of prosecutions involving the department of inspections and appeals investigations and audits to ensure

¹ Chapter 52 herein

compliance with the medical assistance program that are not credited to the program shall be credited to the fund.

b. Notwithstanding section 8.33, moneys credited to the fund from any other account or fund shall not revert to the other account or fund. Moneys in the fund shall only be used as provided in appropriations from the fund and shall be used in accordance with applicable laws, regulations, and the policies of the office of inspector general of the United States department of health and human services.

c. For the purposes of this subsection, “*investigative costs*” means the reasonable value of a Medicaid fraud control unit investigator’s, auditor’s or employee’s time, any moneys expended by the Medicaid fraud control unit, and the reasonable fair market value of resources used or expended by the Medicaid fraud control unit in a case resulting in a criminal conviction of a provider under this chapter or chapter 714 or 715A.

Sec. 50. Section 542.3, subsection 1, paragraph a, subparagraph (3), Code 2011, is amended to read as follows:

(3) ~~An examination of prospective financial information~~ Any engagement to be performed in accordance with the statements on standards for attestation engagements.

Sec. 51. Section 546.12, Code 2011, is amended to read as follows:

546.12 Department of commerce revolving fund.

1. A department of commerce revolving fund is created in the state treasury. The fund shall consist of moneys collected by the banking division; credit union division; utilities division, including moneys collected on behalf of the office of consumer advocate established in section 475A.3; and the insurance division of the department; and deposited into an account for that division or office within the fund on a monthly basis. Except as otherwise provided by statute, all costs for operating the office of consumer advocate and the banking division, the credit union division, the utilities division, and the insurance division of the department shall be paid from the division’s accounts within the fund, subject to appropriation by the general assembly. The insurance division shall administer the fund and all other divisions shall work with the insurance division to make sure the fund is properly accounted and reported to the department of management and the department of administrative services. The divisions shall provide quarterly reports to the department of management and the legislative services agency on revenues billed and collected and expenditures from the fund in a format as determined by the department of management in consultation with the legislative services agency.

2. To meet cash flow needs for the office of consumer advocate and the banking division, credit union division, utilities division, or the insurance division of the department, the administrative head of that division or office may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund for that division or office if those additional expenditures are fully reimbursable and the division or office reimburses the general fund of the state and ensures all moneys are repaid in full by the close of the fiscal year. Notwithstanding any provision to the contrary, the divisions shall, to the fullest extent possible, make an estimate of billings and make such billings as early as possible in each fiscal year, so that the need for the use of general fund moneys is minimized to the lowest extent possible. Periodic billings shall be deemed sufficient to satisfy this requirement. 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.

4. The establishment of the revolving fund pursuant to this section shall not be interpreted in any manner to compromise or impact the accountability of, or limit authority with respect to, an agency or entity under state law. Any provision applicable to, or responsibility of, a division or office collecting moneys for deposit into the fund established pursuant to this section shall not be altered or impacted by the existence of the fund and shall remain applicable to the same extent as if the division or office were receiving moneys pursuant to

a general fund appropriation. *Appropriations from the revolving fund shall not be subject to the provisions of section 8.31, subsection 5.* The divisions of the department of commerce shall comply with directions by the governor to executive branch departments regarding restrictions on out-of-state travel, hiring justifications, association memberships, equipment purchases, consulting contracts, and any other expenditure efficiencies that the governor deems appropriate.

Sec. 52. Section 904.114, Code 2011, is amended to read as follows:

904.114 Travel expenses.

The director, staff members, assistants, and employees, in addition to salary, shall receive their necessary traveling expenses by the nearest practicable route, when engaged in the performance of official business. Permission shall not be granted to any person to travel to another state except by approval of the board ~~and the executive council.~~

Sec. 53. 2009 Iowa Acts, chapter 169, section 4, subsection 2, is amended to read as follows:

2. From the moneys appropriated in this section, there is transferred to the department of human rights two hundred fifty thousand dollars for deposit in the individual development account state match fund created in section 541A.7. Notwithstanding other provisions to the contrary in section 541A.3, subsection 1, moneys appropriated to the individual development account state match fund under this subsection shall be used to provide the state match to account holders affected by a natural disaster ~~occurring in 2008~~ for which the president of the United States declared a disaster area, and who have a household income that is equal to or less than three 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.

Sec. 54. 2010 Iowa Acts, chapter 1193, section 29, is amended to read as follows:

SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES — INFORMATION TECHNOLOGY.

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 amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementing 2010 Iowa Acts, Senate File 2088, ² division I, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 2,300,000

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year ending June 30, 2011, shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year ending June 30, 2012.

Sec. 55. 2011 Iowa Acts, House File 45, ³ section 8, is amended to read as follows:

SEC. 8. SALE OR LEASE OF IOWA COMMUNICATIONS NETWORK. The Iowa telecommunications and technology commission shall implement a request for proposals process to sell or lease the Iowa communications network. The request for proposals shall provide for the sale to be concluded or the lease to commence during the fiscal year beginning July 1, ~~2011~~ 2012. The commission shall condition the sale or lease of the Iowa communications network with terms that will allow existing authorized users of the network to continue such use at a lower overall long-term cost when compared to the anticipated operation and maintenance costs if state ownership and control were to continue. Public funds shall not be used to secure the purchase of the network. The commission shall submit periodic status reports to the general assembly at three-month intervals, beginning on October 1, 2011, regarding progress made toward selling or leasing the network. The prior

* Item veto; see message at end of the Act

² 2010 Iowa Acts, chapter 1031

³ Chapter 122 herein

authorization and approval requirements specified in section 8D.12 shall be complied with prior to a sale or lease of the network pursuant to this section.

Sec. 56. REPEAL. Section 217.20, Code 2011, is repealed.

Sec. 57. REPEAL. 2009 Iowa Acts, chapter 179, section 146, is repealed.

Sec. 58. CODE EDITOR DIRECTIVE. The Code editor is directed to change the words “state-owned” to “state-assigned”, to the extent not otherwise changed pursuant to this Act, in Code sections 8A.362, 8A.363, 8A.364, and 8A.366.

Sec. 59. MEDICAID FRAUD FUND TRANSITION.

1. Unencumbered and unobligated moneys in and moneys reverting to the Medicaid fraud account created in section 249A.7, Code 2011, on or after June 30, 2011, shall be credited to the Medicaid fraud fund created in section 249A.7, by this division of this Act.

2. The appropriations made from the Medicaid fraud account for the fiscal years beginning July 1, 2011, and July 1, 2012, shall instead be charged to the Medicaid fraud fund created in section 249A.7, by this division of this Act.

3. This section of this Act, being deemed of immediate importance, takes effect upon enactment, and, if this Act is approved by the governor on or after July 1, 2011, subsection 1 of this section applies retroactively to June 30, 2011.

Sec. 60. EFFECTIVE UPON ENACTMENT.

1. The section of this division of this Act directing the department of administrative services to disconnect electricity to the heated sidewalk installed at the state capitol building, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act providing implementation provisions regarding leasing authority of the department of administrative services, being deemed of immediate importance, takes effect upon enactment.

3. The sections of this division of this Act relating to executive branch employee travel and travel reimbursement implementation, being deemed of immediate importance, take effect upon enactment.

4. The section of this division of this Act relating to nonreversion of moneys appropriated to the department of administrative services for implementation of 2010 Iowa Acts, chapter 1031, division I, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
FY 2012-2013

Sec. 61. 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, 2012, and ending June 30, 2013, the following amounts, 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:

a. For salaries, support, maintenance, and miscellaneous purposes:		
.....	\$	2,010,172
.....	FTEs	84.18
b. For the payment of utility costs:		
.....	\$	1,313,230
.....	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.

c. For Terrace Hill operations:		
.....	\$	202,957
.....	FTEs	6.88

d. For the I3 distribution account:

.....	\$	1,638,973
e. For operations and maintenance of the Iowa building:		
.....	\$	497,768
.....	FTEs	7.00

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. 62. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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. 63. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the first \$750,000 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. 64. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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. 65. 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, 2012, and ending June 30, 2013, subject to subsection 3 of this section, 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:		
.....	\$	452,734
.....	FTEs	103.00

2. 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.

3. The auditor of state shall allocate resources from the appropriation in this section solely for audit work related to the comprehensive annual financial report, federally required audits, and investigations of embezzlement, theft, or other significant financial irregularities until the audit of the comprehensive annual financial report is complete.

Sec. 66. 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, 2012, and ending June 30, 2013, 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:

.....	\$	237,500
.....	FTEs	5.00

Sec. 67. 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, 2012, and ending June 30, 2013, 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:

.....	\$	610,196
.....	FTEs	21.00

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

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

.....	\$	300,177
.....	FTEs	12.00

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, 2012, and ending June 30, 2013, 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:

.....	\$	4,425,835
.....	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:

.....	\$	863,998
.....	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:

.....	\$	2,491,622
.....	FTEs	106.50

(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:

.....	\$	4,086,535
.....	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 provisions to the contrary, any unencumbered or unobligated 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, 2012, and ending June 30, 2013, 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.

(4) In addition to the funds otherwise appropriated to the division in subparagraph (1), and contingent upon the enactment of legislation during the 2011 legislative session relating to the permitting, licensing, construction, and operation of nuclear generation facilities and establishing rate-making principles in relation thereto, for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	425,000
.....	FTEs	3.50

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.

Sec. 68. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	31,159
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Sec. 69. 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, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	1,144,013
.....	FTEs	22.88

Sec. 70. 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, 2012, and ending June 30, 2013, 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:

.....	\$	145,000
.....	FTEs	8.00

* Item veto; see message at end of the Act

Sec. 71. 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, 2012, and ending June 30, 2013, 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:

.....	\$	103,052
.....	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:

.....	\$	514,039
.....	FTEs	17.00

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:

.....	\$	511,946
.....	FTEs	10.00

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. 72. 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, 2012, and ending June 30, 2013, 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:

.....	\$	763,870
.....	FTEs	37.40

2. ADMINISTRATIVE HEARINGS DIVISION

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

.....	\$	264,377
.....	FTEs	23.00

3. INVESTIGATIONS DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	584,320
.....	FTEs	58.50

b. The department, in coordination with the investigations division, shall provide a report to the general assembly by January 10, 2013, 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:

.....	\$	1,777,664
.....	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, 2012, and ending June 30, 2013:

(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

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	21,108
.....	FTEs	14.00

b. 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

a. 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:

.....	\$	1,340,145
.....	FTEs	40.80

b. 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.

c. The court appointed special advocate program shall investigate and develop opportunities for expanding fund-raising for the program.

d. 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.

Sec. 73. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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 period beginning July 1, 2009, and ending June 30, 2011, for the purpose of enforcing the provisions of chapters 137C, 137D, and 137F.

Sec. 74. 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. 75. DEPARTMENT OF INSPECTIONS AND APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND APPROPRIATION. There is appropriated from the Medicaid fraud fund created in section 249A.7 to the department of inspections and appeals for the fiscal year

* Item veto; see message at end of the Act

beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For additional health facility surveyors, compliance officers, and residential care facility surveyors:

..... \$ 325,000*

*Sec. 76. DEPARTMENT OF INSPECTIONS AND APPEALS — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND APPROPRIATION. There is appropriated from the Medicaid fraud fund created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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. 77. DEPARTMENT OF INSPECTIONS AND APPEALS — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND APPROPRIATION. There is appropriated from the Medicaid fraud fund created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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, chapter 1177:

..... \$ 125,000*

Sec. 78. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... \$ 1,255,720

..... FTEs 28.53

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

There is appropriated from the gaming regulatory revolving fund established in section 99F.20 to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... \$ 1,539,050

..... FTEs 44.22

Sec. 79. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, for the purposes designated:

* Item veto; see message at end of the Act

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 811,949

Sec. 80. DEPARTMENT OF MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... \$ 1,196,999
..... FTEs 25.00

2. 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. 81. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 28,000

Sec. 82. DEPARTMENT OF REVENUE.

1. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... \$ 8,829,742
..... FTEs 303.48

2. 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.

3. 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.

Sec. 83. 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, 2012, and ending June 30, 2013, 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 administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

..... \$ 652,888

Sec. 84. SECRETARY OF STATE.

1. 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, 2012, and ending June 30, 2013, 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:

..... \$ 1,447,793
..... FTEs 45.00

2. 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. 85. 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, 2012, 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 chapter 17A.

Sec. 86. TREASURER.

1. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

.....	\$	427,145
.....	FTEs	28.80

2. The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 87. 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, 2012, and ending June 30, 2013, 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:

.....	\$	46,574
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Sec. 88. 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, 2012, and ending June 30, 2013, 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:

.....	\$	8,843,484
.....	FTEs	90.13

DIVISION III
CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

Sec. 89. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

Approved July 18, 2011, with exceptions noted.

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit House File 646, 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 provisions.

House File 646 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 51, paragraph 4. This item exempts the Commerce Revolving Fund appropriations from a Governor’s across the board reduction authority under Iowa Code section 8.31. While the Commerce Revolving Fund should not have financial issues due to the Commerce Department divisions having the ability to collect fees from the associated regulated industries to cover spending, there has been no previous exception to Iowa Code section 8.31. To approve an exception now would potentially open other entities wanting exceptions to the governor’s financial management authority.

I am unable to approve the designated portion of Section 67, subsection 2(d), paragraph 3, in its entirety. This item allows the utilities division to spend any unused, unencumbered, or unobligated balance for purposes of the energy-efficient building project for fiscal year 2013. This section is unnecessary as the energy-efficient building project will be completed before the beginning of fiscal year 2013.

I am unable to approve the items designated as Sections 75, 76, and 77 of the bill in their entirety. These items appropriate money for fiscal year 2013 from the Medicaid Fraud Fund. The Medicaid Fraud Fund receives its funding from money it recovers from Medicaid fraud cases. Based on projected revenues and estimated expenditures for fiscal year 2012, the fund is left with a balance less than \$1,000 for fiscal year 2013 which is insufficient to provide for the appropriations made in sections 75, 76, and 77. Therefore, this issue must be visited next session in order to determine a sufficient level of funding.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 646 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 128

APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

S.F. 509

AN ACT relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date and retroactive and other applicability provisions.

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

DIVISION I
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATIONS FOR FY 2011-2012

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, 2011, and ending June 30, 2012, 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:

.....	\$	16,497,308
.....	FTEs	365.00

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, 2011, and ending June 30, 2012, 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

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, 2011, and ending June 30, 2012, 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:

..... \$ 500,000

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 FOR FY 2011-2012

Sec. 4. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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:

..... \$ 12,266,688

..... FTEs 1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks. This subsection shall not impact park ranger positions within the department.

3. 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. STATE FISH AND GAME PROTECTION FUND — DIVISION OF FISH AND WILDLIFE.

1. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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

2. 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.

3. Notwithstanding section 455A.10, the department of natural resources may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, as is necessary to fund salary adjustments for departmental employees which the general assembly has made an operating budget appropriation for in subsection 1.

Sec. 6. 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, 2011, and ending June 30, 2012, 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. 7. 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, 2011, and ending June 30, 2012, 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 programs:

..... \$ 100,000

Sec. 8. 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, 2011, and ending June 30, 2012, 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. 9. STORM WATER DISCHARGE PERMIT FEES — SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the department of natural resources may use additional moneys available to the department collected from storm water discharge permit fees as provided in sections 455B.103A and 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

DIVISION III
IOWA STATE UNIVERSITY
APPROPRIATION FOR FY 2011-2012

Sec. 10. 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, 2011, and ending June 30, 2012, 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:

.....	\$ 3,237,636
..... 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 June 30, 2012, 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. 11. VETERINARY DIAGNOSTIC LABORATORY — FUTURE YEAR. This section applies if appropriations made in this Act and all other Acts enacted by the Eighty-fourth General Assembly during the 2011 regular session and all extraordinary sessions, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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 2012 regular session for purposes of supporting the operation of the veterinary diagnostic laboratory for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

DIVISION IV
ENVIRONMENT FIRST FUND
GENERAL APPROPRIATIONS FOR FY 2011-2012

Sec. 12. 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, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

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:

.....	\$ 1,000,000
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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 other 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:

..... \$ 900,000

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:

..... \$ 625,000

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”, \$370,000 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. SOIL AND WATER CONSERVATION — ADMINISTRATION

For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 2,000,000

5. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 1,000,000

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.

6. 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:

..... \$ 6,300,000

b. Not more than 5 percent of the moneys appropriated in paragraph “a” may be allocated for cost sharing to address 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 established by 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. Not more than 15 percent of the moneys appropriated in paragraph “a” may be used for costs of administration and implementation of soil and water conservation practices.

h. In lieu of moneys appropriated in section 466A.5, not more than \$50,000 of the moneys appropriated in paragraph “a” shall be used by the soil conservation division of the department of agriculture and land stewardship to provide administrative support to the watershed improvement review board established in section 466A.3.

7. LOCAL FOOD AND FARM PROGRAM COORDINATOR

a. For purposes of supporting a local food and farm program coordinator as established pursuant to new Code chapter 267A as enacted in this Act, for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 75,000

b. The department shall enter into a cost-sharing agreement with Iowa state university to support the local food and farm program coordinator position as part of the university’s cooperative extension service in agriculture and home economics pursuant to new Code chapter 267A as enacted in this Act.

8. AGRICULTURAL EDUCATION

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 25,000

9. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 475,000

b. (1) Of the amount appropriated in paragraph “a”, \$356,250 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”, \$118,750 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.

Sec. 13. 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, 2011, and ending June 30, 2012, 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:

..... \$ 3,210,000

3. FORESTRY HEALTH MANAGEMENT

To provide for forestry health management programs:

..... \$ 100,000

4. 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

5. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... \$ 2,955,000

6. 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

7. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 through 459B:

..... \$ 420,000

8. 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

9. 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

10. GEOLOGICAL AND WATER SURVEY

For continuing the operations of the department’s geological and water survey including but not limited to providing analysis, data collection, investigative programs, and information for water supply development and protection:

..... \$ 200,000

Sec. 14. REVERSION. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2011, 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 to be used for the purposes designated until the close of the fiscal year beginning July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION V
RESOURCES ENHANCEMENT AND PROTECTION
(REAP) FUND FOR FY 2011-2012
GENERAL APPROPRIATIONS

Sec. 15. ENVIRONMENT FIRST 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, 2011, and ending June 30, 2012, the following amount, to be allocated as provided in section 455A.19:

..... \$ 12,000,000

DIVISION VI
AGRICULTURAL DRAINAGE WELL CLOSURE

Sec. 16. REPORT. The department of agriculture and land stewardship shall prepare a report regarding agricultural drainage wells that have not been closed as provided in chapter 460. The report shall include an inventory of agricultural drainage wells that remain unclosed, a projected timeline for closing the agricultural drainage wells, and an estimate of the costs for closing each agricultural drainage well. The department shall submit the report to the governor and fiscal services division of the legislative services agency not later than November 15, 2011.

DIVISION VII
SOIL NUTRIENT MASS STUDY

Sec. 17. WATERSHED IMPROVEMENT REVIEW BOARD.

1. Notwithstanding any provision to the contrary in chapter 466A, the watershed improvement review board established in section 466A.3 may authorize up to fifty thousand dollars of moneys available in the watershed improvement fund created in section 466A.2, for the fiscal period beginning July 1, 2011, and ending January 1, 2013, to finance a study of soil nutrient mass balance issues.

2. The study financed by the board under this section shall be conducted by the department of agriculture and land stewardship in cooperation with the Iowa state university college of agriculture. The department, in cooperation with the college of agriculture, shall study the leaching of nutrients from the soil; the related impacts on soil sustainability; productivity;

water quality, including erosion, sediment, and phosphorus attached to sediment; and the soil's capacity to absorb and hold water.

3. The department of agriculture and land stewardship shall submit the results of the study financed by the board under this section to the board, the governor, and general assembly by January 10, 2013.

DIVISION VIII
INTERIM LEGISLATIVE COMMITTEE — STATE FISH
AND GAME PROTECTION FUND

Sec. 18. INTERIM STUDY. The legislative council shall establish a study committee during the 2011 interim for purposes of reviewing expenditures from the state fish and game protection fund by the department of natural resources.

DIVISION IX
AGRICULTURE AND NATURAL RESOURCES
DEPARTMENT OF NATURAL RESOURCES

USE OF MONEYS IN THE STATE FISH AND GAME PROTECTION FUND FOR FY
2010-2011

Sec. 19. USE OF MONEYS — RADIOS.

1. Notwithstanding 2010 Iowa Acts, chapter 1191, section 7, the department of natural resources may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to purchase mobile radios to meet federal and state requirements for homeland security and public safety. This section applies to those moneys in the fund that are not otherwise used, obligated, or encumbered for payment of health and life insurance premium payments for conservation peace officer retirements for that fiscal year. The department may use such moneys until June 30, 2012.

2. The mobile radios purchased by the department of natural resources pursuant to subsection 1 shall be compatible with a statewide public safety radio network, if created in legislation enacted by the 2011 regular session of the General Assembly, which may include provisions in 2011 Iowa Acts, Senate File 541,¹ if enacted. The department shall purchase the mobile radios after conducting a competitive bidding process.

3. On or before January 13, 2012, the department of natural resources in cooperation with the department of public safety shall provide a report to the legislative services agency and the department of management. The report shall detail the status of the moneys appropriated in subsection 1 and shall include the estimated needs of the department of natural resources to achieve interoperability and to meet the federal narrowbanding mandate, and any changes in estimated costs to meet those needs.

Sec. 20. RADIOS. The sections of 2011 Iowa Acts, Senate File 538,² amending 2011 Iowa Acts, Senate File 509,³ section 22, and establishing an effective date for that amendment, if enacted, are repealed.

Sec. 21. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and, if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

¹ Not enacted

² Not enacted

³ This chapter

DIVISION X
RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011
RURAL IMPROVEMENT ZONES

Sec. 22. Section 357H.7, Code 2011, is amended to read as follows:

357H.7 Board of trustees — power.

The trustees of a rural improvement zone elected pursuant to section 357H.6 shall constitute the board of trustees of the zone and shall manage and control the affairs, property, and facilities of the zone. The board of trustees shall elect a president, a clerk, and a treasurer from its membership. The trustees may authorize construction, reconstruction, or repair of improvements ~~within the zone~~ following procedures set out in section 331.341. For these purposes, the trustees may purchase material, employ personnel, acquire real estate and interests in real estate, and perform all other acts necessary to properly maintain and operate the zone. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive salaries.

DIVISION XI
RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011 GROUNDWATER
PROTECTION FUND

Sec. 23. Section 455E.11, subsection 2, paragraph a, subparagraph (1), subparagraph division (a), subparagraph subdivision (ii), subparagraph part (B), Code 2011, is amended to read as follows:

(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.~~

Sec. 24. Section 455E.11, subsection 2, paragraph a, subparagraph (1), Code 2011, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0e) Not more than four hundred thousand dollars to the department for purposes of providing funding assistance to eligible communities to address abandoned buildings by promoting waste abatement, diversion, selective dismantlement of building components, and recycling. Eligible communities include a city with a population of five thousand or fewer. Eligible costs for program assistance include but are not limited to asbestos and other hazardous material abatement and removal, the recovery processing of recyclable or reusable material through the selective dismantlement of abandoned buildings, and reimbursement for purchased recycled content materials used in the renovation of buildings. For projects that support community beautification, the department may elect to administer funding to eligible communities in collaboration with the organization awarded the beautification grant in accordance with subparagraph division (a), subparagraph subdivision (i).

DIVISION XII
RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011
IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND

Sec. 25. Section 455G.3, subsections 6 through 8, Code 2011, are amended to read as follows:

6. a. 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.

b. 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.

7. a. 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.

b. 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.

8. a. 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.

b. 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. 26. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and, if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

DIVISION XIII
AGRICULTURE AND NATURAL RESOURCES
RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011 — LOCAL FOOD AND
FARM INITIATIVE

Sec. 27. NEW SECTION. 267A.1 Purpose and goals.

1. The purpose of this chapter is to empower farmers and food entrepreneurs to provide for strong local food economies that promote self-sufficiency and job growth in the agricultural sector and allied sectors of the economy.

2. The goals of this chapter are to accomplish all of the following:

a. Promote the expansion of the production of local foods, including all of the following:

(1) The production of Iowa-grown food, including but not limited to livestock, eggs, milk, fruit, vegetables, grains, herbs, honey, and nuts.

(2) The processing of Iowa-grown agricultural products into food products, including canning, freezing, dehydrating, bottling, or otherwise packaging and preserving such products.

(3) The distribution and marketing of fresh and processed Iowa-grown agricultural food products to markets in this state and neighboring states.

b. Increase consumer and institutional spending on Iowa-produced and marketed foods.

c. Increase the profitability of farmers and businesses engaged in enterprises related to producing, processing, distributing, and marketing local food.

d. Increase the number of jobs in this state's farm and business economies associated with producing, processing, distributing, and marketing local food.

Sec. 28. NEW SECTION. 267A.2 Definitions.

As used in this section, unless the context otherwise requires:

1. “Coordinator” means the local food and farm program coordinator created in section 267A.4.
2. “Council” means the local food and farm program council established in section 267A.3.
3. “Department” means the department of agriculture and land stewardship.
4. “Fund” means the local food and farm program fund created in section 267A.5.

Sec. 29. NEW SECTION. **267A.3 Local food and farm program council.**

1. A local food and farm program council is established to advise the local food and farm program coordinator carrying out the purpose and goals of this chapter as provided in section 267A.1.

2. The council shall be composed of the following voting members:

a. The secretary of agriculture or the secretary’s designee.
b. Members appointed by the designated organizations, at the discretion of the organization, to represent the private sector as follows:

- (1) One person by the Iowa farmers union who is involved in local food production.
- (2) One person by the Iowa farmers market association.

c. Members appointed by the governor to represent public or private entities involved in local food distribution, marketing, or processing as follows:

- (1) One person who is associated with a resource conservation and development office in this state.
- (2) One person actively engaged in the distribution of local food to processors, wholesalers, or retailers.
- (3) One person from the regional food systems working group who is actively engaged or an expert in local food.

3. A member designated by the secretary of agriculture shall serve at the pleasure of the secretary. A member appointed by an organization shall serve at the pleasure of that organization. A member appointed by the governor shall serve at the pleasure of the governor.

4. The council shall be part of the department. The department shall perform administrative functions necessary for the operation of the council.

5. The council shall elect a chairperson from among its members each year on a rotating basis as provided by the council. The council shall meet on a regular basis and at the call of the chairperson or upon the written request to the chairperson of a majority of the members.

6. The members of the council shall not receive compensation for their services including as provided in section 7E.6. However, the members may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council if allowed by the council.

7. A majority of the members constitutes a quorum and the affirmative vote of a majority of the members present is necessary for any substantive action to be taken by the council. The majority shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the duties of the council.

Sec. 30. NEW SECTION. **267A.4 Local food and farm program coordinator.**

The position of local food and farm program coordinator is created within Iowa state university as part of its cooperative extension service in agriculture and home economics. The coordinator shall be the primary state official charged with carrying out the purposes and goals of this chapter.

Sec. 31. NEW SECTION. **267A.5 Local food and farm program fund.**

A local food and farm program fund is created in the state treasury under the control of the department. The fund is separate from the general fund of the state. The fund is composed of moneys appropriated by the general assembly and moneys available to and obtained or accepted by the local food and farm program from the United States government or private sources for placement in the fund. Moneys in the fund shall be used to carry out the purpose and goals of this chapter as provided in section 267A.1, including but not limited to administering the local food and farm program as provided in section 267A.6. The fund

shall be managed by the department in consultation with the local food and farm coordinator, under the supervision of the local food and farm program council.

Sec. 32. **NEW SECTION. 267A.6 Local food and farm program.**

The local food and farm program coordinator, with advice from the local food and farm program council, shall develop and administer a local food and farm program necessary to carry out the purpose and goals of this chapter as provided in section 267A.1, including but not limited to by improving any of the following:

1. Communication and cooperation between and among farmers, food entrepreneurs, and consumers.
2. Coordination between and among government agencies, public universities and community colleges, organizations, and private-sector firms working on local food and farm-related issues.

Sec. 33. **NEW SECTION. 267A.7 Local food and farm program report.**

The local food and farm program coordinator shall prepare an annual report dated June 30, which shall evaluate the state's progress in accomplishing the purpose and goals of this chapter. The report shall be delivered to the governor and general assembly not later than October 1 of each year.

DIVISION XIV
AGRICULTURE AND NATURAL RESOURCES
RELATED STATUTORY CHANGES FOR CODIFICATION
IN 2011 — ANIMAL AGRICULTURE
COMPLIANCE CIVIL PENALTIES

Sec. 34. Section 455B.109, subsection 5, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

5. *a.* Except as provided in paragraph "b", all civil penalties assessed by the department and interest on the civil penalties shall be deposited in the general fund of the state.

b. Civil penalties assessed and collected by or on behalf of the department and interest on the civil penalties as provided in sections 459.602, 459.603, 459.604, 459A.502, and 459B.402 shall be deposited into the watershed improvement fund created in section 466A.2.

Sec. 35. Section 459.401, subsection 2, paragraph a, subparagraph (5), Code 2011, is amended by striking the subparagraph.

Sec. 36. Section 459.602, Code 2011, is amended to read as follows:

459.602 Air quality violations — civil penalty.

A person who violates subchapter II shall be subject to a civil penalty which shall be established, assessed, and collected in the same manner as provided in section 455B.109. Any civil penalty collected shall be deposited ~~in the animal agriculture compliance fund created in section 459.401~~ into the watershed improvement fund created in section 466A.2.

Sec. 37. Section 459.603, Code 2011, is amended to read as follows:

459.603 Water quality violations — civil penalty.

A person who violates subchapter III shall be subject to a civil penalty which shall be established, assessed, and collected in the same manner as provided in section 455B.109 or 455B.191. Any civil penalty collected shall be deposited ~~in the animal agriculture compliance fund created in section 459.401~~ into the watershed improvement fund created in section 466A.2.

Sec. 38. Section 459.604, subsection 2, Code 2011, is amended to read as follows:

2. Moneys assessed and collected in civil penalties and interest earned on civil penalties, arising out of a violation involving an animal feeding operation, shall be deposited ~~in the animal agriculture compliance fund as created in section 459.401~~ into the watershed improvement fund created in section 466A.2.

Sec. 39. Section 459A.502, Code 2011, is amended to read as follows:

459A.502 Violations — civil penalty.

A person who violates this chapter shall be subject to a civil penalty which shall be established, assessed, and collected in the same manner as provided in section 455B.191. Any civil penalty collected and interest on a civil penalty shall be deposited ~~in the animal agriculture compliance fund created in section 459.401~~ into the watershed improvement fund created in section 466A.2. A person shall not be subject to a penalty under this section and a penalty under section 459.603 for the same violation.

Sec. 40. Section 459B.402, Code 2011, is amended to read as follows:

459B.402 Violations — civil penalty.

A person who violates section 459B.301 shall be subject to the same penalty as provided in section 459.602, and a person who violates any other provision of this chapter shall be subject to the same penalty as provided in section 459.603. Any civil penalty collected shall be deposited ~~in the animal agriculture compliance fund created in section 459.401~~ into the watershed improvement fund created in section 466A.2.

Sec. 41. Section 466A.2, subsection 1, Code 2011, is amended to read as follows:

1. a. A watershed improvement fund is created in the state treasury which shall be administered by the treasurer of state ~~upon direction under the supervision of the watershed improvement review board~~. Moneys in the fund are appropriated to the treasurer of state for expenditure as authorized by the board to carry out the purposes of this chapter.

b. The fund shall include a general account and special account.

(1) Moneys Other than as provided in subparagraph (2), the general account shall include all moneys appropriated to the fund and any other moneys available to and obtained or accepted by the treasurer of state for placement in the fund shall be deposited in the fund. Additionally, payments of interest, recaptures of awards, and other repayments to the ~~fund~~ account shall be deposited in the fund account.

(2) The special account shall exclusively include moneys assessed and collected by or on behalf of the department of natural resources as provided in sections 455B.109, 459.602, 459.603, 459.604, 459A.502, and 459B.402. Additionally, payments of interest, recaptures of awards, and other repayments to the account shall be deposited in the account.

c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in ~~the fund~~ an account of the fund that shall be credited to the fund that account.

d. Notwithstanding section 8.33, moneys in the ~~fund~~ that remain unencumbered or unobligated at the end of the fiscal year shall not revert, but shall remain available for the same purpose in the succeeding fiscal year.

e. ~~The moneys~~ Moneys in the ~~fund~~ general account of the fund shall be used exclusively for carrying out the purposes of ~~the fund as provided in this section~~ this chapter. Moneys in the special account of the fund shall be used exclusively by the board for purposes of awarding local watershed improvement grants and monitoring the progress of local watershed improvement projects awarded grants as provided in section 466A.3.

f. ~~Moneys appropriated to the treasurer of state and deposited in the fund~~ shall not be used by the treasurer of state for its administrative purposes.

Sec. 42. Section 466A.3, subsection 4, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The watershed improvement review board shall carry out the purposes of this chapter as provided in section 466A.2, including by determining how moneys are to be expended from the watershed improvement fund and authorizing the expenditure of moneys from the fund. In carrying out those purposes, the board shall do all of the following:

Sec. 43. Section 466A.3, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. Award local watershed improvement grants and monitor the progress of local watershed improvement projects awarded grants.

(1) A local watershed improvement grant may be awarded for an original period not to exceed five years. However, during those five years, the board may extend the period of the award for up to five additional years after the date that the original period would have ended.

(2) Each local watershed improvement grant awarded shall not exceed ten percent of the moneys appropriated for the grants during a fiscal year.

(3) Moneys deposited into the fund’s special account shall be used exclusively for awarding local watershed improvement grants and monitoring the progress of local watershed improvement projects awarded grants as provided in this paragraph “a”. However, any other moneys may also be used for awarding grants and monitoring the progress of projects.

Sec. 44. Section 466A.5, Code 2011, is amended to read as follows:

466A.5 Administration.

The soil conservation division of the department of agriculture and land stewardship shall provide administrative support to the board. Not more than one percent of the total moneys deposited in the general account of the watershed improvement fund on July 1 of a fiscal year or fifty thousand dollars, whichever is less, is appropriated each fiscal year to the division for the purposes of assisting the watershed improvement review board in administering this chapter.

Sec. 45. EFFECTIVE DATE. This division of this Act takes effect July 1, 2012.

DIVISION XV
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATIONS FOR FY 2012-2013

Sec. 46. 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, 2012, and ending June 30, 2013, 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:

.....	\$	8,248,654
.....	FTEs	366.00

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, \$119,000 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. 47. 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, 2012, and ending June 30, 2013, 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:

.....	\$	152,758
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DESIGNATED APPROPRIATIONS — MOTOR FUEL

Sec. 48. 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, 2012, and ending June 30, 2013, 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:

..... \$ 250,000

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 XVI
DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS FOR FY 2012-2013

Sec. 49. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... \$ 6,133,344

..... FTEs 1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks. This subsection shall not impact park ranger positions within the department.

3. 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. 50. STATE FISH AND GAME PROTECTION FUND — DIVISION OF FISH AND WILDLIFE.

1. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

..... \$ 19,396,577

2. 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.

3. Notwithstanding section 455A.10, the department of natural resources may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, as is necessary to fund salary adjustments for departmental employees which the general assembly has made an operating budget appropriation for in subsection 1.

Sec. 51. 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, 2012, and ending June 30, 2013, 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:
..... \$ 1,727,916

DESIGNATED APPROPRIATIONS — MISCELLANEOUS

Sec. 52. 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, 2012, and ending June 30, 2013, 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 programs:
..... \$ 50,000

Sec. 53. 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, 2012, and ending June 30, 2013, 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:
..... \$ 100,000

Sec. 54. STORM WATER DISCHARGE PERMIT FEES — SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the department of natural resources may use additional moneys available to the department collected from storm water discharge permit fees as provided in sections 455B.103A and 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

DIVISION XVII
IOWA STATE UNIVERSITY
APPROPRIATION FOR FY 2012-2013

Sec. 55. 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, 2012, and ending June 30, 2013, 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:
..... \$ 1,618,818
..... 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 June 30, 2013, 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. 56. VETERINARY DIAGNOSTIC LABORATORY — FUTURE YEAR. This section applies if appropriations made in this Act and all other Acts enacted by the Eighty-fourth General Assembly during the 2012 regular session and all extraordinary sessions, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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 2013 regular session for purposes of supporting the operation of the veterinary diagnostic laboratory for the fiscal year beginning July 1, 2013, and ending June 30, 2014.

DIVISION XVIII
ENVIRONMENT FIRST FUND
GENERAL APPROPRIATIONS FOR FY 2012-2013

Sec. 57. 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, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

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:

..... \$ 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 other 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:

..... \$ 450,000

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:

..... \$ 312,500

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”, \$185,000 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. SOIL AND WATER CONSERVATION — ADMINISTRATION

For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 1,000,000

5. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 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.

6. 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:

..... \$ 3,150,000

b. Not more than 5 percent of the moneys appropriated in paragraph "a" may be allocated for cost sharing to address 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 established by 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. Not more than 15 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

h. In lieu of moneys appropriated in section 466A.5, not more than \$50,000 of the moneys appropriated in paragraph "a" shall be used by the soil conservation division of the department of agriculture and land stewardship to provide administrative support to the watershed improvement review board established in section 466A.3.

7. LOCAL FOOD AND FARM PROGRAM COORDINATOR

a. For purposes of supporting a local food and farm program coordinator as established pursuant to new Code chapter 267A as enacted in this Act, for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 37,500

b. The department shall enter into a cost-sharing agreement with Iowa state university to support the local food and farm program coordinator position as part of the university's cooperative extension service in agriculture and home economics pursuant to new Code chapter 267A as enacted in this Act.

8. AGRICULTURAL EDUCATION

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 12,500

9. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 237,500

b. (1) Of the amount appropriated in paragraph "a", \$178,125 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”, \$59,375 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.

Sec. 58. 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, 2012, and ending June 30, 2013, 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:

..... \$ 50,000

2. STATE PARKS MAINTENANCE AND OPERATIONS

For regular maintenance of state parks and staff time associated with these activities:

..... \$ 1,605,000

3. FORESTRY HEALTH MANAGEMENT

To provide for forestry health management programs:

..... \$ 50,000

4. 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:

..... \$ 97,500

5. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... \$ 1,477,500

6. 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:

..... \$ 250,000

7. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 through 459B:

..... \$ 210,000

8. 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:

..... \$ 212,500

9. 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:

..... \$ 247,500

10. GEOLOGICAL AND WATER SURVEY

For continuing the operations of the department’s geological and water survey including but not limited to providing analysis, data collection, investigative programs, and information for water supply development and protection:

..... \$ 100,000

Sec. 59. REVERSION. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2012, 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 to be used for the purposes designated until the close of the fiscal year beginning July 1, 2013, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION XIX
CONDITIONAL RETROACTIVE APPLICABILITY

Sec. 60. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

Approved July 21, 2011

CHAPTER 129
APPROPRIATIONS — HEALTH AND HUMAN SERVICES
H.F. 649

AN ACT relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

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

DIVISION I
DEPARTMENT ON AGING — FY 2011-2012

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, 2011, and ending June 30, 2012, 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 frail elders, Iowa’s aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 10,302,577
..... FTEs 35.00

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. The amount appropriated in this section includes additional funding of \$450,000 for delivery of long-term care services to seniors with low or moderate incomes.

3. Of the funds appropriated in this section, \$179,946 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 — FY 2011-2012

Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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:

.....	\$	23,503,190
.....	FTEs	13.00

a. (1) Of the funds appropriated in this subsection, \$3,253,830 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and activities of the initiative under this subparagraph (1) and shall make recommendations to the director in the development of budget requests relating to the initiative.

(2) Of the funds allocated in this paragraph “a”, \$453,830 shall be transferred to the alcoholic beverages division of the department of commerce for enforcement of tobacco laws, regulations, and ordinances in accordance with 2011 Iowa Acts, House File 467,¹ as enacted.

b. Of the funds appropriated in this subsection, \$20,249,360 shall be used for problem gambling and substance abuse prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, and program evaluation.

(1) Of the funds allocated in this paragraph “b”, \$17,132,508 shall be used for substance abuse prevention and treatment.

(a) Of the funds allocated in this subparagraph (1), \$899,300 shall be used for the public purpose of a grant program to provide substance abuse prevention programming for children.

(i) Of the funds allocated in this subparagraph division (a), \$427,539 shall be used for 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.

(ii) Of the funds allocated in this subparagraph division (a), \$426,839 shall be used for 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.

(iii) The department of public health shall utilize a request for proposals process to implement the grant program.

¹ Chapter 63 herein

(iv) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(v) Of the funds allocated in this subparagraph division (a), up to \$44,922 may be used to administer substance abuse prevention grants and for program evaluations.

(b) Of the funds allocated in this subparagraph (1), \$273,062 shall be used for culturally competent substance abuse treatment pilot projects.

(i) The department shall utilize the amount allocated in this subparagraph division (b) 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.

(ii) 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.

(2) Of the funds allocated in this paragraph "b", up to \$3,116,852 may be used for problem gambling prevention, treatment, and recovery services.

(a) Of the funds allocated in this subparagraph (2), \$2,579,000 shall be used for problem gambling prevention and treatment.

(b) Of the funds allocated in this subparagraph (2), up to \$437,852 may be used for a 24-hour helpline, public information resources, professional training, and program evaluation.

(c) Of the funds allocated in this subparagraph (2), up to \$100,000 may be used for the licensing of problem gambling treatment programs.

(3) It is the intent of the general assembly that from the moneys allocated in this paragraph "b", persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services.

c. Notwithstanding any provision of law to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of problem gambling and substance abuse treatment services statewide, the department shall continue implementation of a process to create a system for delivery of 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 problem gambling and substance abuse treatment services in any area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(1) The system for delivery of substance abuse and problem gambling treatment shall include problem gambling prevention by July 1, 2012. The department shall submit a proposed legislative bill in accordance with section 2.16, for consideration during the 2012 legislative session, addressing any statutory revisions necessary for full implementation of the system.

(2) The system for delivery of substance abuse and problem gambling treatment shall include substance abuse prevention by July 1, 2014.

(3) Of the funds allocated in paragraph "b", the department may use up to \$100,000 for administrative costs to continue developing and implementing the process in accordance with this paragraph "c".

d. The requirement of section 123.53, subsection 5, 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, 2011.

e. The department of public health shall work with all other departments that fund substance abuse prevention and treatment services and all such departments shall, to the extent necessary, collectively meet the state maintenance of effort requirements for expenditures for substance abuse services as required under the federal substance abuse prevention and treatment block grant.

f. The department shall amend or otherwise revise departmental policies and contract provisions in order to eliminate free t-shirt distribution, banner production, and other unnecessary promotional expenditures.

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:

.....	\$	2,594,270
.....	FTEs	10.00

a. Of the funds appropriated in this subsection, not more than \$739,318 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, 2011.

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 dental lifeline network to provide dental services to indigent elderly and disabled individuals.

d. Of the funds appropriated in this subsection, \$112,677 shall be used for childhood obesity prevention.

e. Of the funds appropriated in this subsection, \$163,760 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

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:

.....	\$	3,361,656
.....	FTEs	4.00

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, \$483,600 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, \$498,874 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, \$31,254 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, \$497,065 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. Of the funds allocated in this lettered paragraph, \$150,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

g. Of the funds appropriated in this subsection, \$126,450 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, \$129,937 shall be used for the prescription drug donation repository program created in chapter 135M.

j. Of the funds appropriated in this subsection, \$12,500 shall be used for the purposes of the epilepsy treatment and education task force as specified in 2011 Iowa Acts, House File 322,² as enacted.

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:

.....	\$	4,235,166
.....	FTEs	14.00

a. Of the funds appropriated in this subsection, \$100,000 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas.

b. Of the funds appropriated in this subsection, \$111,308 is allocated for continuation of an initiative implemented at the university of Iowa and \$100,493 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 and disability services commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, \$1,171,491 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, \$121,817 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, \$144,542 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, \$38,263 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. The following amounts allocated under this lettered paragraph shall be distributed to the specified provider and shall not be reduced for administrative or other costs prior to distribution:

(1) For distribution to the Iowa primary care association for statewide coordination of the Iowa collaborative safety net provider network:

.....	\$	132,580
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(2) 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:

.....	\$	77,609
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(3) For distribution to maternal and child health centers for pilot programs in three counties to assist patients in determining an appropriate medical home:

.....	\$	77,609
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(4) 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:

.....	\$	124,050
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(5) 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
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² Chapter 60 herein

(6) For continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109:

..... \$ 260,000

(7) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108:

..... \$ 270,000

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, \$149,000 shall be used for continued implementation of the recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, 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 lettered 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 a final report no later than March 1, 2012, to the governor and the general assembly, in accordance with 2010 Iowa Acts, chapter 1192, section 2, subsection 4, paragraph "h", subparagraph (3).

(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, 2012.

i. (1) Of the funds appropriated in this subsection, \$130,100 shall be used for allocation to an independent statewide direct care worker association under a contract with terms determined by the director of public health relating to education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health care and long-term care settings.

(2) Of the funds appropriated in this subsection, \$58,000 shall be used to provide scholarships or other forms of subsidization for direct care worker educational conferences, training, or outreach activities.

j. Of the funds appropriated in this subsection, the department may use up to \$58,518 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

k. Of the funds appropriated in this subsection, \$50,000 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to develop the criteria and implement the loan repayment program.

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:

..... \$ 7,297,142

a. Of the funds appropriated in this subsection, \$2,009,187 shall be used for local public health nursing services.

b. Of the funds appropriated in this subsection, \$5,287,955 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:

..... \$ 813,777

..... FTEs 4.00

Of the funds appropriated in this subsection, \$544,377 shall be used for childhood lead poisoning provisions.

7. INFECTIOUS DISEASES

* Item veto; see message at end of the Act

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

.....	\$	1,345,847
.....	FTEs	4.00

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:

.....	\$	2,776,232
.....	FTEs	125.00

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, \$210,619 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 \$436,582 shall be used for the state poison control center.

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:

.....	\$	819,554
.....	FTEs	7.00

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 — FY 2011-2012

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, 2011, and ending June 30, 2012, 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:

.....	\$	998,832
.....	FTEs	16.34

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	8,952,151
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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.

*d. *The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.**

* Item veto; see message at end of the Act

3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

..... \$ 12,416

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, 2011, and ending June 30, 2012, 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:

..... \$ 990,000

DIVISION IV

DEPARTMENT OF HUMAN SERVICES — FY 2011-2012

Sec. 5. 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, 2011, and ending June 30, 2012, 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:

..... \$ 21,500,738

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

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, 2012, 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-fourth General Assembly, 2011 Session, for the federal fiscal year beginning October 1, 2011, and ending September 30, 2012. 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, 2011, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2011, if the programs 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 early childhood Iowa areas as provided in section 256I.11: \$ 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 2010 or 2011 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, 2010, and ending June 30, 2011, not otherwise appropriated in this section and remaining available as of July 1, 2011, and received by the state during the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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.

14. Of the amounts appropriated in this section, \$12,962,008 for the fiscal year beginning July 1, 2011, shall be transferred to the appropriation of the federal social services block grant made for that fiscal year.

15. For continuation of the program allowing the department to maintain categorical eligibility for the food assistance program as required under the section of this division relating to the family investment account: \$ 146,072

16. The department may transfer funds allocated in this section to the appropriations made in this division of 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. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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, 2011, and ending June 30, 2012, 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:

..... \$ 5,342,834

(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 2011-2012.

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:

..... \$ 66,588

(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 continue the categorical federal food assistance program eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall 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:

..... \$ 20,235,905

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. 7. 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, 2011, and ending June 30, 2012, 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:

..... \$ 50,171,027

1. Of the funds appropriated in this section, \$7,824,377 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$2,463,854 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2011, 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, \$195,678 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. 8. 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, 2011, and ending June 30, 2012, 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:

..... \$ 13,119,255

..... FTEs 475.00

1. The department shall expend up to \$24,329, including federal financial participation, for the fiscal year beginning July 1, 2011, 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, 2011, and ending June 30, 2012. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2012.

Sec. 9. 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, 2011, and ending June 30, 2012, 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. 10. 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, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2011, except as otherwise expressly authorized by law, and consistent with options under federal law and regulations:
..... \$ 909,993,421

1. Iowans support reducing the number of abortions performed in our state. For an abortion covered under the program, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

- a. That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.
- b. That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child’s birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

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, 2011, 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, up to \$442,100 may be used for the medical contract for clinical assessment services and prior authorization of services.

7. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, 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.

8. 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.

9. 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.

10. 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

11. a. Of the funds appropriated in this section, \$7,425,684 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.

12. 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 \$9,900,000. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

13. Of the funds appropriated in this section, up to \$4,480,304 may be transferred to the IowaCare account created in section 249J.24.

14. 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.

15. 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.

16. 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.

17. 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.

18. A portion of the funds appropriated in this section may be used for the medical contracting administrative activities associated with the money follows the person demonstration project.

19. Of the funds appropriated in this section, \$349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes for the fiscal year beginning July 1, 2011.

20. a. The department may implement cost containment strategies recommended by the governor, and may adopt emergency rules for such implementation.

b. The department shall not implement the cost containment strategy to require a primary care referral for the provision of chiropractic services.

c. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to implement the cost containment strategies. The department shall report any such increase to the legislative services agency and the department of management.

d. If the savings to the medical assistance program exceed the cost, the department may transfer any savings generated for the fiscal year due to medical assistance program cost containment efforts initiated pursuant to 2010 Iowa Acts, chapter 1031, Executive Order No. 20,³ issued December 16, 2009, or cost containment strategies initiated pursuant to this subsection, to the appropriation made in this division of this Act for general administration to defray the increased contract costs associated with implementing such efforts.

e. The department shall report the implementation of any cost containment strategies under this subsection to the individuals specified in this division of this Act for submission of reports on a quarterly basis.

21. Notwithstanding any provision of law to the contrary, the department of human services shall amend the section 1915(b) waiver and Iowa plan contract to include remedial services under the Iowa plan contract effective July 1, 2011.

22. Of the funds appropriated in this section, \$5,000,000 shall be used to reduce the waiting lists of these medical assistance home and community-based services waivers: the waiver for persons with intellectual disabilities, the waiver for persons with brain injury, and the

³ Published in IAB XXXII, No. 18, (2/24/10) p. 2102

children’s mental health waiver. The department shall distribute the funding allocated under this subsection proportionately among these waivers.

23. a. The department may submit medical assistance program state plan amendments to the centers for Medicare and Medicaid services of the United States department of health and human services, and may adopt administrative rules pursuant to chapter 17A to implement any of the following if the respective state plan amendment is approved:

(1) Health homes pursuant to section 2703 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148. The department shall collaborate with the medical home system advisory council created pursuant to section 135.159 in developing such health homes.

(2) Accountable care organization pilot programs, if such programs are advantageous to the medical assistance program.

b. Any health home or accountable care organization pilot program implemented pursuant to this subsection shall demonstrate value to the state with a positive return on investment within two years of implementation, and may utilize care coordination fees, pay-for-performance fees, or shared saving strategies if approved as part of the state plan amendment.

24. The department, in consultation with the Iowa pharmacy association and other appropriate entities, shall develop recommendations to replace the reimbursement methodology of average wholesale price minus 12 percent for covered brand-name prescription drugs, generic drugs, and over-the-counter drugs. The department shall report the recommendations to the persons designated in this division of this Act for submission of reports by December 15, 2011.

25. The department shall amend the state Medicaid health information technology plan to include costs related to the one-time development costs of the health information technology system developed by the department of public health.

Sec. 11. 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, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 16,850,747

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, 2011, 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. 12. 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, 2011, and ending June 30, 2012, 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:

..... \$ 32,806,102

2. Of the funds appropriated in this section, \$128,950 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 13. 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, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 53,237,662

1. Of the funds appropriated in this section, \$51,896,082 shall be used for state child care assistance in accordance with section 237A.13.

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. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. 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. 14. 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, 2011, and ending June 30, 2012, 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:

.....	\$	8,258,251
.....	FTEs	114.00

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:

.....	\$	10,638,677
.....	FTEs	164.30

Of the funds appropriated in this subsection, \$91,150 shall be used for distribution to licensed classroom teachers at this and other 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.

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, 2011.

Sec. 15. 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, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	82,830,163
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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 \$30,169,129 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, 2011, 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 2011-2012. Of the funds appropriated in this section, \$1,717,753 is allocated specifically for expenditure for fiscal year 2011-2012 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. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to \$7,170,116. The department may execute contracts that result from the department's request for proposal, bid number ACFS-11-114, to provide the range of child welfare emergency services described in the request for proposals, and any subsequent amendments to the request for proposals.

8. Federal funds received by the state during the fiscal year beginning July 1, 2011, 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 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, 2011. However, if this subsection is enacted on or after June 15, 2011, the determination shall be made not later than 10 calendar days after the effective date of this subsection.

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.

11. Of the funds appropriated in this section, \$5,922,602 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, \$3,069,832 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, \$227,337 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, \$1,200,495 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 \$147,158 shall be used for the child welfare training academy.

23. Of the funds appropriated in this section, \$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 205,000 and 215,000 in the latest 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.

24. Of the funds appropriated in this section, \$250,000 shall be used for continuation of the central Iowa system of care program grant through June 30, 2012.

25. Of the funds appropriated in this section, \$160,000 shall be used to award a grant through a request for proposals process to a nonprofit entity that is providing child welfare treatment and prevention services in multiple locations throughout the state of Iowa. The grant project shall replicate the model and outcomes of the system of care project for children and youth with emotional and behavior challenges operating in northeast Iowa. The grant project shall be implemented in a manner so as to ensure collaboration with local planning groups and agencies that are involved with providing mental health services, the families of children receiving these services, and the children receiving these services, in order to improve access and expand the array of appropriate community-based services. The grant project shall provide services to children and families in Cerro Gordo and Linn counties.

Sec. 16. 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, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:

..... \$ 33,266,591

2. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Federal funds received by the state during the fiscal year beginning July 1, 2011, 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. 17. JUVENILE DETENTION HOME FUND.

1. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2011, and ending June 30, 2012, are appropriated to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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, 2010. 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, 2010. 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, 2011, shall be limited to the amount appropriated for the purposes of this section.

2. Representatives of chief juvenile court officers, the department of human rights, and the department of human services shall work with juvenile detention centers and other stakeholders to review the current methodology for distribution of moneys from the juvenile detention home fund, consider alternative distribution methodologies, and report findings and recommendations to the persons designated by this division of this Act for the submission of reports by December 15, 2011. It is the intent of the general assembly to shift responsibility for administering the fund from the department of human services to

the division of criminal and juvenile justice planning of the department of human rights, effective with the fiscal year beginning July 1, 2012.

Sec. 18. 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, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

..... \$ 1,167,998

2. The department shall use at least \$385,500 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. 19. 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, 2011, and ending June 30, 2012, 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. 20. MENTAL HEALTH INSTITUTES.

There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. 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:

..... \$ 5,877,308

..... FTEs 168.50

2. 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:

..... \$ 6,411,734

..... FTEs 86.10

3. 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:

..... \$ 10,275,685

..... FTEs 233.00

4. 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:

..... \$ 944,323

..... FTEs 97.72

Sec. 21. 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, 2011, and ending June 30, 2012, 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:

..... \$ 18,507,801
 b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,785,658

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 2011-2012.

Sec. 22. 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, 2011, and ending June 30, 2012, 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:

..... \$ 12,169,482

2. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, \$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, 2009, and ending September 30, 2010, beginning October 1, 2010, and ending September 30, 2011, and beginning October 1, 2011, and ending September 30, 2012. 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. 23. 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, 2011, and ending June 30, 2012, 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 latest certified census issued by the United States bureau of the census shall be applied for the population factors utilized in this section.

Sec. 24. 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, 2011, and ending June 30, 2012, 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:

.....	\$	7,550,727
.....	FTEs	89.50

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. 25. 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, 2011, and ending June 30, 2012, 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:

.....	\$	54,789,921
.....	FTEs	1,781.00

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.

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. 26. 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, 2011, and ending June 30, 2012, 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:

.....	\$	14,596,745
.....	FTEs	290.00

1. Of the funds appropriated in this section, \$38,543 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, \$132,300 shall be used to contract with a statewide association representing community providers of mental health, mental retardation and brain injury services programs 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. Notwithstanding section 8.47 or any other provision of law to the contrary, the department may utilize a sole source approach to contract with the association.

4. Of the funds appropriated in this section, \$176,400 shall be used to contract with an appropriate entity to expand the provision of nationally accredited and recognized internet-based training to include mental health and disability services providers. Notwithstanding section 8.47 or any other provision of law to the contrary, the department may utilize a sole source approach to enter into such contract.

5. Of the funds appropriated in this section, \$500,000 shall be used for implementation of child protection system improvements addressed in 2011 Iowa Acts, House File 562, ⁴ as enacted.

6. 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. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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
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Sec. 28. 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, 2011, the total state funding amount for the nursing facility budget shall not exceed \$225,457,724.

* Item veto; see message at end of the Act

⁴ Chapter 28 herein

(2) For the fiscal year beginning July 1, 2011, the department shall rebase case-mix nursing facility rates effective July 1, 2011. However, total nursing facility budget expenditures, including both case-mix and noncase-mix shall not exceed the amount specified in subparagraph (1). When calculating case-mix per diem cost and the patient-day-weighted medians used in rate-setting for nursing facilities effective July 1, 2011, the inflation factor applied from the midpoint of the cost report period to the first day of the state fiscal year rate period shall be adjusted to maintain state funding within the amount specified in subparagraph (1).

(3) 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 for the fiscal year. 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 is 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 for the fiscal year.

(4) For the fiscal year beginning July 1, 2011, special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2011.

b. For the fiscal year beginning July 1, 2011, 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. However, the department shall adjust the dispensing fee specified in this paragraph to distribute an additional \$2,981,980 in reimbursements for pharmacy dispensing fees under this paragraph for the fiscal year.

c. (1) For the fiscal year beginning July 1, 2011, reimbursement rates for outpatient hospital services shall be rebased effective January 1, 2012.

(2) For the fiscal year beginning July 1, 2011, reimbursement rates for inpatient hospital services shall be rebased effective October 1, 2011.

(3) The total amount of increased funding available for reimbursement attributable to rebasing under this paragraph for the fiscal year beginning July 1, 2011, shall not exceed \$4,500,000.

(4) For the fiscal year beginning July 1, 2011, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2011, except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.

(5) 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, 2011, 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, 2011, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2011.

f. For the fiscal year beginning July 1, 2011, reimbursement rates for home health agencies shall remain at the rates in effect on June 30, 2011, not to exceed a home health agency's actual allowable cost.

g. For the fiscal year beginning July 1, 2011, 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, 2011, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2011.

i. (1) For the fiscal year beginning July 1, 2011, 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.

(2) (a) For nonstate-owned psychiatric medical institutions for children, reimbursement rates shall remain at the rates in effect on June 30, 2011. However, the department shall adjust the reimbursement rates in effect on June 30, 2011, to distribute an additional \$350,000 in reimbursements for nonstate-owned psychiatric medical institutions for children under this subparagraph (2) for the fiscal year.

(b) The department, in consultation with representatives of the nonstate-owned psychiatric medical institutions for children, shall develop a reimbursement methodology required for federal compliance, to be implemented on July 1, 2012. To the extent possible, the reimbursement methodology shall be developed in a manner so as to be budget neutral to the institutions and cost effective for the state.

j. For the fiscal year beginning July 1, 2011, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2011, except for area education agencies, local education agencies, infant and toddler services providers, 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, 2011, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2011.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2011, 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, 2011; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2011, 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, 2011, inpatient mental health services provided at hospitals shall be rebased effective October 1, 2011, 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, 2011, the reimbursement rate for consumer-directed attendant care shall remain at the rates in effect on June 30, 2011.

p. For the fiscal year beginning July 1, 2011, 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 June 30, 2011.

q. For the fiscal year beginning July 1, 2011, the department shall adjust the rates in effect on June 30, 2011, for providers of home and community-based services waiver services to distribute an additional \$1,500,000 in reimbursements to such providers for the fiscal year.

2. For the fiscal year beginning July 1, 2011, 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, 2011, 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 \$15.74, the rate for children ages 6 through 11 years shall be \$16.37, the rate for children ages 12 through 15 years shall be \$17.92, and the rate for children and young adults ages 16 and older shall be \$18.16. The maximum supervised apartment living foster care reimbursement rate shall be \$25.00 per day. For youth ages 18 to 21 who have exited foster care, the maximum preparation for adult living program maintenance rate shall be \$574.00 per month. The maximum payment for adoption subsidy nonrecurring expenses shall be limited to \$500 and the disallowance of additional amounts for court costs and other related legal expenses implemented pursuant to 2010 Iowa Acts, chapter 1031, section 408 shall be continued.

5. For the fiscal year beginning July 1, 2011, the maximum reimbursement rates under the supervised apartment living program and for social services providers under contract shall remain at the rates in effect on June 30, 2011, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, if a new service or service provider is added after June 30, 2011, the initial reimbursement rate for the service or provider shall be based upon actual and allowable costs. Providers may also be eligible for an additional amount as specified under the department's request for proposal, bid number ACFS-11-115.

6. For the fiscal year beginning July 1, 2011, 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, 2011.

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. a. For the fiscal year beginning July 1, 2011, the reimbursement rate paid for shelter care and the child welfare emergency services implemented to provide or prevent the need for shelter care shall be established in a contract based on the requirements of the department's request for proposal, bid number ACFS-11-114.

b. For the fiscal year beginning July 1, 2011, the combined service and maintenance components of the reimbursement rate paid for shelter care services 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.

c. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2011, 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 fiscal year beginning July 1, 2010.

9. For the fiscal year beginning July 1, 2011, the department shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile. Beginning July 1, 2011, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2011.

10. For the fiscal year beginning July 1, 2011, 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, 2011, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2011. 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.

11. The department may adopt emergency rules to implement this section.

Sec. 29. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health, and disability services 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, 2011, 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. 30. CIVIL MONETARY PENALTIES — DIRECT CARE WORKER INITIATIVES PROPOSAL. The department of human services shall develop a proposal, in collaboration with the department of public health, requesting federal approval for the use of a portion of the funds received by the department of human services as civil monetary penalties from nursing facilities to support direct care worker initiatives that enhance the quality of care in nursing facilities. The proposal shall request use of the funds for direct care worker initiatives based on recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, as included in the report submitted to the governor and the general assembly in December 2006. Upon completion of the proposal, the department of human services shall submit the proposal to the centers for Medicare and Medicaid services of the United States department of health and human services for approval. The department of human services shall notify the persons designated in this division of this Act for submission of reports upon receipt of approval of the proposal.

Sec. 31. FEDERAL GRANTS REPORTING. During the fiscal year beginning July 1, 2011, the departments and agencies receiving an appropriation in this Act from the general fund of the state shall report to the persons designated by this Act for submission of reports and the department of management within 60 calendar days of applying for or renewing a federal grant with a value over \$1,000. The report shall list the federal funding source and address the potential need for the commitment of state funding in order to match or continue the funding provided by the federal grant in the present or the future.

Sec. 32. 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. 33. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment and if approved by the governor on or after July 1, 2011, apply retroactively to June 30, 2011:

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

* Item veto; see message at end of the Act

for fiscal year 2011-2012.

DIVISION V
 PHARMACEUTICAL SETTLEMENT ACCOUNT,
 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER REIMBURSEMENT FUND,
 HEALTH CARE
 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
 QUALITY ASSURANCE TRUST FUND, AND
 HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY 2011-2012

Sec. 34. 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, 2011, and ending June 30, 2012, 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 in this Act for medical contracts under the medical assistance program:

..... \$ 10,907,457

1. Of the funds appropriated in this section, up to \$200,000 may be transferred to the appropriation made to the department for general administration in this Act for the same fiscal year to be used for additional full-time equivalent positions in the development of key health initiatives such as cost containment, development and oversight of managed care programs, and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

2. Of the funds appropriated in this section, \$50,000 shall be used for home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements. The department shall submit a report to the persons designated by this Act for submission of reports by December 15, 2011, regarding the modifications to the quality assurance programs.

Sec. 35. 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, 2011, and ending June 30, 2012, 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. (1) Funds appropriated in this subsection used for abortions shall be used in a manner consistent with options under federal Medicaid law and regulation.

(2) Iowans support reducing the number of abortions performed in our state. For an abortion covered under this subsection, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

(a) That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.

(b) That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

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. 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, 2011, and ending June 30, 2012, 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:

..... \$ 44,226,279

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. 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, 2011, and ending June 30, 2012, 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:

..... \$ 16,277,753

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, 2011, and ending June 30, 2012, 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:

..... \$ 65,000,000

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 \$60,000,000 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 \$60,000,000. The amount paid in excess of \$60,000,000 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 \$60,000,000 shall be allocated only if federal funds are available to match the amount allocated. Pursuant to paragraph "b", of the amount appropriated in this subsection, not more than \$4,000,000 shall be distributed for prescription drugs and podiatry services.

b. Notwithstanding any provision of law to the contrary, the hospital identified in this subsection, shall be reimbursed for outpatient prescription drugs and podiatry services provided to members of the expansion population pursuant to all applicable medical assistance program rules, in an amount not to exceed \$4,000,000.

c. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24, subsection 4, paragraph "a", unnumbered paragraph 1, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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.

d. (1) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 4, paragraph “a”, subparagraph (1), the first \$19,000,000 in proceeds collected pursuant to section 347.7 between July 1, 2011, and December 31, 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. Of the collections in excess of the \$19,000,000 received by the acute care teaching hospital under this subparagraph (1), \$2,000,000 shall be distributed by the acute care teaching hospital to the treasurer of state for deposit in the IowaCare account in the month of January 2012, following the July 1 through December 31, 2011, period.

(2) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 4, paragraph “a”, subparagraph (2), the first \$19,000,000 in collections pursuant to section 347.7 between January 1, 2012, and June 30, 2012, 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. Of the collections in excess of the \$19,000,000 received by the acute care teaching hospital under this subparagraph (2), \$2,000,000 shall be distributed by the acute care teaching hospital to the treasurer of state for deposit in the IowaCare account in the month of July 2012, following the January 1 through June 30, 2012, period.

5. 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, 2011, and ending June 30, 2012, 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 section 249J.7 for provision of covered services to members of the expansion population pursuant to chapter 249J:

..... \$ 3,472,176

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. 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, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For a care coordination pool to pay the expansion population providers consisting of the university of Iowa hospitals and clinics, the publicly owned acute care teaching hospital as specified in section 249J.7, and current medical assistance program providers that are not expansion population network providers pursuant to section 249J.7, for services covered by the full benefit medical assistance program but not under the IowaCare program pursuant to section 249J.6, that are provided to expansion population members:

..... \$ 1,500,000

a. Notwithstanding sections 249J.6 and 249J.7, the amount appropriated in this subsection is intended to provide payment for medically necessary services provided to expansion population members for continuation of care provided by the university of Iowa hospitals and clinics or the publicly owned acute care teaching hospital as specified in section 249J.7. Payment may only be made for services that are not otherwise covered under section 249J.6, and which are follow-up services to covered services provided by the hospitals specified in this paragraph “a”.

b. The funds appropriated in this subsection are intended to provide limited payment for continuity of care services for an expansion population member, and are intended to cover the costs of services to expansion population members, regardless of the member’s county of residence or medical home assignment, if the care is related to specialty or hospital services provided by the hospitals specified in paragraph “a”.

c. The funds appropriated in this subsection are not intended to provide for expanded coverage under the IowaCare program, and shall not be used to cover emergency transportation services.

d. The department shall adopt administrative rules pursuant to chapter 17A to establish a prior authorization process and to identify covered services for reimbursement under this subsection.

7. 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, 2011, and ending June 30, 2012, the following amount or so much thereof as is necessary to be used for the purposes designated:

For a laboratory test and radiology pool for services authorized by a federally qualified health center designated by the department as part of the IowaCare regional provider network that does not have the capability to provide these services on site:

..... \$ 500,000

Notwithstanding sections 249J.6 and 249J.7, the amount appropriated in this subsection is intended to provide reimbursement for services provided to expansion population members that have previously been paid for through expenditure by designated regional provider network providers of their own funds, not to expand coverage under the IowaCare program or to expand the expansion population provider network. The department shall designate the laboratory and radiology provider associated with each designated regional provider network provider that may receive reimbursement. The department shall adopt administrative rules pursuant to chapter 17A to establish a prior authorization process and to identify covered services for reimbursement under this subsection. All other medical assistance program payment policies and rules for laboratory and radiology services shall apply to services provided under this subsection. If the entire amount appropriated under this subsection is expended, laboratory tests and radiology services ordered by a designated regional provider network provider shall be the financial responsibility of the regional provider network provider.

Sec. 36. APPROPRIATIONS FROM NONPARTICIPATING PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary, and subject to the availability of funds, 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, 2011, and ending June 30, 2012, the following amount or so much thereof as is necessary for the purposes designated:

To reimburse nonparticipating providers in accordance with section 249J.24A:

..... \$ 2,000,000

Sec. 37. 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, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the provision of an IowaCare nurse helpline for the expansion population as provided in section 249J.6:

..... \$ 100,000

2. For other health promotion partnership activities pursuant to section 249J.14:

..... \$ 600,000

3. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:

..... \$ 125,000

4. For administrative costs associated with chapter 249J:

..... \$ 1,132,412

5. 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

6. 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:

..... \$ 50,000

7. For medical contracts:

..... \$ 2,000,000

8. 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.

9. For transfer to the department of public health to be used for the costs of medical home system advisory council established pursuant to section 135.159, including for the incorporation of the work and duties of the prevention and chronic care management advisory council pursuant to section 135.161, as amended by this Act:

..... \$ 233,357

10. For implementation of a uniform cost report:

..... \$ 150,000

The uniform cost report shall be used in the development of specified Medicaid reimbursement rates over a multiyear timeframe. The department of human services, in collaboration with affected providers, shall finalize a uniform cost report that includes provider type-specific cost schedules by December 15, 2011. The uniform cost report shall be applied to providers of home and community-based services waiver services, habilitation services, case management services and community mental health centers, residential care facilities, psychiatric medical institutions for children, and intermediate care facilities for the mentally retarded in the development of Medicaid reimbursement rates. The department shall collaborate with affected Medicaid providers to test the effectiveness of the uniform cost report and determine the fiscal impact of implementing the uniform cost report during the fiscal year beginning July 1, 2012. A report of the findings and fiscal impact shall be submitted to the governor and the general assembly by December 31, 2013. The rates paid in the fiscal year beginning July 1, 2014, shall be established using uniform cost reports submitted in the fiscal year beginning July 1, 2012. Implementation of the uniform cost report shall be limited to the extent of the funding available.

11. For implementation of an electronic medical records system:

..... \$ 100,000

a. The implementation of an electronic medical records system shall include system purchase or development for home and community-based services providers and mental health services providers that comply with the requirements of federal and state laws and regulation by the fiscal year beginning July 1, 2013.

b. The department shall analyze the costs and benefits of providing an electronic medical records and billing system for home and community-based services providers and mental health services providers that comply with the requirements of federal and state laws and regulation. The analysis shall include a review of all of the following: including the capability for an electronic medical records and billing system within the procurement for the Medicaid management information system, developing the system, and utilizing capacity within the health information network established by the department of public health. If the analysis demonstrates that a program may be implemented in a cost-effective manner and within available funds, the department may take steps to implement such a system. The department shall report the results of the analysis, activities, and recommendations to the persons designated in this Act for submission of reports by December 15, 2011.

c. Notwithstanding section 8.33, funds allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available in succeeding fiscal years to be used for the purposes designated.

12. For transfer to the department of public health to support the department's activities relating to health and long-term care access as specified pursuant to chapter 135, division XXIV:

..... \$ 134,214
 13. For an accountable care organization pilot project as specified in the division of this Act relating to prior appropriations and related changes:

..... \$ 100,000

**14. For the development of a provider payment system plan to provide recommendations to reform the health care provider payment system as an effective way to promote coordination of care, lower costs, and improve quality as specified in the division of this Act relating to cost containment:*

..... \$ 200,000*

15. For transfer to the department of public health to be used as state matching funds for the health information technology system developed by the department of public health:

..... \$ 363,987

16. To supplement the appropriation for medical assistance:

..... \$ 1,956,245

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. 38. 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, 2011, and ending June 30, 2012, 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. 39. 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, 2011, and ending June 30, 2012, 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:

..... \$ 29,000,000

Sec. 40. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 39,223,800

2. For deposit in the nonparticipating provider reimbursement fund created in section 249J.24A to be used for the purposes of the fund:

..... \$ 776,200

Sec. 41. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2011-2012. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2011, and ending June

* Item veto; see message at end of the Act

30, 2012, from the general fund of the state, the Medicaid fraud account, the quality assurance trust fund, and the hospital health care access 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
HEALTH AND HUMAN SERVICES
MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR 2011-2012

Sec. 42. MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX RELIEF. Notwithstanding the standing appropriation in section 426B.1, subsection 2, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the amount appropriated from the general fund of the state pursuant to that provision shall not exceed the following amount:

..... \$ 81,199,911

Sec. 43. SENATE FILE 209 APPROPRIATION — FY 2010-2011.

1. Of the amount credited to the property tax relief fund from the appropriation made pursuant to 2011 Iowa Acts, Senate File 209,⁵ section 21, subsection 1, there is appropriated 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 in accordance with this section:

..... \$ 10,000,000

2. a. For the purposes of this subsection, unless the context otherwise requires:

(1) “County management plan” means the county management plan for the county’s mental health, mental retardation, and developmental disabilities services system in accordance with section 331.439.

(2) “Risk pool board” means the risk pool board created in section 426B.5.

(3) “Services fund” means the county mental health, mental retardation, and developmental disabilities services fund created in section 331.424A.

b. The appropriation made in this section shall be distributed to counties with persons on a waiting list between April 21, 2011, and the date of application for adult mental health, mental retardation, and developmental disabilities services in accordance with the county management plan in effect as of January 1, 2011. All of the following provisions shall apply to such distribution:

(1) A county’s application for the funding distribution must be received by the department on or before July 15, 2011, or within 10 calendar days of the enactment date of this section, whichever is later.

(2) The county’s application shall provide all of the following information:

(a) A declaration that the county cannot provide services in accordance with the county’s management plan and remain in compliance with the 99 percent budgeting requirement in section 331.439, subsection 5, resulting in the creation of a waiting list.

(b) An accounting of the individuals to be removed from the county’s waiting list as a result of the funding applied for under this subsection, along with the following information in a format specified by the department:

(i) Each individual’s unique client identifier established pursuant to section 225C.6A, subsection 3.

(ii) The date the individual was originally placed on the county waiting list.

(iii) The services needed by the individual.

(iv) The projected cost for each service needed for that individual for the period beginning on the date the individual is removed from the waiting list through June 30, 2012.

(v) The total cost for all of the services for each individual for the fiscal year.

⁵ Chapter 123 herein

(3) The application shall be accompanied by a signed statement by the county’s board of supervisors certifying that the individuals for whom funding is provided under this subsection will not subsequently be placed by the county on a waiting list for services through June 30, 2012.

(4) The risk pool board may accept or reject an application for assistance in whole or in part if the board determines the application does not meet the intent or a requirement of this section and may prorate distribution of funding as necessary to conform to the amount available for distribution. The decision of the risk pool board is final. The risk pool board shall issue a funding decision within 15 working days of the final receipt date for applications.

(5) The funding under this subsection shall be distributed within 15 working days of the date the risk pool board’s funding decision is issued.

c. If there is a balance remaining following the distribution of funding under paragraph “b”, the balance shall be distributed in a second distribution process for individuals placed on a waiting list after April 21, 2011, in accordance with the county management plan provisions for the services in effect as of January 1, 2011. In addition, notwithstanding 2010 Iowa Acts, chapter 1192, section 48, subsection 4, paragraph “c”, any funding rebated by counties pursuant to that provision and any moneys otherwise available in the risk pool in the property tax relief fund for the fiscal year beginning July 1, 2011, pursuant to section 426B.5, subsection 2, shall also be included in the second distribution process. The distribution process under this lettered paragraph shall be in lieu of any risk pool distribution for the fiscal year beginning July 1, 2011, under section 426B.5. All provisions applicable under paragraph “b” shall apply except that a county’s application for the second funding distribution process must be received by the department on or before December 1, 2011.

d. If moneys from a distribution made under this subsection are not expended by a county by November 1, 2012, for services provided prior to July 1, 2012, the county shall reimburse the unexpended moneys to the department by November 30, 2012, and the moneys reimbursed shall be credited to the risk pool in the property tax relief fund.

e. The risk pool board shall submit a report to the governor and general assembly on or before December 31, 2012, regarding the expenditure of funds distributed under this subsection.

Sec. 44. 2010 Iowa Acts, chapter 1193, section 1, is amended to read as follows:

SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2011-2012.

1. 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.

2. The appropriation and allocations made in this section fulfill the requirements of the governor and general assembly under subsection 1.

3. a. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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 2011-2012 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:

..... \$ 54,697,893

b. Of the amount credited to the property tax relief fund from the appropriation made pursuant to 2011 Iowa Acts, Senate File 209,⁶ section 21, subsection 1, there is appropriated to the department of human services for the fiscal year beginning July 1, 2011, and ending

⁶ Chapter 123 herein

June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties as described in paragraph “a”:

..... \$ 10,000,000

Sec. 45. 2010 Iowa Acts, chapter 1193, section 1, as amended by this division of this Act, is amended by adding the following new subsections:

NEW SUBSECTION. 4. Of the amounts appropriated in this section, \$28,000,000 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, 2011; 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; or the county is levying at least 92 percent of the maximum amount allowed for the county’s mental health, mental retardation, and developmental disabilities services fund under section 331.424A for the fiscal year and had a negative services fund balance for the fiscal year beginning July 1, 2009, after disregarding the temporary funding increase provided to counties for the fiscal year beginning July 1, 2009, through the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5.

(2) In the fiscal year beginning July 1, 2009, 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. The amount of a county’s distribution from the allocation made in this subsection shall be determined based upon the county’s proportion of the general population of the counties eligible to receive a distribution under this subsection. The latest certified federal census issued by the United States bureau of the census shall be applied in determining population for the purposes of this paragraph.

c. The distributions 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, 2011.

NEW SUBSECTION. 5. The following amount of the funding appropriated in this section for distribution to counties is the allowed growth factor adjustment for fiscal year 2011-2012, 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:

..... \$ 36,697,893

For the distribution made for the fiscal year beginning July 1, 2011, a county that is levying at least 92 percent of the maximum amount allowed for the county’s mental health, mental retardation, and developmental disabilities services fund under section 331.424A for the fiscal year and had a negative services fund balance for the fiscal year beginning July 1, 2009, after disregarding the temporary funding increase provided to counties for the fiscal year beginning July 1, 2009, through the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, shall be deemed to have met the allocation eligibility requirement under section 426B.5, subsection 1, paragraph “d”, subparagraph (1), subparagraph division (a).

NEW SUBSECTION. 6. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for the allowed growth factor adjustment for fiscal year 2011-2012 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, and including the allocation eligibility provision authorized in subsection 5 of this section:

..... \$ 49,773,346

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, 2011:

..... \$ 14,187,556

NEW SUBSECTION. 7. a. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 6 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, 2009, 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, 2009, 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, 2010, in accordance with 2009 Iowa Acts, chapter 179, section 1, as amended by 2009 Iowa Acts, chapter 1192,⁷ sections 47 and 48, or from any other services fund moneys available to the county. The rebate must be remitted to the department on or before June 1, 2011, in order to be counted. However, if this division of this Act is enacted after June 1, 2011, the rebate must be remitted not later than 10 calendar days after the date of the governor's approval of this Act. 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, 2009, for purposes of calculating the withholding factor and for other ending balance purposes for the fiscal year beginning July 1, 2011. **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, 2011, 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 counties with an ending balance percentage of 10 percent or more but less than 15 percent, the amount withheld shall be limited to the

⁷ According to enrolled Act; the phrase "2010 Iowa Acts, chapter 1192" probably intended

* Item veto; see message at end of the Act

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. 8. The total withholding amounts applied pursuant to subsection 7 shall be equal to a withholding target amount of \$13,075,453. If the department of human services determines that the amount appropriated is insufficient or the amount to be withheld in accordance with subsection 7 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 7 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 only adjust the zero withholding factor or the inflation adjustment percentages specified in subsection 7, paragraph "d", when the amount appropriated is insufficient.

Sec. 46. 2010 Iowa Acts, chapter 1193, section 99, is amended to read as follows:

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~~ 2011, in accordance with section 331.439.

Sec. 47. **JUDICIAL BRANCH AND DEPARTMENT OF HUMAN SERVICES WORKGROUP — RESIDENTIAL CARE FACILITIES.** The workgroup implemented by the judicial branch and the department of human services pursuant to 2010 Iowa Acts, chapter 1192, section 24, subsection 2, and continued pursuant to 2011 Iowa Acts, Senate File 525,⁸ shall also address recommendations included in the final report of the stakeholder workgroup on residential care facilities implemented pursuant to 2010 Iowa Acts, chapter 1192, section 27, subsection 7. The recommendations addressed shall include but are not limited to educating judicial magistrates and mental health patient advocates on ways to enhance the consistency of services for individuals who are court ordered to a residential care facility. In addition, the workgroup shall address issues involved with identifying facilities with the capacity to provide an appropriate placement for an individual who has been arrested, charged, or convicted of assault, a forcible felony, arson, or an offense that requires registration as a sex offender under chapter 692A. The recommendations shall be included in the recommendations and report submitted by the workgroup pursuant to 2011 Iowa Acts, Senate File 525.⁹

Sec. 48. **EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY.** The section of this division of this Act amending 2010 Iowa Acts, chapter 1193, section 99, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to December 1, 2010.

Sec. 49. **EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY.** The section of this division of this Act making an appropriation for the fiscal year beginning July 1, 2010, of moneys credited to the property tax relief fund pursuant to 2011 Iowa Acts, Senate File 209,¹⁰ being deemed of immediate importance, takes effect upon enactment and applies retroactively to April 21, 2011.

⁸ Chapter 121 herein

⁹ Chapter 121 herein

¹⁰ Chapter 123 herein

DIVISION VII
PRIOR APPROPRIATIONS AND RELATED CHANGES

COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM

Sec. 50. NEW SECTION. 16.185 Community housing and services for persons with disabilities revolving loan program fund.

1. A community housing and services for persons with disabilities revolving loan program fund is created within the authority to further the availability of affordable housing and supportive services for Medicaid waiver-eligible individuals with behaviors that provide significant barriers to accessing traditional rental and supportive services opportunities. The moneys in the fund are annually appropriated to the authority to be used for the development and operation of a revolving loan program to provide financing to construct affordable permanent supportive housing or develop infrastructure in which to provide supportive services, including through new construction, acquisition and rehabilitation of existing housing or infrastructure, or conversion or adaptive reuse.

2. Moneys transferred by the authority for deposit in the community housing and services for persons with disabilities revolving loan program fund, moneys appropriated to the community housing and services for persons with disabilities revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement in the fund shall be credited to the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the community housing and services for persons with disabilities revolving loan program fund shall be credited to the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund from any other fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert to the other fund.

3. *a.* The authority shall annually allocate moneys available in the fund for the development of permanent supportive housing for Medicaid waiver-eligible individuals. The authority shall develop a joint application process for the allocation of United States housing and urban development HOME investment partnerships program funding and the funds available under this section. Moneys allocated to such projects may be in the form of loans, forgivable loans, or a combination of loans and forgivable loans.

b. The authority shall annually allocate moneys available in the fund for the development of infrastructure in which to provide supportive services for Medicaid waiver-eligible individuals who meet the psychiatric medical institution for children level of care. Moneys allocated to such projects may be in the form of loans, forgivable loans, or a combination of loans and forgivable loans.

4. *a.* A project shall demonstrate written approval of the project by the department of human services to the authority prior to application for funding under this section.

b. In order to be approved by the department of human services for application for funding for development of permanent supportive housing under this section, a project shall include all of the following components:

(1) Provision of services to any of the following Medicaid waiver-eligible individuals:

(a) Individuals who are currently underserved in community placements, including individuals who are physically aggressive or have behaviors that are difficult to manage or individuals who meet the psychiatric medical institution for children level of care.

(b) Individuals who are currently residing in out-of-state facilities.

(c) Individuals who are currently receiving care in a licensed health care facility.

(2) A plan to provide each individual with crisis stabilization services to ensure that the individual's behavioral issues are appropriately addressed by the provider.

(3) Policies and procedures that prohibit discharge of the individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the client or the client's guardian is identified.

c. In order to be approved by the department of human services for application for funding for development of infrastructure in which to provide supportive services under this section, a project shall include all of the following components:

(1) Provision of services to Medicaid waiver-eligible individuals who meet the psychiatric medical institution for children level of care.

(2) Policies and procedures that prohibit discharge of the individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the client or the client's guardian is identified.

d. Housing provided through a project under this section is exempt from the requirements of chapter 135O.

5. The authority, in collaboration with the department of human services, shall adopt rules pursuant to chapter 17A to administer this section.

VIETNAM CONFLICT VETERANS BONUS

Sec. 51. Section 35A.8A, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. The person files an application for compensation under this section, in a manner determined by the department of veterans affairs, by ~~July 1, 2010~~ May 1, 2011.

VIETNAM CONFLICT VETERANS BONUS FUND

Sec. 52. 2008 Iowa Acts, chapter 1187, section 68, as amended by 2009 Iowa Acts, chapter 182, section 82, and 2010 Iowa Acts, chapter 1192, section 55, 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, 2010~~ repeal of section 35A.8A. Upon such repeal, the remaining moneys shall be transferred to the veterans trust fund and, notwithstanding section 35A.13, subsection 3, shall only be expended in accordance with an appropriation for purposes of a bonus enacted for veterans of the conflicts in Panama, Grenada, Lebanon, or the Persian Gulf.

INJURED VETERANS GRANT PROGRAM

Sec. 53. 2008 Iowa Acts, chapter 1187, section 69, unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter 182, section 83, and 2010 Iowa Acts, chapter 1192, section 56, 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, ~~2010~~ 2011.

BEHAVIORAL HEALTH SERVICES ACCOUNT — MEDICAL ASSISTANCE

Sec. 54. 2009 Iowa Acts, chapter 182, section 9, subsection 16, paragraph b, as amended by 2010 Iowa Acts, chapter 1192, section 63, 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, shall not revert but shall remain available in succeeding fiscal years to be used for the purposes designated until expended and any other funds remaining in the account that remain unencumbered or unobligated at the end of the fiscal year shall not revert but

shall remain available in succeeding fiscal years ~~and are appropriated to the department to be used for the medical assistance program to be used for purposes of crisis stabilization and other mental and behavioral health service improvements.~~

CHILD WELFARE DECATEGORY
FY 2009-2010 NONREVERSION

Sec. 55. 2009 Iowa Acts, chapter 182, section 14, 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 for the fiscal year beginning July 1, 2009, that are designated as carryover funding that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2010, shall not revert but shall be transferred to the community housing and services for persons with disabilities revolving loan program fund created in section 16.185, as enacted by this division of this Act.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 — ALLOCATION FOR
INFANT AND TODDLER CARE QUALITY

Sec. 56. 2009 Iowa Acts, chapter 183, section 62, subsection 3, is amended to read as follows:

3. For the purposes of this subsection, “federal poverty level” means the poverty level defined by the most recently revised poverty income guidelines published by the United States department of health and human services. The program shall provide financial assistance to families with infants and toddlers less than thirty-six months of age ~~two~~ that have a family income of more than 145 percent but not more than 185 percent of the federal poverty level. However, the department may adjust the qualifying criteria or the financial assistance purpose provisions specified in this subsection or make other changes as necessary for implementation to conform with federal requirements for the funding. Outcome reporting and other grant requirements shall be developed by the department in cooperation with the Iowa empowerment board.

Sec. 57. 2009 Iowa Acts, chapter 183, section 62, subsection 4, is amended to read as follows:

4. The financial assistance shall be for any of the following purposes:

a. For making temporary payments to qualifying families whose members are recently unemployed and seeking work to use in meeting immediate family needs.

b. For providing sliding scale subsidies for qualifying families for child care provided to the families’ infants and toddlers by providers who are accredited by the national association for the education of young children or the national association for family child care, or who have a rating at level 3 2 or higher under the child care quality rating system implemented pursuant to section 237A.30.

c. For expanding training and other support for infant care providers in the community and this state.

d. For ensuring child care environments are healthy and safe.

e. For promoting positive relationships between parents and providers in their mutual efforts to care for very young children.

f. For ensuring that parents have the information and resources needed to choose quality child care.

IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

Sec. 58. 2010 Iowa Acts, chapter 1192, section 1, subsection 2, is amended to read as follows:

2. a. Of the funds appropriated in this section, \$1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement

of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department on aging.

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

IOWA VETERANS HOME

Sec. 59. 2010 Iowa Acts, chapter 1192, section 3, subsection 2, is amended by adding the following new paragraph:

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

MEDICAL ASSISTANCE PROGRAM

Sec. 60. 2010 Iowa Acts, chapter 1192, section 11, is amended by adding the following new subsection:

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

STATE SUPPLEMENTARY ASSISTANCE PROGRAM

Sec. 61. 2010 Iowa Acts, chapter 1192, section 14, is amended by adding the following new subsection:

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

CHILD WELFARE TRAINING ACADEMY

Sec. 62. 2010 Iowa Acts, chapter 1192, section 19, subsection 22, is amended to read as follows:

22. Of the funds appropriated in this section, at least \$47,158 shall be used for the child welfare training academy. 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 the close of the succeeding fiscal year.

ADOPTION SUBSIDY TRANSFER AND NONREVERSION

Sec. 63. 2010 Iowa Acts, chapter 1192, section 20, is amended by adding the following new subsections:

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

NEW SUBSECTION. 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.

DEPARTMENT OF HUMAN SERVICES — FIELD OPERATIONS

Sec. 64. 2010 Iowa Acts, chapter 1192, section 29, 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.

DEPARTMENT OF HUMAN SERVICES — GENERAL ADMINISTRATION

Sec. 65. 2010 Iowa Acts, chapter 1192, section 30, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys appropriated in this section and the designated allocations 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 DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

Sec. 66. 2010 Iowa Acts, chapter 1192, section 37, subsection 1, is amended to read as follows:

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

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

QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES

Sec. 67. 2010 Iowa Acts, chapter 1192, section 44, is amended to read as follows:

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
33,708,458

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 2366,¹¹ 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 19¹² 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.

INJURED VETERANS TRUST FUND

Sec. 68. INJURED VETERANS TRUST FUND. 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 amount, or so much thereof as is necessary, to be used for the purposes designated:

To be credited to the injured veterans trust fund created pursuant to section 35A.14 to be used for the injured veterans grant program:

..... \$ 1,000,000

The department shall review the rules and statutory provisions pertaining to the injured veterans grant program and propose amendments to improve the program. 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 expended.

MERCHANT MARINE BONUS FUND TRANSFER

Sec. 69. DEPARTMENT OF CULTURAL AFFAIRS — MERCHANT MARINE BONUS FUND.

1. The appropriation made from the merchant marine bonus fund to the department of cultural affairs for the fiscal year beginning July 1, 2010, and ending June 30, 2011, in 2010 Iowa Acts, chapter 1193, section 82, shall be transferred on the effective date of this section to the department of veterans affairs to be used for departmental costs.

2. Moneys transferred pursuant to this section that remain unencumbered or unobligated at the close of the fiscal year shall be credited to the veterans trust fund created in section 35A.13.

Sec. 70. DECATEGORYIZATION PROJECT FUNDING. For the period beginning June 1, 2010, and ending June 30, 2012, a child welfare and juvenile justice funding decategoryization initiative project that is incorporated and owns real property may utilize project funding to purchase liability insurance.

¹¹ 2010 Iowa Acts, chapter 1182
¹² Published in IAB XXXII, No. 9, (10/21/09) p. 1139

STATE INSTITUTION — APPROPRIATION TRANSFERS

Sec. 71. DEPARTMENT OF HUMAN SERVICES. There is transferred between the following designated appropriations made to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, not more than the following amounts:

1. From the appropriation made for purposes of the state resource center at Glenwood in 2010 Iowa Acts, chapter 1192, section 25, subsection 1, paragraph “a”, to the appropriation made for purposes of the Iowa juvenile home at Toledo in 2010 Iowa Acts, chapter 1192, section 17, subsection 1:

..... \$ 400,000

2. From the appropriation made for purposes of the state resource center at Woodward in 2010 Iowa Acts, chapter 1192, section 25, subsection 1, paragraph “b”, to the appropriation made for purposes of the state mental health institute at Independence in 2010 Iowa Acts, chapter 1192, section 24, subsection 1, paragraph “c”:

..... \$ 400,000

Sec. 72. ACCOUNTABLE CARE ORGANIZATION — PILOT.

1. a. If an entity applies for certification from the secretary of the United States department of health and human services prior to January 1, 2012, and is subsequently certified to administer an accountable care organization pilot project, pursuant to the federal Patient Protection and Accountability Act, Pub. L. No. 111-148, the department of human services shall work with the entity to provide access to the complete deidentified claims data of the medical assistance recipients receiving health care services through the pilot project for the purposes of identifying areas of utilization, need, and potential cost savings to the medical assistance program subject to all applicable state and federal laws and regulations. The department may also employ new payment models, information technology, and data analytics provisions necessary to the administration of the pilot project.

b. The department of human services shall work with an entity to administer an accountable care organization pilot project, only if the centers for Medicare and Medicaid services of the United States department of health and human services approves participation of the medical assistance program in the pilot project and the entity meets all of the following requirements:

(1) At a minimum, includes the participation of a prospective payment system hospital, ten primary care physicians, a home health care practice, a palliative care services, a hospice service, and a community mental health center, all of which agree to be paid under a partial or global payment for identified services.

(2) Requires all participating providers to utilize electronic health records.

(3) Includes delivery of mental health services to recipients of medical assistance through collaboration with the regional community mental health center, a federally qualified health center, and at least one nursing facility as consistent with any other law enacted by the Eighty-fourth general assembly, 2011 session, that redesigns the mental health delivery system in the state.

c. The entity certified to implement the pilot project shall report to the joint appropriations subcommittee for health and human services during the 2012 legislative session detailing the progress and expected outcomes of the pilot project.

Sec. 73. EMERGENCY RULES. For purposes of the initial rules to implement the provisions of section 16.185, as enacted by this division of this Act, the Iowa finance authority 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 a notice of intended action as provided in section 17A.4.

Sec. 74. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. Except as otherwise provided by this division of this Act, this division of this Act, being deemed of immediate importance, takes effect upon enactment and if approved by the governor on or after July 1, 2011, applies retroactively to June 30, 2011.

Sec. 75. RETROACTIVE APPLICABILITY. The section of this division of this Act addressing child welfare and juvenile justice funding decategorization initiative project funding for the period beginning June 1, 2010, and ending June 30, 2012, applies retroactively to June 1, 2010.

Sec. 76. RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 35A.8A, applies retroactively to July 1, 2010.

Sec. 77. RETROACTIVE APPLICABILITY. The section of this division of this Act making transfers between appropriations made to the department of human services for state institutions in 2010 Iowa Acts, chapter 1192, applies retroactively to January 1, 2011.

DIVISION VIII PREVENTION AND CHRONIC CARE MANAGEMENT

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

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

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

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

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

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

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

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

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

DIVISION IX MISCELLANEOUS

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

29C.20B Disaster case management.

1. The ~~rebuild Iowa office homeland security and emergency management division~~ shall work with the department of human services and nonprofit, voluntary, and faith-based organizations active in disaster recovery and response in coordination with ~~the homeland security and emergency management division~~ the department of human services to establish

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

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

- a. Disaster case management standards.
- b. Disaster case management policies.
- c. Reporting requirements.
- d. Eligibility criteria.
- e. Coordination mechanisms necessary to carry out the services provided.
- f. Develop formal working relationships with agencies and create interagency agreements for those considered to provide disaster case management services.
- g. Coordination of all available services for individuals from multiple agencies.

Sec. 84. Section 135.106, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 4. It is the intent of the general assembly that priority for home visitation funding be given to approaches using evidence-based or promising models for home visitation.

Sec. 85. Section 147.136, Code 2011, is amended to read as follows:
147.136 Scope of recovery.

1. ~~In~~ Except as otherwise provided in subsection 2, in an action for damages for personal injury against a physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, or nurse licensed to practice that profession in this state, or against a hospital licensed for operation in this state, based on the alleged negligence of the practitioner in the practice of the profession or occupation, or upon the alleged negligence of the hospital in patient care, in which liability is admitted or established, the damages awarded shall not include actual economic losses incurred or to be incurred in the future by the claimant by reason of the personal injury, including but not limited to, the cost of reasonable and necessary medical care, rehabilitation services, and custodial care, and the loss of services and loss of earned income, to the extent that those losses are replaced or are indemnified by insurance, or by governmental, employment, or service benefit programs or from any other source ~~except the assets of the claimant or of the members of the claimant's immediate family.~~

2. This section shall not bar recovery of economic losses replaced or indemnified by any of the following:

- a. Benefits received under the medical assistance program under chapter 249A.
- b. The assets of the claimant or of the members of the claimant's immediate family.

Sec. 86. Section 153.14, subsection 1, Code 2011, is amended to read as follows:

1. Students of dentistry who practice dentistry upon patients at clinics in connection with their regular course of instruction at ~~the state~~ an accredited dental college, students of dental hygiene who practice upon patients at clinics in connection with their regular course of instruction at state-approved schools, and students of dental assisting who practice upon patients at clinics in connection with a regular course of instruction determined by the board pursuant to section 153.39.

Sec. 87. Section 154A.24, subsection 3, paragraph s, Code 2011, is amended by striking the paragraph.

Sec. 88. **NEW SECTION. 155A.43 Pharmaceutical collection and disposal program — annual allocation.**

Of the fees collected pursuant to sections 124.301 and 147.80 and chapter 155A by the board of pharmacy, and retained by the board pursuant to section 147.82, not more than one hundred twenty-five thousand dollars, may be allocated annually by the board for administering the pharmaceutical collection and disposal program originally established pursuant to 2009 Iowa Acts, chapter 175, section 9. The program shall provide for the management and disposal of unused, excess, and expired pharmaceuticals. The board of pharmacy may cooperate with the Iowa pharmacy association and may consult with the department and sanitary landfill operators in administering the program.

Sec. 89. Section 225B.8, Code 2011, is amended to read as follows:

225B.8 Repeal.

This chapter is repealed July 1, ~~2011~~ 2012.

Sec. 90. Section 232.188, subsection 5, paragraph b, unnumbered paragraph 1, Code 2011, 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. 91. Section 235B.19, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. a. The department shall serve a copy of the petition and any order authorizing protective services, if issued, on the dependent adult and on persons who are competent adults and reasonably ascertainable at the time the petition is filed in accordance with the following priority:

(1) An attorney in fact named by the dependent adult in a durable power of attorney for health care pursuant to chapter 144B.

(2) The dependent adult's spouse.

(3) The dependent adult's children.

(4) The dependent adult's grandchildren.

(5) The dependent adult's siblings.

(6) The dependent adult's aunts and uncles.

(7) The dependent adult's nieces and nephews.

(8) The dependent adult's cousins.

b. When the department has served a person in one of the categories specified in paragraph "a", the department shall not be required to serve a person in any other category.

c. The department shall serve the dependent adult's copy of the petition and order personally upon the dependent adult. Service of the petition and all other orders and notices shall be in a sealed envelope with the proper postage on the envelope, addressed to the person being served at the person's last known post office address, and deposited in a mail receptacle provided by the United States postal service. The department shall serve such copies of emergency orders authorizing protective services and notices within three days after filing the petition and receiving such orders.

d. The department and all persons served by the department with notices under this subsection shall be prohibited from all of the following without prior court approval after the department's petition has been filed:

(1) Selling, removing, or otherwise disposing of the dependent adult's personal property.

(2) Withdrawing funds from any bank, savings and loan association, credit union, or other financial institution, or from an account containing securities in which the dependent adult has an interest.

Sec. 92. Section 237A.1, subsection 3, paragraph n, Code 2011, is amended to read as follows:

n. A program offered to a child whose parent, guardian, or custodian is engaged solely in a recreational or social activity, remains immediately available and accessible on the physical premises on which the child's care is provided, and does not engage in employment while the care is provided. However, if the recreational or social activity is provided in a fitness center or on the premises of a nonprofit organization the parent, guardian, or custodian of the child may be employed to teach or lead the activity.

Sec. 93. Section 249A.4B, subsection 2, paragraph a, subparagraph (18), Code 2011, is amended to read as follows:

(18) ~~The Iowa/Nebraska~~ Iowa primary care association.

Sec. 94. REPEAL. Section 135.27A, Code 2011, is repealed December 31, 2011.

DIVISION X MEDICAID PRESCRIPTION DRUGS

**Sec. 95. Section 249A.20A, subsection 4, Code 2011, 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. 96. 2010 Iowa Acts, chapter 1031, section 348, is amended to read as follows:*

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. 97. REPEAL. 2010 Iowa Acts, chapter 1031, section 349, is repealed.

Sec. 98. RESCINDING AND ADOPTION OF RULES. The department of human services shall rescind the rules adopted pursuant to 2010 Iowa Acts, chapter 1031, section 347, chapter 1031, section 348, subsection 2, and chapter 1031, section 349, and shall instead adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement section 249A.20A, as amended in this division of this Act, and the rules shall be effective immediately upon filing and retroactively applicable to January 1, 2011, 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. 99. 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, 2011.

* Item veto; see message at end of the Act

DIVISION XI
IOWA FALSE CLAIMS ACT

Sec. 100. Section 685.1, subsection 11, Code 2011, is amended to read as follows:

11. "Original source" means an individual who has direct and independent prior to a public disclosure under section 685.3, subsection 5, paragraph "c", has voluntarily disclosed to the state the information on which the allegations or transactions in a claim are based; or who has knowledge of the information on which the allegations are based that is independent of and materially adds to the publicly disclosed allegations or transactions, and has voluntarily provided the information to the state before filing an action under section 685.3 which is based on the information this chapter.

Sec. 101. Section 685.1, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 15. "State" means the state of Iowa.

Sec. 102. Section 685.2, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

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~~ the civil penalty allowed under the federal False Claims Act, as codified in 31 U.S.C. § 3729 et seq., as may be adjusted in accordance with the inflation adjustment procedures prescribed in the federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. No. 101-410, for each false or fraudulent claim, plus three times the amount of damages which the state sustains ~~because of the act of that person:~~

Sec. 103. Section 685.3, subsection 5, paragraph c, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

c. A court shall dismiss an action or claim under this section, unless opposed by the state, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed in a state criminal, civil, or administrative hearing in which the state or an agent of the state is a party; in a state legislative, state auditor, or other state report, hearing, audit, or investigation; or by the news media, unless the action is brought by the attorney general or the qui tam plaintiff is an original source of the information.

Sec. 104. Section 685.3, subsection 6, Code 2011, is amended to read as follows:

6. a. Any employee, contractor, or agent who shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent 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 done by the employee, contractor, or agent on behalf of the employee, contractor, or agent or associated others in furtherance of an action under this section or other efforts to stop a violation one or more violations of this chapter, shall be entitled to all relief necessary to make the employee, contractor, or agent whole. Such relief

b. Relief under paragraph "a" shall include reinstatement with the same seniority status such that 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 under this subsection may be brought in the appropriate district court of the state for the relief provided in this subsection.

c. A civil action under this subsection shall not be brought more than three years after the date when the retaliation occurred.

DIVISION XII
VOLUNTEER HEALTH CARE PROVIDER PROGRAM

**Sec. 105. Section 135.24, subsection 2, paragraphs b and c, Code 2011, are amended to read as follows:*

b. Procedures for registration of hospitals, free clinics, field dental clinics, and specialty health care provider offices.

*c. Criteria for and identification of hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations, eligible to participate in the provision of free medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services through the volunteer health care provider program. A hospital, a clinic, a free clinic, a field dental clinic, a specialty health care provider office, a health care facility, a health care referral program, a charitable organization, or a health care provider participating in the program shall not bill or charge a patient for any health care provider service provided under the volunteer health care provider program.**

Sec. 106. Section 135.24, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 6A. A hospital providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the hospital in accordance with this section, if the hospital has registered with the department pursuant to subsection 1.

**Sec. 107. Section 135.24, subsection 7, Code 2011, is amended by adding the following new paragraph:*

*NEW PARAGRAPH. 0e. "Hospital" means hospital as defined in section 135B.1.**

DIVISION XIII
HEALTH CARE COST CONTAINMENT

Sec. 108. ALL-PAYER CLAIMS DATABASE. The department of human services in consultation with the division of insurance of the department of commerce shall investigate the costs associated with and the privacy implications of implementing an all-payer claims database to provide for the collection and analysis of claims data from multiple payers of health care. The department shall report its findings and recommendations to the individuals specified in this Act for submission of reports by December 15, 2011.

**Sec. 109. PROVIDER PAYMENT SYSTEM PLAN — PILOT PROJECT.* The department of human services shall develop a provider payment system plan to provide recommendations to reform the health care provider payment system as an effective way to promote coordination of care, lower costs, and improve quality. The plan shall provide analysis and recommendations regarding but not limited to accountable care organizations, a global payment system, or an episode of care payment system.*

Sec. 110. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV
HEALTH INFORMATION TECHNOLOGY SYSTEM

Sec. 111. HEALTH INFORMATION TECHNOLOGY SYSTEM — BUSINESS MODEL AND FINANCIAL SUSTAINABILITY PLAN.

* Item veto; see message at end of the Act

1. The department of public health shall convene a workgroup to develop a business model and financial sustainability plan for implementation of a statewide health information technology system. The workgroup shall incorporate the results of the public and private collaborative efforts described in chapter 135, division XXI into its deliberations. The workgroup shall include all of the following selected by the director of public health, unless otherwise specified:

- a. Two members who are representatives of hospitals selected by the Iowa hospital association, one of which represents the largest health system in the state.
- b. One member who is a representative of the university of Iowa hospitals and clinics.
- c. One member who is a licensed practicing physician selected by the Iowa medical society.
- d. One member who is a licensed practicing physician selected by the Iowa osteopathic medical association.
- e. Two members who are representatives of insurance carriers selected by the federation of Iowa insurers, one of which represents the largest carrier.
- f. One member who represents the Iowa Medicaid enterprise.
- g. One member who represents the department of public health.
- h. One member who is a business entrepreneur selected by the governor.

2. In developing the business model and financial sustainability plan the workgroup shall consider and make recommendations regarding fees to be paid by participants who choose to use the health information technology system; strategies to avoid the use of general fund appropriations for sustainability of the health information technology system; the establishment of a dedicated electronic health finance fund; and the transitioning of technical infrastructure, business operations, and governance of the health information technology system to a nongovernmental entity.

3. The department of public health shall submit the proposed business model and financial sustainability plan to the executive committee established pursuant to section 135.156 and the state board of health for approval.

4. The approved business model and financial sustainability plan shall be submitted to the governor and the general assembly no later than December 1, 2011, for review and subsequent action.

Sec. 112. HEALTH INFORMATION TECHNOLOGY SYSTEM — STRATEGIC AND OPERATIONAL PLAN — PILOT. For the purposes of administering a health information technology system pilot project during the fiscal year beginning July 1, 2011, the department of public health shall incorporate all of the following legal standards and policy provisions into the strategic and operational plan for the pilot project:

1. A participant shall not be compelled by subpoena, court order, or other process of law to access health information through the health information technology system in order to gather records or information not created by the participant.

2. A provider who relies reasonably and in good faith upon any health information provided through the health information technology system in treatment of a patient who is the subject of the health information shall be immune from criminal or civil liability arising from any damages caused by such reasonable, good faith reliance. Such immunity shall not apply to acts or omissions constituting negligence, recklessness, or intentional misconduct.

3. A participant who has disclosed health information through the health information technology system in compliance with applicable law and the standards, requirements, policies, procedures, and agreements of the health information technology system shall not be subject to criminal or civil liability for the use or disclosure of health information by another participant.

4. Notwithstanding chapter 22, the following records shall be kept confidential, unless otherwise ordered by a court or consented to by the patient or by a person duly authorized to release such information:

a. The protected health information contained in, stored in, submitted to, transferred or exchanged by, or released from the health information technology system.

b. Any protected health information in the possession of the department due to its administration of the health information technology system.

DIVISION XV
DEPARTMENT ON AGING — FY 2012-2013

Sec. 113. 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, 2012, and ending June 30, 2013, 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 frail elders, Iowa’s aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,151,288
.....	FTEs	35.00

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. The amount appropriated in this section includes additional funding of \$225,000 for delivery of long-term care services to seniors with low or moderate incomes.

3. Of the funds appropriated in this section, \$89,973 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 XVI
DEPARTMENT OF PUBLIC HEALTH — FY 2012-2013

Sec. 114. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

.....	\$	11,751,595
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..... FTEs 13.00

a. (1) Of the funds appropriated in this subsection, \$1,626,915 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and activities of the initiative under this subparagraph (1) and shall make recommendations to the director in the development of budget requests relating to the initiative.

(2) Of the funds allocated in this paragraph “a”, \$226,915 shall be transferred to the alcoholic beverages division of the department of commerce for enforcement of tobacco laws, regulations, and ordinances in accordance with 2011 Iowa Acts, House File 467,¹³ as enacted.

b. Of the funds appropriated in this subsection, \$10,124,680 shall be used for problem gambling and substance abuse prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, and program evaluation.

(1) Of the funds allocated in this paragraph “b”, \$8,566,254 shall be used for substance abuse prevention and treatment.

(a) Of the funds allocated in this subparagraph (1), \$449,650 shall be used for the public purpose of a grant program to provide substance abuse prevention programming for children.

(i) Of the funds allocated in this subparagraph division (a), \$213,769 shall be used for 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.

(ii) Of the funds allocated in this subparagraph division (a), \$213,419 shall be used for 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.

(iii) The department of public health shall utilize a request for proposals process to implement the grant program.

(iv) All grant recipients shall participate in a program evaluation as a requirement for receiving grant funds.

(v) Of the funds allocated in this subparagraph division (a), up to \$22,461 may be used to administer substance abuse prevention grants and for program evaluations.

(b) Of the funds allocated in this subparagraph (1), \$136,531 shall be used for culturally competent substance abuse treatment pilot projects.

(i) The department shall utilize the amount allocated in this subparagraph division (b) 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.

(ii) 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.

(2) Of the funds allocated in this paragraph “b”, up to \$1,558,426 may be used for problem gambling prevention, treatment, and recovery services.

(a) Of the funds allocated in this subparagraph (2), \$1,289,500 shall be used for problem gambling prevention and treatment.

(b) Of the funds allocated in this subparagraph (2), up to \$218,926 may be used for a 24-hour helpline, public information resources, professional training, and program evaluation.

(c) Of the funds allocated in this subparagraph (2), up to \$50,000 may be used for the licensing of problem gambling treatment programs.

¹³ Chapter 63 herein

(3) It is the intent of the general assembly that from the moneys allocated in this paragraph "b", persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services.

c. Notwithstanding any provision of law to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of problem gambling and substance abuse treatment services statewide, the department shall continue implementation of a process to create a system for delivery of 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 problem gambling and substance abuse treatment services in any area may be provided either by a single agency or by separate agencies submitting a joint proposal.

(1) The system for delivery of substance abuse and problem gambling treatment shall include problem gambling prevention.

(2) The system for delivery of substance abuse and problem gambling treatment shall include substance abuse prevention by July 1, 2014.

(3) Of the funds allocated in paragraph "b", the department may use up to \$50,000 for administrative costs to continue developing and implementing the process in accordance with this paragraph "c".

d. The requirement of section 123.53, subsection 5, 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, 2012.

e. The department of public health shall work with all other departments that fund substance abuse prevention and treatment services and all such departments shall, to the extent necessary, collectively meet the state maintenance of effort requirements for expenditures for substance abuse services as required under the federal substance abuse prevention and treatment block grant.

f. The department shall amend or otherwise revise departmental policies and contract provisions in order to eliminate free t-shirt distribution, banner production, and other unnecessary promotional expenditures.

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:

.....	\$	1,297,135
.....	FTEs	10.00

a. Of the funds appropriated in this subsection, not more than \$369,659 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, 2012.

b. Of the funds appropriated in this subsection, \$164,942 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, \$15,798 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 lifeline network to provide dental services to indigent elderly and disabled individuals.

d. Of the funds appropriated in this subsection, \$56,338 shall be used for childhood obesity prevention.

e. Of the funds appropriated in this subsection, \$81,880 shall be used to provide audiological services and hearing aids for children. The department may enter into a contract to administer this paragraph.

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:

.....	\$	1,680,828
.....	FTEs	4.00

a. Of the funds appropriated in this subsection, \$80,291 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, \$241,800 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, \$249,437 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, \$15,627 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, \$394,151 shall be used for child health specialty clinics.

f. Of the funds appropriated in this subsection, \$248,533 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. Of the funds allocated in this lettered paragraph, \$75,000 shall be used to support a melanoma research symposium, a melanoma biorepository and registry, basic and translational melanoma research, and clinical trials.

g. Of the funds appropriated in this subsection, \$63,225 shall be used for cervical and colon cancer screening.

h. Of the funds appropriated in this subsection, \$264,417 shall be used for the center for congenital and inherited disorders.

i. Of the funds appropriated in this subsection, \$64,968 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:

.....	\$	2,117,583
.....	FTEs	14.00

a. Of the funds appropriated in this subsection, \$50,000 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas.

b. Of the funds appropriated in this subsection, \$55,654 is allocated for continuation of an initiative implemented at the university of Iowa and \$50,246 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 and disability services commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, \$585,745 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, \$60,908 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, \$72,271 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, \$19,131 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. The following amounts allocated under this lettered paragraph shall be distributed to the specified provider and shall not be reduced for administrative or other costs prior to distribution:

(1) For distribution to the Iowa primary care association for statewide coordination of the Iowa collaborative safety net provider network:

..... \$ 66,290

(2) 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:

..... \$ 38,804

(3) For distribution to maternal and child health centers for pilot programs in three counties to assist patients in determining an appropriate medical home:

..... \$ 38,804

(4) 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:

..... \$ 62,025

(5) 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:

..... \$ 55,215

(6) For continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, chapter 218, section 109:

..... \$ 130,000

(7) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, chapter 218, section 108:

..... \$ 135,000

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, \$74,500 shall be used for continued implementation of the recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, 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 lettered 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.

i. (1) Of the funds appropriated in this subsection, \$65,050 shall be used for allocation to an independent statewide direct care worker association under a contract with terms determined by the director of public health relating to education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health care and long-term care settings.

(2) Of the funds appropriated in this subsection, \$29,000 shall be used to provide scholarships or other forms of subsidization for direct care worker educational conferences, training, or outreach activities.

j. Of the funds appropriated in this subsection, the department may use up to \$29,259 for up to one full-time equivalent position to administer the volunteer health care provider program pursuant to section 135.24.

k. Of the funds appropriated in this subsection, \$25,000 shall be used for a matching dental education loan repayment program to be allocated to a dental nonprofit health service corporation to develop the criteria and implement the loan repayment program.

5. HEALTHY AGING

* Item veto; see message at end of the Act

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:

..... \$ 3,648,571

a. Of the funds appropriated in this subsection, \$1,004,593 shall be used for local public health nursing services.

b. Of the funds appropriated in this subsection, \$2,643,977 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:

..... \$ 406,888

..... FTEs 4.00

Of the funds appropriated in this subsection, \$272,188 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:

..... \$ 672,923

..... FTEs 4.00

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:

..... \$ 1,388,116

..... FTEs 125.00

a. Of the funds appropriated in this subsection, not more than \$235,845 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, \$105,309 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 \$218,291 shall be used for the state poison control center.

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:

..... \$ 409,777

..... FTEs 7.00

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 XVII
DEPARTMENT OF VETERANS AFFAIRS — FY 2012-2013

Sec. 115. 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, 2012, and ending June 30, 2013, 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:

..... \$ 499,416

..... FTEs 16.34

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 4,476,075

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.

d. The Iowa veterans home expenditure report shall be submitted monthly to the legislative services agency.

3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

..... \$ 6,208

Sec. 116. 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, 2012, and ending June 30, 2013, 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:

..... \$ 495,000

DIVISION XVIII
DEPARTMENT OF HUMAN SERVICES — FY 2012-2013

Sec. 117. 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, 2012, and ending June 30, 2013, 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:

..... \$ 10,750,369

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:

..... \$ 6,205,764

3. To be used for the family development and self-sufficiency grant program in accordance with section 216A.107:

..... \$ 1,449,490

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, 2013, the moneys shall revert.

* Item veto; see message at end of the Act

4. For field operations:	\$	15,648,116
5. For general administration:	\$	1,872,000
6. For state child care assistance:	\$	8,191,343

The funds appropriated in this subsection shall be transferred to the child care and development block grant appropriation made by the Eighty-fourth General Assembly, 2012 Session, for the federal fiscal year beginning October 1, 2012, and ending September 30, 2013. Of this amount, \$100,000 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:	\$	2,447,026
8. For child and family services:	\$	16,042,215
9. For child abuse prevention grants:	\$	62,500

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

	\$	965,033
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Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2012, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2012, if the programs 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:

	\$	518,593
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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 early childhood Iowa areas as provided in section 256I.11:

	\$	3,175,000
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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 2011 or 2012 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, 2011, and ending June 30, 2012, not otherwise appropriated in this section and remaining available as of July 1, 2012, and received by the state during the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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.

14. Of the amounts appropriated in this section, \$6,481,004 for the fiscal year beginning July 1, 2012, shall be transferred to the appropriation of the federal social services block grant made for that fiscal year.

15. For continuation of the program allowing the department to maintain categorical eligibility for the food assistance program as required under the section of this division relating to the family investment account:

..... \$ 73,036

16. The department may transfer funds allocated in this section to the appropriations made in this division of 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. 118. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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 division of 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, 2012, and ending June 30, 2013, 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:

..... \$ 10,000

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:

..... \$ 2,671,417

(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 2012-2013.

c. For the diversion subaccount of the FIP account:

..... \$ 849,200

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:

..... \$ 33,294

(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 continue the categorical federal food assistance program eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal food assistance program requirements. The department shall 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:

..... \$ 10,117,952

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. 119. 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, 2012, and ending June 30, 2013, 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:

..... \$ 25,085,513

1. Of the funds appropriated in this section, \$3,912,188 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$1,231,927 is allocated for the family development and self-sufficiency grant program.

3. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2012, 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, \$97,839 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. 120. 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, 2012, and ending June 30, 2013, 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:	\$	6,559,627
.....		
.....	FTEs	475.00

1. The department shall expend up to \$12,164, including federal financial participation, for the fiscal year beginning July 1, 2012, 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, 2012, and ending June 30, 2013. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects, the rules shall remain in effect until June 30, 2013.

Sec. 121. 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, 2012, and ending June 30, 2013, 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. 122. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2012, except as otherwise expressly authorized by law, and consistent with options under federal law and regulations:	\$	914,993,421
.....		

1. Iowans support reducing the number of abortions performed in our state. For an abortion covered under the program, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

a. That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.

b. That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child’s birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

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, 2012, 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, up to \$442,100 may be transferred to the appropriation in this division of this Act for medical contracts to be used for clinical assessment services and prior authorization of services.

7. 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.

8. 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.

9. 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.

10. 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

11. a. Of the funds appropriated in this section, \$7,425,684 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.

12. 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 \$9,900,000. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

13. Of the funds appropriated in this section, up to \$4,480,304 may be transferred to the IowaCare account created in section 249J.24.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. Of the funds appropriated in this section, \$349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes for the fiscal year beginning July 1, 2012.

20. a. The department may continue to implement cost containment strategies recommended by the governor, and may adopt emergency rules for such implementation.

b. The department shall not implement the cost containment strategy to require a primary care referral for the provision of chiropractic services.

c. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to implement the cost containment strategies. The department shall report any such increase to the legislative services agency and the department of management.

d. If the savings to the medical assistance program exceed the cost, the department may transfer any savings generated for the fiscal year due to medical assistance program cost containment efforts initiated pursuant to 2010 Iowa Acts, chapter 1031, Executive Order No. 20,¹⁴ issued December 16, 2009, or cost containment strategies initiated pursuant to this subsection, to the appropriation made in this division of this Act for medical contracts or general administration to defray the increased contract costs associated with implementing such efforts.

e. The department shall report the implementation of any cost containment strategies under this subsection to the individuals specified in this division of this Act for submission of reports on a quarterly basis.

21. Notwithstanding any provision of law to the contrary, the department of human services shall continue implementation of the amended section 1915(b) waiver and Iowa plan contract for inclusion of remedial services under the Iowa plan contract for the fiscal year beginning July 1, 2012.

22. a. Of the funds appropriated in this section, \$5,000,000 shall be used to continue the reduction in the waiting lists of these medical assistance home and community-based services waivers implemented pursuant to this Act for 2011-2012: the waiver for persons with intellectual disabilities, the waiver for persons with brain injury, and the children’s mental health waiver.

b. In addition to the funds allocated in paragraph “a”, \$5,000,000 of the funds appropriated in this section shall be used to implement reductions in the waiting lists of all medical assistance home and community-based services waivers.

Sec. 123. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 5,453,728

1. 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.

2. Of the funds appropriated in this section, \$25,000 shall be used for continuation of home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements.

3. Of the amount appropriated in this section, up to \$200,000 may be transferred to the appropriation for general administration in this division of this Act to be used for additional full-time equivalent positions in the development of key health initiatives such as cost containment, development and oversight of managed care programs, and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

Sec. 124. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 8,425,373

¹⁴ Published in IAB XXXII, No. 18, (2/24/10) p. 2102

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, 2012, 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. 125. 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, 2012, and ending June 30, 2013, 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:

..... \$ 16,403,051

2. Of the funds appropriated in this section, \$64,475 is allocated for continuation of the contract for outreach with the department of public health.

Sec. 126. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 26,618,831

1. Of the funds appropriated in this section, \$25,948,041 shall be used for state child care assistance in accordance with section 237A.13.

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, \$216,226 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, \$468,487 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. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. 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. 127. 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, 2012, and ending June 30, 2013, 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:

.....	\$	4,129,125
.....	FTEs	114.00

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:

.....	\$	5,319,338
.....	FTEs	164.30

Of the funds appropriated in this subsection, \$45,575 shall be used for distribution to licensed classroom teachers at this and other 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.

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, 2012.

Sec. 128. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	41,415,081
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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 \$2,600,000 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 \$15,084,564 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, 2012, 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 2012-2013. Of the funds appropriated in this section, \$858,876 is allocated specifically for expenditure for fiscal year 2012-2013 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. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care shall be limited to \$3,585,058. The department may continue or execute contracts that result from the department's request for proposal, bid number ACFS-11-114, to provide the range of child welfare emergency services described in the request for proposals, and any subsequent amendments to the request for proposals.

8. Federal funds received by the state during the fiscal year beginning July 1, 2012, 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 \$1,848,142 shall be used for protective child care assistance.

10. a. Of the funds appropriated in this section, up to \$1,031,244 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 \$778,143 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$7,500 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 \$374,492 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision 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, 2012.

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 \$41,500 may be used by the judicial branch for administration of the requirements under this subsection.

g. Of the funds allocated in this subsection, \$8,500 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.

11. Of the funds appropriated in this section, \$2,961,301 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, \$494,142 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, \$1,534,916 is allocated for the preparation for adult living program pursuant to section 234.46.

15. Of the funds appropriated in this section, \$260,075 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:	\$	31,354
.....		
b. Woodbury county:	\$	62,841
.....		
c. Polk county:	\$	97,946
.....		
d. The third judicial district:	\$	33,967
.....		
e. The eighth judicial district:		

..... \$ 33,967

16. Of the funds appropriated in this section, \$113,668 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, \$62,795 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, \$101,000 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, \$315,120 is allocated for the community partnership for child protection sites.

20. Of the funds appropriated in this section, \$185,625 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, \$600,247 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 \$73,579 shall be used for the child welfare training academy.

23. Of the funds appropriated in this section, \$12,500 shall be used for the public purpose of continuation of a grant to a child welfare services provider headquartered in a county with a population between 205,000 and 215,000 in the latest 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.

24. Of the funds appropriated in this section \$125,000 shall be used for continuation of the central Iowa system of care program grant through June 30, 2013.

25. Of the funds appropriated in this section, \$80,000 shall be used for the public purpose of the continuation of a system of care grant implemented in Cerro Gordo and Linn counties in accordance with this Act in FY 2011-2012.

Sec. 129. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:

..... \$ 16,633,295

2. The department may transfer funds appropriated in this section to the appropriation made in this division of this Act for general administration for costs paid from the appropriation relating to adoption subsidy.

3. Federal funds received by the state during the fiscal year beginning July 1, 2012, 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. 130. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2012, and ending June 30, 2013, are appropriated to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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, 2011. 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, 2011. 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, 2012, shall be limited to the amount appropriated for the purposes of this section.

Sec. 131. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

..... \$ 583,999

2. The department shall use at least \$192,750 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 \$12,500 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. 132. 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, 2012, and ending June 30, 2013, 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):

..... \$ 16,811

Sec. 133. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. 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:

..... \$ 2,938,654

..... FTEs 168.50

2. 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:

..... \$ 3,205,867

..... FTEs 86.10

3. 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:

..... \$ 5,137,842

..... FTEs 233.00

4. 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:

..... \$ 472,161

..... FTEs 97.72

Sec. 134. 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, 2012, and ending June 30, 2013, 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:

..... \$ 9,253,900

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 6,392,829

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 2012-2013.

Sec. 135. 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, 2012, and ending June 30, 2013, 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:

..... \$ 6,084,741

2. For the fiscal year beginning July 1, 2012, and ending June 30, 2013, \$100,000 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, 2010, and ending September 30, 2011, beginning October 1, 2011, and ending September 30, 2012, and beginning October 1, 2012, and ending September 30, 2013. 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. 136. 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, 2012, and ending June 30, 2013, 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.

Sec. 137. 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, 2012, and ending June 30, 2013, 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:

..... \$ 3,775,363

..... FTEs 89.50

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. 138. 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, 2012, and ending June 30, 2013, 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:

.....	\$	27,394,960
.....	FTEs	1,781.00

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.

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. 139. 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, 2012, and ending June 30, 2013, 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:

.....	\$	7,298,372
.....	FTEs	285.00

1. Of the funds appropriated in this section, \$19,271 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, \$66,150 shall be used to continue the contract for the provision of 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, \$88,200 shall be used to continue the contract to expand the provision of nationally accredited and recognized internet-based training to include mental health and disability services providers.

5. Of the funds appropriated in this section, \$250,000 shall be used for continuation of child protection system improvements addressed in 2011 Iowa Acts, House File 562,¹⁵ as enacted.

6. 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. 140. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

.....	\$	42,330
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Sec. 141. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

* Item veto; see message at end of the Act
¹⁵ Chapter 28 herein

1. a. (1) For the fiscal year beginning July 1, 2012, the total state funding amount for the nursing facility budget shall not exceed \$225,457,724.

(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 for the fiscal year. 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 is 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 for the fiscal year.

(3) For the fiscal year beginning July 1, 2012, special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2012.

b. For the fiscal year beginning July 1, 2012, 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. However, the department shall adjust the dispensing fee specified in this paragraph to distribute an additional \$2,981,980 in reimbursements for pharmacy dispensing fees under this paragraph for the fiscal year.

c. (1) For the fiscal year beginning July 1, 2012, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2012.

(2) For the fiscal year beginning July 1, 2012, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2012.

(3) For the fiscal year beginning July 1, 2012, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2012, except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.

(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, 2012, 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, 2012, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2012.

f. For the fiscal year beginning July 1, 2012, reimbursement rates for home health agencies shall remain at the rates in effect on June 30, 2012, not to exceed a home health agency's actual allowable cost.

g. For the fiscal year beginning July 1, 2012, 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, 2012, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2012.

i. (1) For the fiscal year beginning July 1, 2012, 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.

(2) For the nonstate-owned psychiatric medical institutions for children, reimbursement rates shall be based on the reimbursement methodology developed by the department as required for federal compliance.

j. For the fiscal year beginning July 1, 2012, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2012, except for area education agencies, local education agencies, infant and toddler services providers, 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, 2012, the reimbursement rate for anesthesiologists shall remain at the rate in effect on June 30, 2012.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2012, 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, 2012; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2012, 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, 2012, inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2012, 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, 2012, the reimbursement rate for consumer-directed attendant care shall remain at the rates in effect on June 30, 2012.

p. For the fiscal year beginning July 1, 2012, 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 June 30, 2012.

q. For the fiscal year beginning July 1, 2012, the department shall adjust the rates in effect on June 30, 2012, for providers of home and community-based services waiver services to distribute an additional \$1,500,000 in reimbursements to such providers for the fiscal year.

2. For the fiscal year beginning July 1, 2012, 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, 2012, 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 \$15.74, the rate for children ages 6 through 11 years shall be \$16.37, the rate for children ages 12 through 15 years shall be \$17.92, and the rate for children and young adults ages 16 and older shall be \$18.16. The maximum supervised apartment living foster care reimbursement rate shall be \$25.00 per day. For youth ages 18 to 21 who have exited foster care, the maximum preparation for adult living program maintenance rate shall be \$574.00 per month. The maximum payment for adoption subsidy nonrecurring expenses shall be limited to \$500 and the disallowance of additional amounts for court costs and other related legal expenses implemented pursuant to 2010 Iowa Acts, chapter 1031, section 408 shall be continued.

5. For the fiscal year beginning July 1, 2012, the maximum reimbursement rates under the supervised apartment living program and for social services providers under contract shall remain at the rates in effect on June 30, 2012, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, if a new service or service provider is added after June 30, 2012, the initial reimbursement rate for the service or provider shall be based upon actual and allowable costs. Providers may also be eligible for an additional amount as specified under the department's request for proposal, bid number ACFS-11-115.

6. For the fiscal year beginning July 1, 2012, 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, 2012.

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. a. For the fiscal year beginning July 1, 2012, the reimbursement rate paid for shelter care and the child welfare emergency services implemented to provide or prevent the need for shelter care shall be established in a contract based on the requirements of the department's request for proposal, bid number ACFS-11-114.

b. For the fiscal year beginning July 1, 2012, the combined service and maintenance components of the reimbursement rate paid for shelter care services 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.

c. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2012, 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 fiscal year beginning July 1, 2011.

9. For the fiscal year beginning July 1, 2012, the department shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile. Beginning July 1, 2012, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2012.

10. For the fiscal year beginning July 1, 2012, 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, 2012, the child care provider reimbursement rates shall remain at the rates in effect on June 30, 2012. 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.

11. The department may adopt emergency rules to implement this section.

Sec. 142. EMERGENCY RULES.

1. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health, and disability services 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, 2012, 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. 143. 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. 144. EFFECTIVE DATE. The following provision 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 2012-2013.

DIVISION XIX
PHARMACEUTICAL SETTLEMENT ACCOUNT,
IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
REIMBURSEMENT FUND, HEALTH CARE TRANSFORMATION ACCOUNT,
MEDICAID FRAUD ACCOUNT, QUALITY ASSURANCE TRUST FUND,
AND HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY 2012-2013

Sec. 145. 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, 2012, and ending June 30, 2013, 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 in this Act for medical contracts under the medical assistance program:
..... \$ 2,716,807

Sec. 146. 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, 2012, and ending June 30, 2013, 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. (1) Funds appropriated in this subsection used for abortions shall be used in a manner consistent with options under federal Medicaid law and regulation.

(2) Iowans support reducing the number of abortions performed in our state. For an abortion covered under this subsection, except in the case of a medical emergency, as defined in section 135L.1, for any woman, the physician shall certify both of the following:

(a) That the woman has been given the opportunity to view an ultrasound image of the fetus as part of the standard of care before an abortion is performed.

(b) That the woman has been provided information regarding the options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child's birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy.

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. 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, 2012, and ending June 30, 2013, 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:

..... \$ 44,226,279

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. 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, 2012, and ending June 30, 2013, 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:

..... \$ 16,277,753

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, 2012, and ending June 30, 2013, 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:

..... \$ 65,000,000

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 \$60,000,000 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 \$60,000,000. The amount paid in excess of \$60,000,000 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 \$60,000,000 shall be allocated only if federal funds are available to match the amount allocated. Pursuant to paragraph "b", of the amount appropriated in this subsection, not more than \$4,000,000 shall be distributed for prescription drugs and podiatry services.

b. Notwithstanding any provision of law to the contrary, the hospital identified in this subsection, shall be reimbursed for outpatient prescription drugs and podiatry services provided to members of the expansion population pursuant to all applicable medical assistance program rules, in an amount not to exceed \$4,000,000.

c. Notwithstanding the total amount of proceeds distributed pursuant to section 249J.24, subsection 4, paragraph "a", unnumbered paragraph 1, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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.

d. (1) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 4, paragraph “a”, subparagraph (1), the first \$19,000,000 in proceeds collected pursuant to section 347.7 between July 1, 2012, and December 31, 2012, 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. Of the collections in excess of the \$19,000,000 received by the acute care teaching hospital under this subparagraph (1), \$2,000,000 shall be distributed by the acute care teaching hospital to the treasurer of state for deposit in the IowaCare account in the month of January 2013, following the July 1 through December 31, 2012, period.

(2) Notwithstanding the amount collected and distributed for deposit in the IowaCare account pursuant to section 249J.24, subsection 4, paragraph “a”, subparagraph (2), the first \$19,000,000 in collections pursuant to section 347.7 between January 1, 2013, and June 30, 2013, 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. Of the collections in excess of the \$19,000,000 received by the acute care teaching hospital under this subparagraph (2), \$2,000,000 shall be distributed by the acute care teaching hospital to the treasurer of state for deposit in the IowaCare account in the month of July 2013, following the January 1 through June 30, 2013, period.

5. 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, 2012, and ending June 30, 2013, 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 section 249J.7 for provision of covered services to members of the expansion population pursuant to chapter 249J:

..... \$ 3,472,176

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. 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, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For a care coordination pool to pay the expansion population providers consisting of the university of Iowa hospitals and clinics, the publicly owned acute care teaching hospital as specified in section 249J.7, and current medical assistance program providers that are not expansion population network providers pursuant to section 249J.7, for services covered by the full benefit medical assistance program but not under the IowaCare program pursuant to section 249J.6, that are provided to expansion population members:

..... \$ 1,500,000

a. Notwithstanding sections 249J.6 and 249J.7, the amount appropriated in this subsection is intended to provide payment for medically necessary services provided to expansion population members for continuation of care provided by the university of Iowa hospitals and clinics or the publicly owned acute care teaching hospital as specified in section 249J.7. Payment may only be made for services that are not otherwise covered under section 249J.6, and which are follow-up services to covered services provided by the hospitals specified in this paragraph “a”.

b. The funds appropriated in this subsection are intended to provide limited payment for continuity of care services for an expansion population member, and are intended to cover the costs of services to expansion population members, regardless of the member’s county of residence or medical home assignment, if the care is related to specialty or hospital services provided by the hospitals specified in paragraph “a”.

c. The funds appropriated in this subsection are not intended to provide for expanded coverage under the IowaCare program, and shall not be used to cover emergency transportation services.

d. The department shall adopt administrative rules pursuant to chapter 17A to establish a prior authorization process and to identify covered services for reimbursement under this subsection.

7. 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, 2012, and ending June 30, 2013, the following amount or so much thereof as is necessary to be used for the purposes designated:

For a laboratory test and radiology pool for services authorized by a federally qualified health center designated by the department as part of the IowaCare regional provider network that does not have the capability to provide these services on site:

..... \$ 500,000

Notwithstanding sections 249J.6 and 249J.7, the amount appropriated in this subsection is intended to provide reimbursement for services provided to expansion population members that have previously been paid for through expenditure by designated regional provider network providers of their own funds, not to expand coverage under the IowaCare program or to expand the expansion population provider network. The department shall designate the laboratory and radiology provider associated with each designated regional provider network provider that may receive reimbursement. The department shall adopt administrative rules pursuant to chapter 17A to establish a prior authorization process and to identify covered services for reimbursement under this subsection. All other medical assistance program payment policies and rules for laboratory and radiology services shall apply to services provided under this subsection. If the entire amount appropriated under this subsection is expended, laboratory tests and radiology services ordered by a designated regional provider network provider shall be the financial responsibility of the regional provider network provider.

Sec. 147. APPROPRIATIONS FROM NONPARTICIPATING PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary, and subject to the availability of funds, 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, 2012, and ending June 30, 2013, the following amount or so much thereof as is necessary for the purposes designated:

To reimburse nonparticipating providers in accordance with section 249J.24A:

..... \$ 2,000,000

Sec. 148. 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, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the provision of an IowaCare nurse helpline for the expansion population as provided in section 249J.6:

..... \$ 50,000

2. For other health promotion partnership activities pursuant to section 249J.14:

..... \$ 300,000

3. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:

..... \$ 62,500

4. For administrative costs associated with chapter 249J:

..... \$ 566,206

5. 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:

..... \$ 500,000

6. 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:

..... \$ 25,000

7. For medical contracts:

..... \$ 1,000,000

8. 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:

..... \$ 145,000

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.

9. For transfer to the department of public health to be used for the costs of medical home system advisory council established pursuant to section 135.159:

..... \$ 116,679

10. For continued implementation of a uniform cost report:

..... \$ 75,000

11. For continued implementation of an electronic medical records system:

..... \$ 50,000

Notwithstanding section 8.33, funds allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available in succeeding fiscal years to be used for the purposes designated.

12. For transfer to the department of public health to support the department's activities relating to health and long-term care access as specified pursuant to chapter 135, division XXIV:

..... \$ 67,107

13. For continuation of an accountable care organization pilot project:

..... \$ 50,000

**14. For the continued development of a provider payment system plan to provide recommendations to reform the health care provider payment system as an effective way to promote coordination of care, lower costs, and improve quality:*

..... \$ 100,000*

15. For transfer to the department of public health to be used as state matching funds for the health information technology system developed by the department of public health:

..... \$ 181,993

16. To supplement the appropriation for medical assistance:

..... \$ 1,956,245

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. 149. 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, 2012, and ending June 30, 2013, 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:

..... \$ 669,764

Sec. 150. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF HUMAN SERVICES. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of human services for the fiscal year beginning July 1, 2012, and

* Item veto; see message at end of the Act

ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used 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:
 \$ 2,000,000

Sec. 151. 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, 2012, and ending June 30, 2013, 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:
 \$ 29,000,000

Sec. 152. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance:

..... \$ 39,223,800

2. For deposit in the nonparticipating provider reimbursement fund created in section 249J.24A to be used for the purposes of the fund:

..... \$ 776,200

Sec. 153. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2012-2013. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2012, and ending June 30, 2013, from the general fund of the state, the Medicaid fraud account, the quality assurance trust fund, and the hospital health care access 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 XX

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR 2012-2013

Sec. 154. MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX RELIEF. Notwithstanding the standing appropriation in section 426B.1, subsection 2, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the amount appropriated from the general fund of the state pursuant to that provision shall not exceed the following amount:

..... \$ 81,199,911

Sec. 155. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2012-2013.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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 2012-2013 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:

..... \$ 74,697,893
 2. Of the amount appropriated in this section, \$38,000,000 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, 2012, 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, 2010, 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. The amount of a county’s distribution from the allocation made in this subsection shall be determined based upon the county’s proportion of the general population of the counties eligible to receive a distribution 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 distributions 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, 2012.

3. The following amount of the funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2012-2013, 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:

..... \$ 36,697,893

4. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for the allowed growth factor adjustment for fiscal year 2012-2013 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:

..... \$ 49,773,346

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, 2012:

..... \$ 14,187,556

5. a. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 4 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, 2010, 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, 2010, 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, 2011, in accordance with this Act, or from any other services fund moneys available to the county. The rebate must be remitted to the department on or before June 1, 2012, 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, 2010, for purposes of calculating the withholding factor and for other ending balance purposes for the fiscal year beginning July 1, 2012. 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, 2012, 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 counties with an ending balance of 10 percent or more but less than 15 percent, 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.

6. The total withholding amounts applied pursuant to subsection 5 shall be equal to a withholding target amount of \$13,075,453. If the department of human services determines that the amount appropriated is insufficient or the amount to be withheld in accordance with subsection 5 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 5 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 only adjust the zero withholding factor or the inflation adjustment percentages specified in subsection 5, paragraph "d", when the amount appropriated is insufficient.

DIVISION XXI CONDITIONAL RETROACTIVE APPLICABILITY

Sec. 156. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

Approved July 26, 2011, with exceptions noted.

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit House File 649, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

House File 649 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 4, lettered paragraph h, numbered paragraph 2 in its entirety. This item requires that the Department of Public Health establish a board of direct care workers contingent upon availability of funds. Funding for such a board would come from license fees and requiring direct care workers to pay such fees would be unduly burdensome and costly for both the State of Iowa and the workers.

I am unable to approve the item designated as Section 3, subsection 2, lettered paragraph d in its entirety. This item creates a redundant, overly burdensome mandate requiring the Iowa Veterans' Home to report expenditure reports monthly to the Legislative Services Agency for fiscal year 2012. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of Section 25. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2012 to fiscal year 2013 for field operations. The carry-forward language does not work to advance my goals of returning predictability and sustainability back to government budgeting.

I am unable to approve the item designated as Section 26, paragraph 6 in its entirety. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2012 to fiscal year 2013 for general administration. The carry-forward language does not work to advance my goals of returning predictability and sustainability back to government budgeting.

I am unable to approve the item designated as Section 31 in its entirety. This item creates a redundant mandate requiring the Iowa Department on Aging, Department of Human Services, Department of Public Health, and Department of Veterans' Affairs to report to the Legislature, Legislative Services Agency, the Department of Management, and the legislative caucus staff when a department is applying for or renewing a federal grant with a value of over \$1,000. While I strongly support communication and collaboration among state agencies and branches of government, this item is unnecessary because Iowa Code section 8.9, paragraph 2(a) requires that all grant applications submitted and grant moneys received shall be reported to the Office of Grant Enterprise Management. Iowa Code section 8.9, paragraph 2(b) provides that a report shall be submitted to the legislature on July 1st and January 1st of each year.

I am unable to approve the item designated as Section 37, paragraph 14 in its entirety. This item directs the Department of Human Services and the Iowa Medicaid Enterprise to study new provider payment methodologies. I support innovation in Medicaid to allow sustainability and greater quality of care. However, due to the austere nature of this budget and our need to focus on current cost containment strategies proposed by the Iowa Medicaid Enterprise, I cannot approve of a new study further stretching department resources.

I am unable to approve the designated portion of Section 45, paragraph 7, lettered paragraph c. Spending for the county rebates was inadvertently located in two locations with two different directives to the department. The first location, Section 43, subsection 5, lettered paragraph c, allows the Department of Human Services to target funding that decreases county mental health waiting lists which I approve. The language I disapprove here distributes funding that does not necessarily provide additional funding to counties with a waiting list as the requirements for distribution of targeted growth are not dependent on a county having a waiting list.

I am unable to approve the items designated as Sections 95, 96, 97, 98, and 99 in their entirety. These items reinstate the mental health drug exemption from the Medicaid preferred drug list retroactive to January 1, 2011. These items unduly harm a sound, clinically appropriate approach that has resulted in minimal impacts to Iowa Medicaid patients and providers, but that has provided valuable cost savings to a vital entitlement program.

I am unable to approve the items designated as Sections 105, 106, and 107 in their entirety. These items extend the State's indemnification to hospitals that already have their own liability insurance and who are already required to provide volunteer services. The State currently provides specialty healthcare providers that have limited resources with indemnification when they provide volunteer services to the most vulnerable citizens of Iowa. Because hospitals with their own liability insurance already provide volunteer services, members of the public would receive no benefit while the State would experience unnecessary costs.

I am unable to approve the item designated as Section 109 in its entirety. This item directs the Department of Human Services and the Iowa Medicaid Enterprise to study new payment methodologies. I support innovation in Medicaid to allow sustainability and greater quality of care. However, due to the austere nature of this budget and our need to focus on current cost containment strategies proposed by the Iowa Medicaid Enterprise, I cannot approve of a new study further stretching department resources.

I am unable to approve the item designated as Section 114, subsection 4, lettered paragraph h, numbered paragraph 2 in its entirety. This item requires that the Department of Public Health establish a board of direct care workers contingent upon availability of funds. Funding for such a board would come from license fees and requiring direct care workers to pay such fees would be unduly burdensome and costly for both the State of Iowa and the workers.

I am unable to approve the item designated as Section 115, subsection 2, lettered paragraph d in its entirety. This item creates a redundant, overly burdensome mandate requiring the Iowa Veterans' Home shall report expenditure reports monthly to the Legislative Services Agency for fiscal year 2013. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is already available within the State's accounting and budgeting systems.

I am unable to approve the designated portion of Section 138. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2013 to 2014 for field operations. The carry-forward language does not work to advance my goals of returning predictability and sustainability back to government budgeting.

I am unable to approve the item designated as Section 139, paragraph 6 in its entirety. This item creates carry-forward language which is unnecessary for the Department of Human Services from fiscal year 2013 to 2014 for general administration. The carry-forward language does not work to advance my goals of returning predictability and sustainability back to government budgeting.

I am unable to approve the item designated as Section 148, paragraph 14 in its entirety. This item directs the Department of Human Services and the Iowa Medicaid Enterprise to study new provider payment methodologies. I support innovation in Medicaid to allow sustainability and greater quality of care. However, due to the austere nature of this budget and our need to focus on current cost containment strategies proposed by the Iowa Medicaid Enterprise, I cannot approve of a new study further stretching department resources.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 649 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 130

APPROPRIATIONS — ECONOMIC DEVELOPMENT

S.F. 517

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, the Iowa finance authority, and the public employment relations board, and addressing related matters including tax credits and including immediate effective date and retroactive applicability provisions.

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

DIVISION I FY 2011-2012

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, 2011, and ending June 30, 2012, 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:

.....	\$	171,813
.....	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:

.....	\$	172,090
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3. HISTORICAL DIVISION

For the support of the historical division:

.....	\$	2,767,701
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4. HISTORIC SITES

For the administration and support of historic sites:

.....	\$	426,398
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5. ARTS DIVISION

For the support of the arts division:

.....	\$	933,764
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6. IOWA GREAT PLACES

For the Iowa great places program established under section 303.3C:

.....	\$	150,000
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7. ARCHIVE IOWA GOVERNORS' RECORDS

For archiving the records of Iowa governors:		
.....	\$	65,933
8. RECORDS CENTER RENT		
For payment of rent for the state records center:		
.....	\$	227,243
9. BATTLE FLAGS		
For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection:		
.....	\$	60,000

Sec. 2. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2011, 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, 2011:

- 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.
- d. Work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans.
- e. Coordinate with other state agencies to ensure that they are attentive to the needs of an entrepreneurial culture.
- f. 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 be placed on entrepreneurial development through helping entrepreneurs secure capital, and developing networks and a business climate conducive to entrepreneurs and small businesses.
- g. Encourage the development of communities and quality of life to foster economic growth.
- h. Prepare communities for future growth and development through development, expansion, and modernization of infrastructure.
- i. 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.
- j. Develop, to the fullest extent possible, cooperative efforts for advertising with contributions from other sources.

Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT.

1. APPROPRIATION

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

.....	\$	9,783,424
.....	FTEs	149.00

2. DESIGNATED PURPOSES

- a. For salaries, support, miscellaneous purposes, programs, and the maintenance of an administration division, a business development division, and a community development division.
- b. The full-time equivalent positions authorized under this section shall be funded, in whole or in part, by the moneys appropriated under subsection 1 or by other moneys received by the department, including certain federal moneys.
- c. For business development operations and programs, the film office, international trade, export assistance, workforce recruitment, and the partner state program.
- d. For transfer to the strategic investment fund created in section 15.313.

e. For 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.

f. For achieving the goals and accountability, and fulfilling the requirements and duties required under this Act.

3. NONREVERSION

Notwithstanding section 8.33, moneys appropriated in subsection 1 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 in subsection 2 until the close of the succeeding fiscal year.

4. FINANCIAL ASSISTANCE RESTRICTIONS

a. A business creating jobs through moneys appropriated in this section shall be subject to contract provisions requiring new and retained jobs to 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.

b. Any vendor who receives moneys appropriated in this section 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.

c. A business that receives financial assistance from the department from moneys appropriated in this section 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.

5. USES OF APPROPRIATIONS

a. From the moneys appropriated in this section, 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.

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

c. From the moneys appropriated in this section, 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.

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

6. WORLD FOOD PRIZE

For allocating moneys for the world food prize and notwithstanding the standing appropriation in section 15.368, subsection 1:

..... \$ 500,000

7. IOWA COMMISSION ON VOLUNTEER SERVICE

For allocation to the Iowa commission on volunteer service for the Iowa’s promise and mentoring partnership programs, for transfer to the Iowa state commission grant program, and for not more than the following full-time equivalent positions:

..... \$ 178,133
..... FTEs 7.00

Of the moneys appropriated in this subsection, the department shall allocate \$75,000 for purposes of the Iowa state commission grant program and \$103,133 for purposes of the Iowa’s promise and mentoring partnership programs.

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 for the fiscal year beginning July 1, 2011, the department of economic development is authorized an additional 2.25 FTEs above those otherwise authorized in this division of 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, 2011, \$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 moneys available during the fiscal year beginning July 1, 2011, and ending June 30, 2012, to the department of economic development for purposes of the community development 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, 2011, and ending June 30, 2012, the following amount, for purposes of the workforce development fund:

..... \$ 4,000,000

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, 2011, and ending June 30, 2012, 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

Sec. 9. JOB TRAINING FUND. Notwithstanding section 15.251, all moneys in the job training fund on July 1, 2011, and any moneys appropriated or credited to the fund during the fiscal year beginning July 1, 2011, shall be transferred to the workforce development fund established pursuant to section 15.343.

Sec. 10. GREEN INITIATIVES EXPENDITURE REPORT. By January 1, 2012, the department of economic development shall submit a written report to the general assembly regarding all expenditures made during the previous fiscal year for purposes of green initiatives, sustainability programs, and all such similar efforts. The report shall identify such expenditures with a level of specificity sufficient to allow the general assembly to evaluate and assess the propriety of such expenditures under the spending authority given to the department for such purposes.

Sec. 11. 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, 2011, and ending June 30, 2012, 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:

..... \$ 2,424,302

..... FTEs 56.63

2. Of the moneys appropriated in subsection 1, Iowa state university of science and technology shall allocate at least \$936,345 for purposes of funding small business development centers. 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. 12. 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, 2011, and ending June 30, 2012, 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:

.....	\$	209,279
.....	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. 13. 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, 2011, and ending June 30, 2012, 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:

.....	\$	574,716
.....	FTEs	6.75

2. Of the moneys appropriated pursuant to subsection 1, the university of northern Iowa shall allocate at least \$117,639 for purposes of support of entrepreneurs through the university’s regional business center.

3. 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.

4. 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. 14. 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, 2012.

Sec. 15. 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, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

a. 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

b. 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

a. For the division of workers’ compensation, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,949,044
.....	FTEs	30.00

b. 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

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

.....	\$	8,671,352
.....	FTEs	130.00

b. Of the moneys appropriated in paragraph “a” of this subsection, the department shall allocate \$8,660,480 for the operation of field offices.

c. The department shall not reduce the number of field offices below the number of field offices being operated as of January 1, 2009.

4. OFFENDER REENTRY PROGRAM

a. 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:

.....	\$	284,464
.....	FTEs	3.00

* Item veto; see message at end of the Act

b. 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. DEFINITIONS

For purposes of this section:

a. "Field office" means a satellite office of a workforce development center through which the workforce development center maintains a physical presence in a county as described in section 84B.2. For purposes of this paragraph, a workforce development center maintains a physical presence in a county if the center employs a staff person. "Field office" does not include the presence of a workforce development center maintained by electronic means.

b. "Workforce development center" means a center at which state and federal employment and training programs are colocated and at which services are provided at a local level as described in section 84B.1.*

6. NONREVERSION

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. 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. 17. EMPLOYMENT SECURITY CONTINGENCY FUND.

1. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for field offices:

..... \$ 1,217,084

2. Any remaining additional penalty and interest revenue collected by the department of workforce development is appropriated to the department for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to accomplish the mission of the department.

Sec. 18. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD OFFICES. 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, 2011, and ending June 30, 2012, the following amount or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

..... \$ 4,238,260

Sec. 19. GENERAL FUND — EMPLOYEE MISCLASSIFICATION PROGRAM. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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 and for not more than the following full-time equivalent positions:

..... \$ 451,458

..... FTEs 8.10

Sec. 20. APPROPRIATIONS RESTRICTED. The department of workforce development shall not use any of the moneys appropriated in this division of this Act for purposes of the national career readiness certificate program.

* Item veto; see message at end of the Act

Sec. 21. IOWA FINANCE AUTHORITY.

1. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used to provide reimbursement for rent expenses to eligible persons under the rent subsidy program:

..... \$ 658,000

2. 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, 2011, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the moneys appropriated in this section, not more than \$35,000 may be used for administrative costs.

Sec. 22. 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. 23. PUBLIC EMPLOYMENT RELATIONS BOARD.

1. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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:

..... \$ 1,057,871

..... FTEs 10.00

2. 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. 24. 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, 2011.

Sec. 25. AGENCY APPEARANCES BEFORE APPROPRIATIONS SUBCOMMITTEE. The directors, or the directors' designees, of the Iowa finance authority and the department of economic development, and any successor entities, shall annually appear before the members of the joint subcommittee on economic development appropriations and present a proposed budget. The proposed budget shall include a detailed accounting of all moneys received, from any source, and all moneys expended, for any purpose, during the current fiscal year and the prior fiscal year. The proposed budget shall also include a detailed expenditure plan for such moneys during the next fiscal year.

DIVISION II
MISCELLANEOUS PROVISIONS

*Sec. 26. Section 15.301, subsection 1, paragraph c, subparagraph (1), Code 2011, is amended to read as follows:

(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 be transferred and appropriated to the department of workforce development for the fiscal year beginning July 1, 2011, for purposes of providing funding for field offices.*

* Item veto; see message at end of the Act

Sec. 27. Section 15E.117, subsection 3, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 28. Section 16.41, subsection 1, Code 2011, is amended to read as follows:

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, evaluation of services for the homeless, and match moneys for federal funds for the homeless management information system. Each fiscal year, moneys in the fund, in an amount equal to not more than two percent of the total moneys distributed as grants from the fund during the fiscal year, may be used for purposes of administering the fund.

Sec. 29. Section 123.183, subsection 2, paragraph b, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

b. (1) A wine gallonage tax fund is created in the office of the treasurer of state.

(2) Moneys deposited in the fund are appropriated as follows:

(a) To the midwest grape and wine industry institute at Iowa state university of science and technology, one hundred twenty thousand dollars.

(b) To the department of economic development for purposes of section 15E.117, the balance of moneys in the fund after the appropriation in subparagraph subdivision (a).

(3) Moneys in the fund and moneys appropriated from the fund pursuant to subparagraph (2) are not subject to reversion under section 8.33.

Sec. 30. Section 404A.1, subsection 2, paragraph d, as enacted by 2011 Iowa Acts, Senate File 521,¹ section 1, is amended to read as follows:

d. *“Rehabilitation period”* means the period of time during which an eligible property is rehabilitated commencing from the date on which the first qualified rehabilitation cost is incurred and ending with the end of the taxable year in which the property is placed in service. A project’s rehabilitation period may include dates that precede approval of a project under section 404A.3, but any costs incurred prior to such approval must be qualified rehabilitation ~~expenditures as defined in section 47(c)(2) of the Internal Revenue Code in order to be qualified rehabilitation costs under this chapter~~ costs.

Sec. 31. Section 427.1, subsection 21, Code 2011, is amended to read as follows:

21. *Low-rent housing.* The property owned and operated or controlled by a nonprofit organization, as recognized by the internal revenue service, providing low-rent housing for persons who are elderly and persons with physical and mental disabilities. For the purposes of this subsection, the controlling nonprofit entity may serve as a general partner or managing member of a limited liability company or limited liability partnership which owns the property. The exemption granted under the provisions of this subsection shall apply only until the final payment due date of the borrower’s original low-rent housing development mortgage or until the borrower’s original low-rent housing development mortgage is paid in full or expires, whichever is sooner, subject to the provisions of subsection 14. However, if the borrower’s original low-rent housing development mortgage is refinanced, the exemption shall apply only until the date that would have been the final payment due date under the terms of the borrower’s original low-rent housing development mortgage or until the refinanced mortgage is paid in full or expires, whichever is sooner, subject to the provisions of subsection 14.

Sec. 32. 2008 Iowa Acts, chapter 1190, section 30, subsection 3, is amended to read as follows:

3. As part of the plan, the department of workforce development shall set a goal of having at least one certified one-stop center in each of the fifteen workforce regions by the year 2012 2014.

¹ Chapter 99 herein

Sec. 33. 2010 Iowa Acts, chapter 1184, section 37, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2011. The full-time equivalent position authorized in this section shall continue to be authorized until the close of the fiscal year that begins July 1, 2011.

Sec. 34. 2010 Iowa Acts, chapter 1193, section 88, is amended to read as follows:

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

Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purposes designated until the close of the fiscal year that begins July 1, 2011.

If the department cannot arrange for matching moneys from another source by June 30, 2012, in an amount at least equal to the appropriation made in this section, the moneys appropriated in this section shall revert to the Iowa comprehensive petroleum underground storage tank fund.

Sec. 35. EFFECTIVE UPON ENACTMENT — RETROACTIVE APPLICABILITY.

1. The section of this division of this Act amending section 15.301, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 30, 2011.

2. The section of this division of this Act amending section 404A.1, subsection 2, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2009, for projects approved and tax credits reserved on or after that date.

3. The sections of this division of this Act amending 2010 Iowa Acts, chapter 1193, and 2010 Iowa Acts, chapter 1184, being deemed of immediate importance, take effect upon enactment, and if approved by the governor on or after July 1, 2011, apply retroactively to June 30, 2011.

DIVISION III
TAX CREDITS

Sec. 36. Section 15.119, subsection 2, Code 2011, is amended to read as follows:

2. The department, with the approval of the board, shall adopt by rule a procedure for allocating the aggregate tax credit limit established in this section among the following programs ~~administered by the department~~:

a. The high quality job creation program administered pursuant to sections 15.326 through 15.336.

b. The film, television, and video project promotion program administered pursuant to sections 15.391 through 15.393.

c. The corporate tax research credit under the quality jobs enterprise zone program pursuant to section 15A.9, subsection 8.

d. The enterprise zones program administered pursuant to sections 15E.191 through 15E.197.

e. The assistive device tax credit program administered pursuant to section 422.11E and section 422.33, subsection 9.

f. The tax credits for investments in qualifying businesses and community-based seed capital funds issued pursuant to section 15E.43. In allocating tax credits pursuant to this subsection, the department shall allocate two million dollars for purposes of this paragraph.

g. The tax credits for investments in an innovation fund pursuant to section 15E.52. In allocating tax credits pursuant to this subsection, the department shall allocate eight million dollars for purposes of this paragraph.

Sec. 37. Section 15E.42, subsection 2, Code 2011, is amended to read as follows:

2. “Board” means the Iowa capital investment economic development board created in section ~~15E.63~~ 15.103.

Sec. 38. Section 15E.43, subsection 4, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

4. The board shall not issue tax credits under this section in excess of the amount approved by the department for any one fiscal year pursuant to section 15.119.

Sec. 39. Section 15E.44, subsection 2, paragraphs d and e, Code 2011, are amended to read as follows:

d. The business is not a business engaged primarily in retail sales, real estate, or the provision of health care or other ~~professional services that require a professional license.~~

e. The business shall not have a net worth that exceeds ~~ten~~ five million dollars.

Sec. 40. **NEW SECTION. 15E.52 Innovation fund investment tax credits.**

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

a. “Board” means the same as defined in section 15.102.

b. “Innovation fund” means one or more early-stage capital funds certified by the board.

c. “Innovative business” means a business applying novel or original methods to the manufacture of a product or the delivery of a service. “Innovative business” includes but is not limited to a business engaged in a targeted industry as defined in section 15.411.

2. a. A tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer’s equity investment in the form of cash in an innovation fund.

b. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have 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.

3. The amount of a tax credit allowed under this section shall equal twenty percent of the taxpayer’s equity investment in an innovation fund.

4. A taxpayer shall not claim a tax credit under this section if the taxpayer is a venture capital investment fund allocation manager for the Iowa fund of funds created in section 15E.65 or an investor that receives a tax credit for the same investment in a qualifying business as described in section 15E.44 or in a community-based seed capital fund as described in section 15E.45.

5. a. The board shall issue certificates under this section which may be redeemed for tax credits. The board shall issue such certificates so that not more than the amount allocated for such tax credits under section 15.119, subsection 2, may be claimed. The certificates shall not be transferable.

b. The board shall, in cooperation with the department of revenue, establish criteria and procedures for the allocation and issuance of tax credits by means of certificates issued by the board. The criteria shall include the contingencies that must be met for a certificate to be redeemable in order to receive a tax credit. The procedures established by the board, in cooperation with the department of revenue, shall relate to the procedures for the issuance of the certificates and for the redemption of a certificate and related tax credit.

6. A taxpayer shall not redeem a certificate and related tax credit prior to the third tax year following the tax year in which the investment is made. Any tax credit in excess of the taxpayer’s liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

7. An innovation fund shall submit an application for certification to the board. The board shall approve the application and certify the innovation fund if all of the following criteria are met:

- a. The fund is organized for the purposes of making investments in promising early-stage companies which have a principal place of business in the state and for using the profits from such investments to fund further investments.²
- b. The fund proposes to make investments in innovative businesses.
- c. The fund seeks to secure private funding sources for investment in such businesses.

Sec. 41. NEW SECTION. **422.11Y Innovation fund investment tax credits.**

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by an innovation fund investment tax credit allowed under section 15E.52.

Sec. 42. Section 422.33, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 13. The taxes imposed under this division shall be reduced by an innovation fund investment tax credit allowed under section 15E.52.

Sec. 43. Section 422.60, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 13. The taxes imposed under this division shall be reduced by an innovation fund investment tax credit allowed under section 15E.52.

Sec. 44. NEW SECTION. **432.12M Innovation fund investment tax credit.**

The taxes imposed under this chapter shall be reduced by an innovation fund investment tax credit allowed under section 15E.52.

Sec. 45. Section 533.329, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. The moneys and credits tax imposed under this section shall be reduced by an innovation fund investment tax credit allowed under section 15E.52.

Sec. 46. CODE EDITOR DIRECTIVE. If 2011 Iowa Acts, House File 590,³ is enacted, the Code editor is directed to change references in this Act from “economic development board” to “economic development authority.”

Sec. 47. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2011, for tax years beginning and investments made on or after that date.

DIVISION IV
FY 2012-2013

Sec. 48. 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, 2012, and ending June 30, 2013, 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:

.....	\$	85,907
.....	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

² See chapter 118, §23, 36, 89 herein

³ Chapter 118 herein

under section 303.3:		
.....	\$	86,045
3. HISTORICAL DIVISION		
For the support of the historical division:		
.....	\$	1,383,851
4. HISTORIC SITES		
For the administration and support of historic sites:		
.....	\$	213,199
5. ARTS DIVISION		
For the support of the arts division:		
.....	\$	466,882
6. IOWA GREAT PLACES		
For the Iowa great places program established under section 303.3C:		
.....	\$	75,000
7. ARCHIVE IOWA GOVERNORS' RECORDS		
For archiving the records of Iowa governors:		
.....	\$	32,967
8. RECORDS CENTER RENT		
For payment of rent for the state records center:		
.....	\$	113,622
9. BATTLE FLAGS		
For continuation of the project recommended by the Iowa battle flag advisory committee to stabilize the condition of the battle flag collection:		
.....	\$	30,000

Sec. 49. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.

1. For the fiscal year beginning July 1, 2012, 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, 2012:

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.

d. Work with businesses and communities to continually improve the economic development climate along with the economic well-being and quality of life for Iowans.

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

f. 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 be placed on entrepreneurial development through helping entrepreneurs secure capital, and developing networks and a business climate conducive to entrepreneurs and small businesses.

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

h. Prepare communities for future growth and development through development, expansion, and modernization of infrastructure.

i. 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.

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

Sec. 50. DEPARTMENT OF ECONOMIC DEVELOPMENT.

1. APPROPRIATION

There is appropriated from the general fund of the state to the department of economic

development for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated in subsection 2, and for not more than the following full-time equivalent positions:

.....	\$	4,891,712
.....	FTEs	149.00

2. DESIGNATED PURPOSES

a. For salaries, support, miscellaneous purposes, programs, and the maintenance of an administration division, a business development division, and a community development division.

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

c. For business development operations and programs, the film office, international trade, export assistance, workforce recruitment, and the partner state program.

d. For transfer to the strategic investment fund created in section 15.313.

e. For 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.

f. For achieving the goals and accountability, and fulfilling the requirements and duties required under this Act.

3. NONREVERSION

Notwithstanding section 8.33, moneys appropriated in subsection 1 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 in subsection 2 until the close of the succeeding fiscal year.

4. FINANCIAL ASSISTANCE RESTRICTIONS

a. A business creating jobs through moneys appropriated in this section shall be subject to contract provisions requiring new and retained jobs to 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.

b. Any vendor who receives moneys appropriated in this section 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.

c. A business that receives financial assistance from the department from moneys appropriated in this section 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.

5. USES OF APPROPRIATIONS

a. From the moneys appropriated in this section, 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.

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

c. From the moneys appropriated in this section, 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.

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

6. WORLD FOOD PRIZE

For allocating moneys for the world food prize and notwithstanding the standing appropriation in section 15.368, subsection 1:

..... \$ 250,000

7. IOWA COMMISSION ON VOLUNTEER SERVICE

For allocation to the Iowa commission on volunteer service for the Iowa’s promise and mentoring partnership programs, for transfer to the Iowa state commission grant program, and for not more than the following full-time equivalent positions:

..... \$ 89,067

..... FTEs 7.00

Of the moneys appropriated in this subsection, the department shall allocate \$37,500 for purposes of the Iowa state commission grant program and \$51,567 for purposes of the Iowa’s promise and mentoring partnership programs.

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. 51. VISION IOWA PROGRAM — FTE AUTHORIZATION. For purposes of administrative duties associated with the vision Iowa program for the fiscal year beginning July 1, 2012, the department of economic development is authorized an additional 2.25 FTEs above those otherwise authorized in this division of this Act.

Sec. 52. 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, 2012, \$100,000 shall be transferred to the department of economic development for insurance economic development and international insurance economic development.

Sec. 53. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding section 15E.120, subsection 5, there is appropriated from the Iowa community development loan fund all moneys available during the fiscal year beginning July 1, 2012, and ending June 30, 2013, to the department of economic development for purposes of the community development program.

Sec. 54. 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, 2012, and ending June 30, 2013, the following amount, for purposes of the workforce development fund:

..... \$ 2,000,000

Sec. 55. 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, 2012, and ending June 30, 2013, 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

Sec. 56. JOB TRAINING FUND. Notwithstanding section 15.251, all moneys in the job training fund on July 1, 2012, and any moneys appropriated or credited to the fund during the fiscal year beginning July 1, 2012, shall be transferred to the workforce development fund established pursuant to section 15.343.

Sec. 57. 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, 2012, and ending June 30, 2013, 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:

.....	\$	1,212,151
.....	FTEs	56.63

2. Of the moneys appropriated in subsection 1, Iowa state university of science and technology shall allocate at least \$468,178 for purposes of funding small business development centers. 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. 58. 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, 2012, and ending June 30, 2013, 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:

.....	\$	104,640
.....	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. 59. 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, 2012, and ending June 30, 2013, 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:

.....	\$	287,358
.....	FTEs	6.75

2. Of the moneys appropriated pursuant to subsection 1, the university of northern Iowa shall allocate at least \$58,820 for purposes of support of entrepreneurs through the university’s regional business center.

3. 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.

4. 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. 60. 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, 2013.

Sec. 61. 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, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

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

.....	\$	1,747,720
.....	FTEs	64.00

b. 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

a. For the division of workers’ compensation, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,474,522
.....	FTEs	30.00

b. 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

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

.....	\$	4,335,676
.....	FTEs	130.00

b. Of the moneys appropriated in paragraph “a” of this subsection, the department shall allocate \$4,330,240 for the operation of field offices.

c. The department shall not reduce the number of field offices below the number of field offices being operated as of January 1, 2009.

* Item veto; see message at end of the Act

4. OFFENDER REENTRY PROGRAM

a. 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:

.....	\$	142,232
.....	FTEs	3.00

b. 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. DEFINITIONS

For purposes of this section:

a. "Field office" means a satellite office of a workforce development center through which the workforce development center maintains a physical presence in a county as described in section 84B.2. For purposes of this paragraph, a workforce development center maintains a physical presence in a county if the center employs a staff person. "Field office" does not include the presence of a workforce development center maintained by electronic means.

b. "Workforce development center" means a center at which state and federal employment and training programs are colocated and at which services are provided at a local level as described in section 84B.1.*

6. NONREVERSION

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. 62. 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. 63. EMPLOYMENT SECURITY CONTINGENCY FUND.

1. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for field offices:

.....	\$	608,542
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2. Any remaining additional penalty and interest revenue collected by the department of workforce development is appropriated to the department for the fiscal year beginning July 1, 2012, and ending June 30, 2013, to accomplish the mission of the department.

Sec. 64. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD OFFICES. 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, 2012, and ending June 30, 2013, the following amount or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

.....	\$	1,200,000
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Sec. 65. GENERAL FUND — EMPLOYEE MISCLASSIFICATION PROGRAM. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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 and for not more than the following full-time equivalent positions:

* Item veto; see message at end of the Act

.....	\$	225,729
.....	FTEs	8.10

Sec. 66. APPROPRIATIONS RESTRICTED. The department of workforce development shall not use any of the moneys appropriated in this division of this Act for purposes of the national career readiness certificate program.

Sec. 67. IOWA FINANCE AUTHORITY.

1. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used to provide reimbursement for rent expenses to eligible persons under the rent subsidy program:

.....	\$	329,000
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2. 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, 2011, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program. Of the moneys appropriated in this section, not more than \$35,000 may be used for administrative costs.

Sec. 68. 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. 69. PUBLIC EMPLOYMENT RELATIONS BOARD.

1. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

.....	\$	528,936
.....	FTEs	10.00

2. 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. 70. 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, 2012.

**DIVISION V
CONDITIONAL EFFECTIVE DATE
AND RETROACTIVE APPLICABILITY**

Sec. 71. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

Approved July 27, 2011, with exceptions noted.

TERRY E. BRANSTAD, Governor

* Item veto; see message at end of the Act

Dear Mr. Secretary:

I hereby transmit Senate File 517, 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, the Iowa Finance Authority, and the Public Employment Relations Board, and addressing related matters including tax credits and including immediate effective dates and retroactive applicability provisions.

Senate File 517 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 15, subsection 3, paragraph c, in its entirety. This item would prohibit Iowa Workforce Development (“IWD”) from putting forth an enhanced delivery system that broadens access to Iowans across the state in fiscal year 2012. In order to develop a sustainable delivery system, in light of continually fluctuating federal funding, the department must put forth a system that embraces the use of technology while providing enhanced benefits through maximum efficiencies. At this time, IWD has over one hundred ninety virtual access point workstations in over sixty new locations throughout the state in order to increase access to these critical services. Iowans are already utilizing expanded hours of operations, six days a week. At my direction, IWD will have hundreds of additional virtual access points by the end of fiscal year 2012.

I am unable to approve the item designated as Section 15, subsection 5 in its entirety. This item attempts to define a delivery system in such a way as to prevent growth and progress in serving Iowans in fiscal year 2012. IWD has recognized the necessity of delivering services through multiple streams, including technology. As such, IWD is putting forth a plan that delivers more services to Iowans while streamlining government.

I am unable to approve the item designated as Section 20 in its entirety. This item would prohibit IWD from using the National Career Readiness Certificate program in fiscal year 2012. The National Career Readiness Certificate program is an Iowa-based product which is an assessment and skill development tool that has been embraced by over 400 Iowa employers as an exceptional tool for demonstrating skills for a potential employee. It is recognized nationally by both the Executive Office of the President and the U. S. Department of Labor as a reliable and portable tool for job seekers to present and certify their skills. I cannot agree with the denial to IWD of the potential use of this program.

I am unable to approve the item designated as Section 26 in its entirety. This item would transfer and appropriate unobligated money in the Save Our Small Business Fund to Iowa Workforce Development to be used for field offices in fiscal year 2012. Funding on-going operational expenses with one-time funds violates sound budgeting principles. This one-time funding source does not create a sustainable operating environment; instead it moves the funding problem into the future.

I am unable to approve the item designated as Section 61, subsection 3, paragraph c, in its entirety. This item would prohibit IWD from putting forth an enhanced delivery system that broadens access to Iowans across the state for fiscal year 2013. In order to develop a sustainable delivery system, in light of continually fluctuating federal funding, the department must put forth a system that embraces the use of technology while providing enhanced benefits through maximum efficiencies. At this time, IWD has over one hundred ninety virtual access point workstations in over sixty new locations throughout the state in order to increase access to these critical services. Iowans are already utilizing expanded hours of operations, six days a week. At my direction, IWD will have hundreds of additional virtual access points by the end of fiscal year 2012.

I am unable to approve the item designated as Section 61, subsection 5 in its entirety. This item attempts to define a delivery system in such a way as to prevent growth and progress in

serving Iowans for fiscal year 2013. IWD has recognized the necessity of delivering services through multiple streams, including technology. As such, IWD is putting forth a plan that delivers more services to Iowans while streamlining government.

I am unable to approve the item designated as Section 66 in its entirety. This item would prohibit IWD from using the National Career Readiness Certificate program in fiscal year 2013. The National Career Readiness Certificate program is an Iowa-based product which is an assessment and skill development tool that has been embraced by over 400 Iowa employers as an exceptional tool for demonstrating skills for a potential employee. It is recognized nationally by both the Executive Office of the President and the U. S. Department of Labor as a reliable and portable tool for job seekers to present and certify their skills. I cannot agree with the denial to IWD of the potential use of this program.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 517 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 131

STATE AND LOCAL GOVERNMENT FINANCIAL AND REGULATORY MATTERS — APPROPRIATIONS AND MISCELLANEOUS CHANGES

S.F. 533

AN ACT relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

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

DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS — FY 2011-2012

Section 1. BUDGET PROCESS FOR FISCAL YEAR 2012-2013.

1. For the budget process applicable to the fiscal year beginning July 1, 2012, on or before October 1, 2011, 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. 2. LIMITATION OF STANDING APPROPRIATIONS. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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):
..... \$ 416,702
- 2. For regional tourism marketing under section 99F.11, subsection 3, paragraph “d”, subparagraph (2):
..... \$ 810,306
- 3. For the center for congenital and inherited disorders central registry under section 144.13A, subsection 4, paragraph “a”:
..... \$ 171,121
- 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:
..... \$ 10,728,891
- 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 reimbursement for the homestead property tax credit under section 425.1:
..... \$ 86,188,387
- 8. For reimbursement for the family farm and agricultural land tax credits under sections 425A.1 and 426.1:
..... \$ 32,395,131
- 9. For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:
..... \$ 18,416

Sec. 3. INSTRUCTIONAL SUPPORT STATE AID — FY 2011-2012. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2011, and ending June 30, 2012, for paying instructional support state aid under section 257.20 for fiscal year 2011-2012 is zero.

Sec. 4. Section 256.30, unnumbered paragraph 1, Code 2011, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

For the fiscal year beginning July 1, 2011, and ending June 30, 2012, and for each succeeding fiscal year, there is appropriated from the general fund of the state to the department the sum of one hundred thousand dollars. The department shall distribute the appropriation to the tribal council of the Sac and Fox Indian settlement for expenses of educating American Indian children residing in the Sac and Fox Indian settlement on land held in trust by the secretary of the interior of the United States in excess of federal moneys paid to the tribal council for educating the American Indian children when moneys are appropriated for that purpose. The tribal council shall administer the moneys distributed pursuant to this section and shall submit an annual report and other reports as required by the department to the department on the expenditure of the moneys.

Sec. 5. Section 257.35, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 5A. 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 the fiscal year beginning July

1, 2011, and ending June 30, 2012, shall be reduced by the department of management by twenty million dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

DIVISION II
SALARIES, COMPENSATION, AND RELATED MATTERS — FY 2011-2012

Sec. 6. BONUS PAY. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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, 2011, or required pursuant to a collective bargaining agreement. This section does not apply to employees of the state board of regents who receive bonuses funded by moneys from sources other than appropriations. 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. 7. SALARY INCREASES — CERTAIN REVOLVING FUNDS.

1. For the fiscal years beginning July 1, 2011, and July 1, 2012, there is appropriated from the gaming enforcement revolving fund an amount necessary for funding annual pay adjustments and related benefits for agents and officers of the division of criminal investigation's racetrack, excursion boat, or gambling structure enforcement activities. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.

2. For the fiscal years beginning July 1, 2011, and July 1, 2012, there is appropriated from the gaming regulatory revolving fund, if enacted by the Eighty-fourth General Assembly, 2011 session, an amount necessary for funding annual pay adjustments and related benefits for positions in the racing and gaming commission of the department of inspections and appeals who are assigned to administration and enforcement of the excursion boat and gambling structure laws. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.

Sec. 8. STATE TROOPER MEAL ALLOWANCE. For the fiscal year beginning July 1, 2011, 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. 9. 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.

* Item veto; see message at end of the Act

DIVISION III
PERFORMANCE OF DUTY

Sec. 10. Section 7D.10, Code 2011, is amended to read as follows:

7D.10 Court costs.

If sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department, ~~upon authorization by the executive council may pay out of any money in the state treasury~~ there is appropriated from moneys in the general fund of the state not otherwise appropriated, an amount sufficient to pay expenses incurred, or costs taxed to the state, in any proceeding brought by or against any of the state departments or in which the state is a party or is interested. This section shall not be construed to authorize the payment of travel or other personal expenses of state officers or employees.

Sec. 11. Section 7D.10A, as amended by 2011 Iowa Acts, Senate File 478,¹ section 11, as enacted, is amended to read as follows:

7D.10A Allocation Payment to livestock remediation fund.

If moneys are not sufficient to support the livestock remediation fund as provided in chapter 459, subchapter V, the executive council may ~~allocate from moneys in the general fund of the state, which are not otherwise obligated or encumbered,~~ authorize as an expense paid from the appropriations addressed in section 7D.29 the payment of an amount to the livestock remediation fund as provided under section 459.501, subsection 5. However, not more than a total of one million dollars ~~shall be allocated~~ shall be paid pursuant to this section to the livestock remediation fund at any time.

Sec. 12. Section 7D.29, Code 2011, is amended to read as follows:

7D.29 Performance of duty — expense.

1. The executive council shall not employ others, or ~~incur~~ authorize any expense, for the purpose of performing any duty imposed upon the council when the duty may, without neglect of their usual duties, be performed by the members, or by their regular employees, but, subject to this limitation, the council may ~~incur~~ authorize the necessary expense to perform or cause to be performed any legal duty imposed on the council, ~~and pay the same out of any money in the state treasury not otherwise appropriated.~~ The expenses authorized by the executive council in accordance with this section and the expenses authorized by the executive council in accordance with other statutory provisions referencing the appropriations addressed in this section shall be paid as follows:

a. From the appropriation made from the Iowa economic emergency fund in section 8.55 for purposes of paying such expenses.

b. To the extent the appropriation from the Iowa economic emergency fund described in paragraph "a" is insufficient to pay such expenses, there is appropriated from moneys in the general fund of the state not otherwise appropriated the amount necessary to fund that deficiency.

2. At least two weeks prior to the executive council's approval of a payment authorization under this section, the secretary of the executive council shall notify the legislative services agency that the authorization request will be considered by the executive council and shall provide background information justifying the request.

3. The executive council shall receive requests from the Iowa department of public health relative to the purchase, storing, and distribution of vaccines and medication for prevention, prophylaxis, or treatment. Upon review and after compliance with subsection 2, the executive council may approve the request and may ~~incur~~ authorize payment of the necessary expense ~~and pay the same out of any money in the state treasury not otherwise appropriated.~~ The expense authorized by the executive council under this subsection shall be paid from the appropriations referred to in subsection 1.

¹ Chapter 81 herein

Sec. 13. Section 7D.30, Code 2011, is amended to read as follows:

7D.30 Necessary record.

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

Sec. 14. Section 8.55, subsection 3, paragraph a, Code 2011, is amended to read as follows:

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

Sec. 15. Section 8.55, subsection 3, Code 2011, is amended by adding the following new paragraph:

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

Sec. 16. Section 8A.321, subsection 4, Code 2011, is amended to read as follows:

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

Sec. 17. Section 8A.321, subsection 6, paragraphs a and b, Code 2011, are amended to read as follows:

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

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

Sec. 18. Section 11.32, as amended by 2011 Iowa Acts, House File 536,² section 26, as enacted, is amended to read as follows:

11.32 Certified accountants employed.

Nothing in this chapter shall prohibit the auditor of state, with the prior written permission

² Chapter 75 herein

of the state executive council, from employing certified public accountants for specific assignments. The auditor of state may employ such accountants for any assignment ~~now~~ expressly reserved to the auditor of state. Payments, after approval by the executive council, ~~will~~ shall be made to the accountants so employed from funds from which the auditor of state would have been paid had the auditor of state performed the assignment, or if ~~no~~ such specific funds are ~~indicated not available~~, then ~~payment will be made from the funds of authorization of the expense by the executive council shall be requested, and if authorized shall be paid from the appropriations addressed in section 7D.29.~~

Sec. 19. Section 13.3, Code 2011, is amended to read as follows:

13.3 Disqualification — substitute.

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

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

Sec. 20. Section 13.7, Code 2011, is amended to read as follows:

13.7 Special counsel.

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

Sec. 21. Section 29A.27, unnumbered paragraph 8, Code 2011, is amended to read as follows:

All payments ~~herein~~ provided for under this section shall be paid on the approval of the adjutant general from the contingent fund of the executive council created in section 29C.20.

Sec. 22. Section 29C.8, subsection 3, paragraph f, subparagraph (3), Code 2011, is amended to read as follows:

(3) Upon notification of a compensable loss to a member of a homeland security and emergency management response team, the department of administrative services shall process the claim and seek funding authorization from the executive council for to pay as an expense paid from the appropriations addressed in section 7D.29 those costs associated with covered benefits.

Sec. 23. Section 29C.20, subsection 1, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A contingent fund is created in the state treasury for the use of the executive council ~~which. Funding for the contingent fund, if authorized by the executive council, shall be paid from the appropriations addressed in section 7D.29.~~ Moneys in the contingent fund may be expended for the following purposes:

Sec. 24. Section 96.13, subsection 3, paragraph c, Code 2011, is amended to read as follows:

c. The department may appear before the executive council and request ~~funds authorization of moneys~~ to meet unanticipated emergencies as an expense from the appropriations addressed in section 7D.29.

Sec. 25. Section 135.143, subsection 5, Code 2011, is amended to read as follows:

5. Upon notification of a compensable loss, the department of administrative services shall seek funding authorization from the executive council ~~for to pay as an expense from the appropriations addressed in section 7D.29~~ those costs associated with covered workers' compensation benefits.

Sec. 26. Section 135.144, subsection 11, Code 2011, is amended to read as follows:

11. If a public health disaster or other public health emergency situation exists which poses an imminent threat to the public health, safety, and welfare, the department, in conjunction with the governor, may provide financial assistance, from funds appropriated to the department that are not otherwise encumbered, to political subdivisions as needed to alleviate the disaster or the emergency. If the department does not have sufficient unencumbered funds, the governor may request ~~that the executive council, pursuant to the authority of section 7D.29, commit sufficient funds, to authorize the payment of up to one million dollars, that are not otherwise encumbered from the general fund, as needed and available, for as an expense from the appropriations addressed in section 7D.29 to alleviate the disaster or the emergency.~~ If additional financial assistance is required in excess of one million dollars, approval by the legislative council is also required.

Sec. 27. Section 163.3A, subsection 4, paragraph b, Code 2011, is amended to read as follows:

b. The department shall provide and update a list of the registered members of each emergency response team, including the members' names and identifying information, to the department of administrative services. Upon notification of a compensable loss suffered by a registered member, the department of administrative services shall seek funding authorization from the executive council ~~for to pay as an expense from the appropriations addressed in section 7D.29~~ those costs associated with covered benefits.

Sec. 28. Section 163.10, Code 2011, is amended to read as follows:

163.10 Quarantining or destroying animals.

The department may quarantine or destroy any animal exposed to or afflicted with an infectious or contagious disease. However, cattle exposed to or infected with tuberculosis shall not be destroyed without the owner's consent, unless there are sufficient moneys to reimburse the owner for the cattle, which may be paid ~~from the appropriation as an expense authorized as provided in section 163.15, from~~ moneys in the brucellosis and tuberculosis eradication fund created in section 165.18, or from moneys made available by the United States department of agriculture.

Sec. 29. Section 163.15, subsection 2, paragraph a, subparagraph (3), Code 2011, is amended to read as follows:

(3) A claim for an indemnity by the owner and a claim for compensation and expenses by the appraisers shall be filed with the department and submitted by the secretary of agriculture to the executive council for ~~its approval or disapproval~~ authorization of payment of the claim as an expense from the appropriations addressed in section 7D.29.

Sec. 30. Section 163.15, subsection 2, paragraph a, subparagraph (4), Code 2011, is amended by striking the subparagraph.

Sec. 31. Section 163.15, subsection 2, paragraph b, unnumbered paragraph 1, Code 2011, is amended to read as follows:

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

Sec. 32. Section 163.15, subsection 2, paragraph b, subparagraph (4), Code 2011, is amended to read as follows:

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

Sec. 33. Section 307.45, subsection 3, Code 2011, is amended to read as follows:

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

Sec. 34. Section 384.56, subsection 1, Code 2011, is amended to read as follows:

1. Cities may assess the cost of a public improvement which extends through, abuts upon, or is adjacent to lands owned by the state, and ~~the executive council shall pay payment for the assessable portion of the cost of the improvement through or along the lands as provided shall be subject to authorization by the executive council.~~ The executive council shall pay assessments as and payable in the manner provided in section 307.45 for property owned by the state and not under the jurisdiction and control of the state department of transportation.

Sec. 35. Section 459.501, subsection 5, as amended by 2011 Iowa Acts, Senate File 478,³ section 1, as enacted, is amended to read as follows:

5. The following shall apply to moneys in the fund:

a. (1) ~~The executive council may allocate moneys from the general fund of the state as authorize payment of moneys as an expense paid from the appropriations addressed in section 7D.29 and in the manner provided in section 7D.10A in an amount necessary to support the fund, including the following:~~

(a) The payment of claims as provided in section 459.505.

(b) The allocation of moneys to the department of agriculture and land stewardship for the payment of expenses incurred by the department of agriculture and land stewardship associated with providing for the sustenance and disposition of livestock pursuant to chapter 717.

(2) ~~Notwithstanding subparagraph (1), the allocation of moneys from the general fund of the state executive council's authorization for payment shall be made provided~~ only if the amount of moneys in the fund, which are not obligated or encumbered, and not counting the department's estimate of the cost to the fund for pending or unsettled claims, the amount to be allocated to the department of agriculture and land stewardship, and any amount required to be credited to the general fund of the state under this subsection, is less than one million dollars.

b. The department of natural resources shall credit an amount to the ~~general fund of the state~~ from which the expense authorized by the executive council as provided in

³ Chapter 81 herein

paragraph "a" was appropriated which is equal to an amount allocated to support the livestock remediation fund by the executive council under paragraph "a". ~~The~~ However, the department shall only be required to credit the moneys to the general such fund of the state if the moneys in the livestock remediation fund which are not obligated or encumbered, and not counting the department's estimate of the cost to the livestock remediation fund for pending or unsettled claims, the amount to be allocated to the department of agriculture and land stewardship, and any amount required to be transferred to the general fund under from which appropriated as described in this paragraph, are in excess of two million five hundred thousand dollars. The department is not required to credit the total amount to the general fund of the state from which appropriated as described in this paragraph during any one fiscal year.

Sec. 36. Section 468.43, unnumbered paragraph 4, Code 2011, is amended to read as follows:

The assessments against lands under the jurisdiction of the department of natural resources shall be paid as an expense from the appropriations addressed in section 7D.29, if authorized by the executive council upon certification of the amount by the county treasurer. ~~There is appropriated from any funds in the general fund of the state not otherwise appropriated amounts sufficient to pay the certified assessments.~~

Sec. 37. Section 568.16, Code 2011, is amended to read as follows:

568.16 Purchase money refunded.

If the grantee of the state, or the grantee's successors, administrators, or assigns, shall be deprived of the land conveyed by the state under this chapter by the final decree of a court of record for the reason that the conveyance by the state ~~passed no title whatever to the land therein did not pass title to the land~~ described, because title ~~thereto to the land~~ had previously for any reason been vested in others, then the money ~~so paid by the state for the said land~~ shall be refunded by the state to the person or persons entitled ~~thereto to the refund~~, provided the said grantee, or the grantee's successors, administrators, or assigns, shall file a certified copy of the transcript of the said final decree with the executive council within one year from the date of the issuance of such decree, and shall also file satisfactory proof with the executive council that the action over the title to the land was commenced within ten years from the date of the issuance of patent or deed by the state. The amount of money to be refunded under the provisions of this section shall be certified authorized and paid by the executive council to the director of the department of administrative services, who shall draw a warrant therefor, and the same shall be paid out of the general fund as an expense from the appropriations addressed in section 7D.29.

Sec. 38. Section 602.10133, Code 2011, is amended to read as follows:

602.10133 Costs and expenses.

The court costs incident to such proceedings, and the reasonable expense of ~~said the~~ judges in attending ~~said the~~ hearing after being approved by the supreme court shall be paid as ~~court costs~~ an expense authorized by the executive council from the appropriations addressed in section 7D.29.

Sec. 39. Section 663.44, Code 2011, is amended to read as follows:

663.44 Costs.

1. If the plaintiff is discharged, the costs shall be assessed to the defendant, unless the defendant is an officer holding the plaintiff in custody under a commitment, or under other legal process, in which case the costs shall be assessed to the county. If the plaintiff's application is refused, the costs shall be assessed against the plaintiff, and, in the discretion of the court, against the person who filed the petition in the plaintiff's behalf.

2. ~~However, where~~ Notwithstanding subsection 1, if the plaintiff is confined in any state institution, and is discharged in habeas corpus proceedings, or ~~where if~~ the habeas corpus proceedings fail, and costs and fees cannot be collected from the person liable to pay ~~the same costs and fees,~~ such the costs and fees shall be paid by the county in which such state institution is located. The facts of such payment and the proceedings on which it is based, with a statement of the amount of fees or costs incurred, with approval in writing by the presiding

judge appended to ~~such~~ the statement or endorsed ~~thereon~~ on the statement, shall ~~then~~ be certified by the clerk of the district court under the seal of office to the state executive council. The executive council shall ~~then~~ review the proceedings and authorize reimbursement for all such fees and costs or such part ~~thereof~~ of the fees and costs as the executive council ~~shall find~~ finds justified, and shall notify the director of the department of administrative services to draw a warrant to such county treasurer ~~on the state general fund~~ for the amount authorized. There is appropriated from moneys in the general fund not otherwise appropriated an amount necessary to pay the reimbursement authorized by the executive council. The costs and fees referred to above shall include any award of fees made to a court appointed attorney representing an indigent party bringing the habeas corpus action.

DIVISION IV
MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2013-2014

Sec. 40. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2013-2014. 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, 2013, shall be established by statute which shall be enacted within thirty calendar days of the convening of the Eighty-fifth General Assembly, 2013 Session, on January 14, 2013. 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 14, 2013.

DIVISION V
STANDING APPROPRIATIONS AND RELATED MATTERS — FY 2012-2013

Sec. 41. BUDGET PROCESS FOR FISCAL YEAR 2013-2014.

1. For the budget process applicable to the fiscal year beginning July 1, 2013, on or before October 1, 2012, 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. 42. LIMITATION OF STANDING APPROPRIATIONS. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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):
..... \$ 208,351
2. For regional tourism marketing under section 99F.11, subsection 3, paragraph “d”, subparagraph (2):
..... \$ 405,153
3. For the center for congenital and inherited disorders central registry under section 144.13A, subsection 4, paragraph “a”:
..... \$ 85,560
4. For primary and secondary child abuse prevention programs under section 144.13A, subsection 4, paragraph “a”:
..... \$ 108,886

5. For programs for at-risk children under section 279.51:

..... \$ 5,364,446

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 the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:

..... \$ 9,208

Sec. 43. INSTRUCTIONAL SUPPORT STATE AID — FY 2012-2013. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2012, and ending June 30, 2013, for paying instructional support state aid under section 257.20 for fiscal year 2012-2013 is zero.

Sec. 44. Section 257.35, Code 2011, is amended by adding the following new subsection: NEW SUBSECTION. 5B. 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 the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall be reduced by the department of management by ten million dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

DIVISION VI

SALARIES, COMPENSATION, AND RELATED MATTERS — FY 2012-2013

Sec. 45. BONUS PAY. For the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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, 2012, or required pursuant to a collective bargaining agreement. This section does not apply to employees of the state board of regents who receive bonuses funded by moneys from sources other than appropriations. 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. 46. SALARY INCREASES — CERTAIN REVOLVING FUNDS.

1. For the fiscal years beginning July 1, 2012, and July 1, 2013, there is appropriated from the gaming enforcement revolving fund an amount necessary for funding annual pay adjustments and related benefits for agents and officers of the division of criminal investigation’s racetrack, excursion boat, or gambling structure enforcement activities. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.

2. For the fiscal years beginning July 1, 2012, and July 1, 2013, there is appropriated from the gaming regulatory revolving fund, if enacted by the Eighty-fourth General Assembly, 2011 or 2012 session, an amount necessary for funding annual pay adjustments and related benefits for positions in the racing and gaming commission of the department of inspections and appeals who are assigned to administration and enforcement of the excursion boat and gambling structure laws. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.

* Item veto; see message at end of the Act

Sec. 47. STATE TROOPER MEAL ALLOWANCE. For the fiscal year beginning July 1, 2012, 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. 48. 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.

DIVISION VII CORRECTIVE PROVISIONS

Sec. 49. Section 8.6, subsection 9A, as enacted by 2011 Iowa Acts, House File 45,⁴ section 39, is amended to read as follows:

9A. *Budget and tax rate databases.* To develop and make available to the public a searchable budget database and internet site as required under chapter 8G, ~~division~~ subchapter I, and to develop and make available to the public a searchable tax rate database and internet site as required under chapter 8G, ~~division~~ subchapter II.

Sec. 50. Section 8.57E, subsection 3, paragraph a, as enacted by 2011 Iowa Acts, Senate File 209,⁵ section 30, is amended to read as follows:

a. Moneys in the ~~taxpayer's~~ taxpayers trust fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

Sec. 51. Section 8G.13, as enacted by 2011 Iowa Acts, House File 45,⁶ section 50, is amended to read as follows:

8G.13 Updating database.

To facilitate the department of management's efforts in creating and maintaining a searchable database of the taxes identified in section 8G.12, subsection ~~3~~ 1, for all taxing jurisdictions in the state, each taxing jurisdiction may annually be required to report its tax rates to the department of management or the department of revenue and shall report any changes to its tax rates within thirty days of the change.

Sec. 52. Section 16.193, subsection 3, paragraph a, Code 2011, as amended by 2011 Iowa Acts, Senate File 475,⁷ section 11, is amended to read as follows:

a. During the term of the Iowa jobs program and Iowa jobs II program, the Iowa finance authority shall collect data on all of the projects approved for the ~~program~~ programs. 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.

⁴ Chapter 122 herein

⁵ Chapter 123 herein

⁶ Chapter 122 herein

⁷ Chapter 34 herein

The authority shall report quarterly to the governor and the general assembly concerning the data.

Sec. 53. Section 68A.401, subsection 4, Code 2011, as amended by 2011 Iowa Acts, Senate File 475,⁸ section 17, is amended to read as follows:

4. Political committees expressly advocating the nomination, election, or defeat of candidates for both federal office and any elected office created by law or the Constitution of the State of Iowa shall file statements and reports with the board in addition to any federal reports required to be filed with the board. However, a political committee that is registered and filing full disclosure reports of all financial activities with the federal election commission may file verified statements as provided in section ~~68B.201A~~ 68A.201A.

Sec. 54. Section 139A.19, subsection 3, as enacted by 2011 Iowa Acts, House File 467,⁹ section 20, is amended to read as follows:

3. This section does not preclude a hospital, clinic, other health facility, or a health care provider from providing notification to a care provider under circumstances in which the hospital's, clinic's, other health facility's, or health care provider's policy provides for notification of the hospital's, ~~clinics~~ clinic's, other health facility's, or health care provider's own employees of exposure to a contagious or infectious disease that is not life-threatening if the notice does not reveal a patient's name, unless the patient consents.

Sec. 55. Section 175.3, subsection 1, paragraph a, Code 2011, as amended by 2011 Iowa Acts, Senate File 429,¹⁰ section 1, is amended to read as follows:

a. The agricultural development authority is established within the department of agriculture and land stewardship. The ~~agency~~ authority is constituted as a public instrumentality and agency of the state exercising public and essential governmental functions.

Sec. 56. Section 207.22, subsection 3, paragraph b, Code 2011, as amended by 2011 Iowa Acts, Senate File 475,¹¹ section 47, is amended to read as follows:

b. Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of ~~Tit. IV of~~ Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV, or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effect of past coal mining practices.

Sec. 57. Section 232.71D, subsection 3, paragraph a, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, House File 562,¹² section 3, is amended to read as follows:

Unless any of the circumstances listed in paragraph "b" are applicable, cases to which any of the following circumstances apply shall not be placed ~~on~~ in the central registry:

Sec. 58. Section 256.7, subsection 26, paragraph a, subparagraph (1), as enacted by 2011 Iowa Acts, Senate File 453,¹³ section 1, is amended to read as follows:

(1) The rules establishing high school graduation requirements shall authorize a school district or accredited nonpublic school to consider that any student who satisfactorily completes a high school-level unit of English or language arts, mathematics, science, or social studies has satisfactorily completed a unit of the high school graduation requirements for that area as specified in this lettered paragraph, and ~~to~~ shall authorize the school district or accredited nonpublic school to issue high school credit for the unit to the student.

⁸ Chapter 34 herein

⁹ Chapter 63 herein

¹⁰ Chapter 13 herein

¹¹ Chapter 34 herein

¹² Chapter 28 herein

¹³ Chapter 71 herein

Sec. 59. Section 321.34, subsection 20C, paragraph a, if enacted by 2011 Iowa Acts, House File 651,¹⁴ section 2, is amended to read as follows:

a. The department, in consultation with the adjutant general, shall design combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge distinguishing processed emblems. Upon receipt of two hundred fifty orders for ~~special~~ combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with the applicable distinguishing processed emblem as provided in paragraphs “b” and “c”. The minimum order requirement shall apply separately to each of the special registration plates created under this subsection.

Sec. 60. Section 321.34, subsection 25, paragraph a, if enacted by 2011 Iowa Acts, House File 651,¹⁵ section 2, is amended to read as follows:

a. The department, in consultation with the adjutant general, shall design a civil war sesquicentennial distinguishing processed emblem. Upon receipt of two hundred fifty orders for ~~special~~ civil war sesquicentennial special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with a civil war sesquicentennial processed emblem as provided in paragraph “b”.

Sec. 61. Section 327B.5, Code 2011, is amended to read as follows:

327B.5 Penalty.

Any person violating the provisions of this chapter shall, upon conviction, be subject to a scheduled fine as provided in section 805.8A, subsection 13, ~~paragraphs~~ paragraph “f” and “g”.

Sec. 62. Section 422.11O, subsection 5, paragraph a, subparagraph (2), if enacted by 2011 Iowa Acts, Senate File 531,¹⁶ section 17, is amended to read as follows:

(2) The E-15 plus gasoline promotion tax credit pursuant to section 422.11Y.

Sec. 63. Section 422.11Y, subsection 1, paragraph d, if enacted by 2011 Iowa Acts, Senate File 531,¹⁷ section 35, is amended to read as follows:

d. “Tax credit” means the E-15 plus gasoline promotion tax credit as provided in this section.

Sec. 64. Section 422.11Y, subsection 3, unnumbered paragraph 1, if enacted by 2011 Iowa Acts, Senate File 531,¹⁸ section 35, is amended to read as follows:

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by the amount of the E-15 plus gasoline promotion tax credit for each tax year that the taxpayer is eligible to claim a tax credit under this subsection.

Sec. 65. Section 422.11Y, subsection 6, paragraph b, subparagraph (2), if enacted by 2011 Iowa Acts, Senate File 531,¹⁹ section 35, is amended to read as follows:

(2) The retail dealer may claim the ethanol promotion tax credit as provided in paragraph “a” for the same ethanol gallonage used to calculate and claim the E-15 plus gasoline promotion tax credit.

Sec. 66. Section 423.4, subsection 9, unnumbered paragraph 1, if enacted by 2011 Iowa Acts, Senate File 531,²⁰ section 59, is amended to read as follows:

A person who qualifies as a biodiesel producer as provided in this subsection may apply to the director for a refund of the amount of the sales or use tax imposed and paid upon purchases made by the person.

¹⁴ Chapter 114 herein

¹⁵ Chapter 114 herein

¹⁶ Chapter 113 herein

¹⁷ Chapter 113 herein

¹⁸ Chapter 113 herein

¹⁹ Chapter 113 herein

²⁰ Chapter 113 herein

Sec. 67. Section 483A.24A, Code 2011, as amended by 2011 Iowa Acts, Senate File 194,²¹ section 10, is amended to read as follows:

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.1, subsection 3, 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. 68. Section 501.101, subsection 01, as enacted by 2011 Iowa Acts, House File 348,²² section 7, is amended to read as follows:

01. "*Alternative voting method*" means a method of voting other than a written ballot, including voting by electronic, telephonic, internet, or other means that reasonably ~~allow~~ allows members the opportunity to vote.

Sec. 69. Section 501A.703, subsection 5, paragraph d, Code 2011, as amended by 2011 Iowa Acts, House File 348,²³ section 19, is amended to read as follows:

d. If the ballot of the member is received by the cooperative on or before the date of the regular members' meeting or as otherwise prescribed for an alternative, voting method, the ballot or alternative voting method shall be accepted and counted as the vote of the absent member.

Sec. 70. Section 511.8, subsection 22, paragraph i, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate File 406,²⁴ section 25, is amended to read as follows:

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

Sec. 71. Section 514J.109, subsection 3, paragraph f, if enacted by 2011 Iowa Acts, House File 597,²⁵ section 9, is amended to read as follows:

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

Sec. 72. Section 521F.4, subsection 1, paragraph b, as enacted by 2011 Iowa Acts, Senate File 406,²⁶ section 44, is amended to read as follows:

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

Sec. 73. Section 524.310, subsection 5, paragraph b, Code 2011, as amended by 2011 Iowa Acts, Senate File 475,²⁷ section 120, is amended to read as follows:

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

²¹ Chapter 47 herein

²² Chapter 23 herein

²³ Chapter 23 herein

²⁴ Chapter 70 herein

²⁵ Chapter 101 herein

²⁶ Chapter 70 herein

²⁷ Chapter 34 herein

Sec. 74. Section 717.3, subsection 5, paragraph b, Code 2011, as enacted by 2011 Iowa Acts, Senate File 478,²⁸ section 6, is amended to read as follows:

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

Sec. 75. Section 717.4, subsection 2, as enacted by 2011 Iowa Acts, Senate File 478,²⁹ section 7, is amended to read as follows:

2. The court ordered lien shall be for the benefit of the department. The amount of the lien shall ~~not~~ be ~~not~~ more than for expenses incurred in providing sustenance to the livestock pursuant to section 717.3 and providing for the disposition of the livestock pursuant to section 717.5.

Sec. 76. Section 717.4A, as enacted by 2011 Iowa Acts, Senate File 478,³⁰ section 8, is amended to read as follows:

717.4A Livestock in immediate need of sustenance — livestock remediation fund.

The department may utilize the moneys deposited into the livestock remediation fund pursuant to section 459.501 to pay for any expenses associated with providing sustenance to or the disposition of the livestock pursuant to a court order entered pursuant to section 717.3 or 717.5. The department shall utilize moneys from the fund only to the extent that the department determines that expenses cannot be timely paid by utilizing the available provisions of sections 717.4 and 717.5. The department shall deposit any unexpended and unobligated moneys in the fund. The department shall pay to the fund the proceeds from the disposition of the livestock and associated products less expenses incurred by the department in providing for the sustenance and disposition of the livestock, as provided in section 717.5.

Sec. 77. Section 903A.5, subsection 1, as enacted by 2011 Iowa Acts, House File 271,³¹ section 3, is amended to read as follows:

1. An inmate shall not be discharged from the custody of the director of the Iowa department of corrections until the inmate has served the full term for which the inmate was sentenced, less earned time and other credits earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Earned time accrued and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11. An inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. If an inmate was confined to a county jail or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence. However, if a person commits any offense while confined in a county jail or other correctional or mental health facility, the person shall not be granted jail credit for that offense. Unless the inmate was confined in a correctional facility, the sheriff of the county in which the inmate was sentenced and to the department of corrections' records administrator at the Iowa medical and classification center the number of days so served. The department of corrections' records administrator, or the administrator's designee, shall apply jail credit as ordered by the court of proper jurisdiction or as authorized by this section and section 907.3, subsection 3.

Sec. 78. EFFECTIVE DATES.

1. The section of this division of this Act amending section 422.110, subsection 5, paragraph a, subparagraph (2), if enacted by 2011 Iowa Acts, Senate File 531,³² section 17, takes effect January 1, 2012.

²⁸ Chapter 81 herein

²⁹ Chapter 81 herein

³⁰ Chapter 81 herein

³¹ Chapter 22 herein

³² Chapter 113 herein

2. Section 423.4, subsection 9, unnumbered paragraph 1, if enacted by 2011 Iowa Acts, Senate File 531,³³ section 59, takes effect January 1, 2012.

Sec. 79. APPLICABILITY.

1. The section of this division of this Act amending section 422.11O, subsection 5, paragraph a, subparagraph (2), if enacted by 2011 Iowa Acts, Senate File 531,³⁴ section 17, applies to tax years beginning on and after January 1, 2012.

2. The section of this division of this Act amending section 422.11Y, subsection 1, paragraph d, if enacted by 2011 Iowa Acts, Senate File 531,³⁵ section 35, applies to tax years beginning on and after January 1, 2012, and to that part of a retail dealer’s tax year or tax years occurring during that portion of the calendar year beginning on and after July 1, 2011, and ending on December 31, 2011.

3. The section of this division of this Act amending section 422.11Y, subsection 3, unnumbered paragraph 1, if enacted by 2011 Iowa Acts, Senate File 531,³⁶ section 35, applies to tax years beginning on and after January 1, 2012, and to that part of a retail dealer’s tax year or tax years occurring during that portion of the calendar year beginning on and after July 1, 2011, and ending on December 31, 2011.

4. The section of this division of this Act amending section 422.11Y, subsection 6, paragraph b, subparagraph (2), if enacted by 2011 Iowa Acts, Senate File 531,³⁷ section 35, applies to tax years beginning on and after January 1, 2012, and to that part of a retail dealer’s tax year or tax years occurring during that portion of the calendar year beginning on and after July 1, 2011, and ending on December 31, 2011.

DIVISION VIII
MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

Sec. 80. VISION SCREENING PROGRAM — DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a grant to a 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, and community and patient service programs:

..... \$ 100,000

Sec. 81. APPROPRIATION — FARMERS WITH DISABILITIES. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the following fiscal years, the following amounts, or so much thereof as is necessary, for a program for farmers with disabilities:

FY 2011–2012 \$ 97,000

FY 2012–2013 \$ 48,500

The moneys appropriated in this section 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 moneys shall be used to support 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, and 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 section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the

³³ Chapter 113 herein
³⁴ Chapter 113 herein
³⁵ Chapter 113 herein
³⁶ Chapter 113 herein
³⁷ Chapter 113 herein

purposes designated until the close of the succeeding fiscal year.

Sec. 82. APPROPRIATION — BATTLESHIP IOWA, BB-61.

1. 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 amount, or so much thereof as is necessary, to be credited to the BB-61 fund created in 2010 Iowa Acts, chapter 1194:

..... \$ 3,000,000

2. If the department of the navy, pursuant to a process outlined in a notice published in the federal register on May 24, 2010, volume 75, number 99, awards possession or conditionally awards possession of the battleship Iowa, BB-61, to a nonprofit group that is eligible to receive the battleship, the department of cultural affairs shall award a grant to the nonprofit group in an amount equal to \$3 million in addition to any moneys awarded as a grant from the BB-61 fund.

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 for succeeding fiscal years.

Sec. 83. GROUP HOME GRANT. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a grant to a nonprofit organization providing residential services for persons with an intellectual disability at the intermediate care facility level and services under the medical assistance program habilitation and brain injury home and community-based services waivers, that is located in and providing such services in a county with a population between 90,000 and 95,000, according to the latest certified federal census:

..... \$ 100,000

The grant under this section shall be used for purchase or remodeling costs to develop a group home for not more than four individuals with intellectual disabilities or brain injury. 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. 84. INVESTIGATIONS DIVISION OF DEPARTMENT OF INSPECTIONS AND APPEALS — CONTINGENT FTE AUTHORIZATION. If Senate File 313³⁸ or successor legislation providing for debt setoff or other recovery activities for nonpayment of premiums pursuant to section 249A.3, subsection 2, paragraph “a”, subparagraph (1), relating to a special income eligibility group under the Medicaid program, or pursuant to section 249J.8, subsection 1, relating to the expansion population eligibility group under the IowaCare program, is enacted by the Eighty-fourth General Assembly, 2011 Session, in addition to other full-time equivalent positions authorized for the investigations division of the department of inspections and appeals for the fiscal year beginning July 1, 2011, not more than 2.00 FTEs are authorized, to the extent funded through moneys available to the department of human services, to be used to implement such provisions of Senate File 313³⁹ or successor legislation.

Sec. 85. SPECIAL EDUCATION INSTRUCTIONAL PROGRAM. If a school district that is participating on a contractual basis in a special education instructional program operated by an area education agency, in which the area education agency employed teachers on behalf of the school district at the time the department of management calculated the teacher salary supplement cost per pupil under section 257.10, subsection 9, the professional development supplement cost per pupil under section 257.10, subsection 10, the area education agency teacher salary supplement cost per pupil under section 257.37A, subsection

³⁸ Chapter 120 herein

³⁹ Chapter 120 herein

1, and the area education agency professional development supplement cost per pupil under section 257.37A, subsection 2, for the fiscal year beginning July 1, 2009, terminates the contract for participation in the special education instructional program, the area education agency operating the program shall notify the department of management of the contract termination by the following April 1. The department of management shall recalculate the cost per pupil amounts for the area education agency and the school district for the fiscal year succeeding the notification date for the teacher salary supplement cost per pupil under section 257.10, subsection 9, the professional development supplement cost per pupil under section 257.10, subsection 10, the area education agency teacher salary supplement cost per pupil under section 257.37A, subsection 1, and the area education agency professional development supplement cost per pupil under section 257.37A, subsection 2, by estimating the amount of the original allocations used in the cost per pupil calculation that would have been allocated to the school district rather than the area education agency had the special education instructional program not existed, and the department of management shall increase the annual supplement cost per pupil for the school district and area education agency by the appropriate allowable growth for the appropriate fiscal years.

Sec. 86. PRESCHOOL FOUNDATION AID — ADMINISTRATIVE COSTS. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, of the amount of preschool foundation aid received by a school district for a fiscal year, not more than five percent shall be used by the school district for administering the district's approved local program.

Sec. 87. TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF CHILDREN.

1. A task force on the prevention of sexual abuse of children is established consisting of the following members:

a. 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 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.

b. The director of human services or the director's designee.

c. The director of the department of education or the director's designee.

d. The director of public health or the director's designee.

e. The state court administrator or the state court administrator's designee.

f. A representative of the Iowa county attorneys association, appointed by the president of that association.

g. A representative of the chief juvenile court officers, appointed by the chief justice of the supreme court.

h. A representative of the Iowa state education association, appointed by the president of that organization.

i. A representative of prevent child abuse Iowa, appointed by the director of human services.

j. A representative of school administrators of Iowa, appointed by the president of that organization.

k. A representative of the Iowa association of school boards, appointed by the executive director of that organization.

l. A representative of the Iowa psychological association, appointed by the president of that association.

m. A representative of the Iowa coalition against sexual assault, appointed by the executive director of that coalition.

n. A representative of prevent child abuse Iowa, appointed by the executive director of that organization.

o. A child abuse expert employed by or under contract with one of Iowa's nationally accredited child protection centers, appointed by the director of the regional child protection center located in Des Moines.

2. Members of the task force shall be individuals who are actively involved in the fields of child abuse prevention. To the extent possible, appointment of members shall reflect the

geographic diversity of the state. The voting members of the task force shall serve without compensation and shall not be reimbursed for their expenses.

3. The director of prevent child abuse Iowa, or the director's designee, shall convene the organizational meeting of the task force. The task force shall elect from among its members a chairperson. Meetings shall be held at the call of the chairperson or at the request of two or more task force members. Six members shall constitute a quorum and the affirmative vote of six members shall be necessary for any action taken by the task force.

4. Prevent child abuse Iowa shall provide staff support to the task force.

5. The task force shall consult with employees of the department of human services, the Iowa coalition against sexual assault, the department of public safety, the state board of education, and any other state agency or department as necessary to accomplish the task force's responsibilities under this section.

6. The task force shall develop a model policy addressing sexual abuse of children that may include but is not limited to the following:

a. Age-appropriate curricula for students enrolled in prekindergarten through grade five.

b. Training options for school personnel on child sexual abuse.

c. Educational information for parents and guardians that may be provided in a school handbook and may include the warning signs of a child being abused, along with any needed assistance, referral, or resource information.

d. Counseling options and resources available statewide for students affected by sexual abuse.

e. Emotional and educational support services that may be available for a child subject to abuse to continue to be successful in school.

f. Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including but not limited to knowledge of likely warning signs indicating that a child may be a victim of sexual abuse.

g. Actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention.

7. The task force shall make recommendations for preventing the sexual abuse of children in Iowa. In making those recommendations, the task force shall do the following:

a. Gather information concerning child sexual abuse throughout the state.

b. Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations.

c. Create goals for state policy that would prevent child sexual abuse.

d. Submit a final report with its recommendations to the governor and the general assembly on or before January 16, 2012. The recommendations may include proposals for specific statutory changes and methods to foster cooperation among state agencies and between the state, local school districts, and other local governments.

Sec. 88. 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, 2012, with a political subdivision with a population of more than 67,800, but less than 67,900, according to the 2010 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. 89. STATE AGENCY OFFICE SUPPLIES PURCHASE, EQUIPMENT PURCHASES, PRINTING AND BINDING, AND MARKETING — APPLICABILITY. The limitation on expenditures made for office supplies, purchases of equipment, office equipment, and equipment noninventory, printing and binding, and marketing implemented pursuant to 2011 Iowa Acts, House File 45,⁴⁰ section 2, does not apply to a department or agency receiving a supplemental appropriation for the fiscal year beginning July 1, 2010, pursuant to 2011 Iowa Acts, Senate File 209,⁴¹ division III.

⁴⁰ Chapter 122 herein

⁴¹ Chapter 123 herein

*Sec. 90. Section 80B.6, subsection 1, as amended by 2011 Iowa Acts, Senate File 236, section 1, is amended to read as follows:

1. An Iowa law enforcement academy council is created consisting of the following ~~thirteen~~ fifteen voting members appointed by the governor, subject to confirmation by the senate, to terms of four years commencing as provided in section 69.19:

- a. Three residents of the state.
- b. A sheriff of a county with a population of fifty thousand persons or more who is a member of the Iowa state sheriffs and deputies association.
- c. A sheriff of a county with a population of less than fifty thousand persons who is a member of the Iowa state sheriffs and deputies association.
- d. A deputy sheriff of a county who is a member of the Iowa state sheriffs and deputies association.
- e. A member of the Iowa peace officers association.
- f. A member of the Iowa state police association.
- g. A member of the Iowa police chiefs association.
- h. A police officer who is a member of a police department of a city with a population of fifty thousand persons or more.
- i. A police officer who is a member of a police department of a city with a population of less than fifty thousand persons.
- j. A member of the department of public safety.
- k. A member of the office of motor vehicle enforcement of the department of transportation.
- l. An employee of a county conservation board who is a certified peace officer.
- m. A conservation peace officer employed under section 456A.13.*

Sec. 91. Section 256C.5, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. “Preschool budget enrollment” means the figure that is equal to ~~sixty~~ sixty five percent of the actual enrollment of eligible students in the preschool programming provided by a school district approved to participate in the preschool program on October 1 of the base year, or the first Monday in October if October 1 falls on a Saturday or Sunday.

Sec. 92. Section 303.19A, subsection 1, as enacted by 2011 Iowa Acts, House File 267, ⁴² section 2, is amended to read as follows:

1. The state historic preservation officer shall only recommend that a rural electric cooperative or a municipal utility constructing electric distribution and transmission facilities for which it is receiving federal funding conduct an archeological site survey of its proposed route when, based upon a review of existing information on historic properties within the area of potential effects of the construction, the state historic preservation officer has determined that a historic property, as defined by the federal National Historic Preservation Act of 1966, as amended, is likely to exist within the proposed route.

Sec. 93. Section 321J.2, subsection 4, paragraph b, Code 2011, is amended to read as follows:

b. Assessment of a minimum fine of one thousand eight hundred ~~fifty~~ fifty seven-five dollars and a maximum fine of six thousand two hundred fifty dollars. Surcharges and fees shall be assessed pursuant to chapter 911.

Sec. 94. Section 422.11P, subsection 2, paragraph b, Code 2011, as enacted by 2011 Iowa Acts, Senate File 531, ⁴³ section 25, is amended to read as follows:

b. The tax credit shall apply to biodiesel blended fuel classified as provided in this section, if the classification meets the standards provided in section 214A.2. In ensuring that biodiesel blended fuel meets the classification requirements of this section, the department shall take into account reasonable variances due to testing and other limitations.

* Item veto; see message at end of the Act

⁴² Chapter 4 herein

⁴³ Chapter 113 herein

Sec. 95. Section 422.11S, subsection 7, paragraph a, subparagraph (2), Code 2011, is amended to read as follows:

(2) “Total approved tax credits” means for the tax year beginning in the 2006 calendar year, two million five hundred thousand dollars, for the tax year beginning in the 2007 calendar year, five million dollars, and for tax years beginning on or after January 1, 2008, seven million five hundred thousand dollars. However, for tax years beginning on or after January 1, 2012, and only if legislation is enacted by the Eighty-fourth General Assembly, 2011 session, amending section 257.8, subsections 1 and 2, to establish both the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2012, at two percent, “total approved tax credits” means eight million seven hundred fifty thousand dollars.

Sec. 96. Section 453A.35, subsection 1, Code 2011, is amended to read as follows:

1. ~~a. The~~ With the exception of revenues credited to the health care trust fund pursuant to paragraph “b”, 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~~

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

Sec. 97. Section 453A.35A, subsection 1, Code 2011, is amended to read as follows:

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

Sec. 98. Section 466B.31, subsection 2, paragraph a, Code 2011, is amended by adding the following new subparagraphs:

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

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

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

Sec. 99. Section 537A.5, subsection 1, as enacted by 2011 Iowa Acts, Senate File 396,⁴⁴ section 1, is amended to read as follows:

1. As used in this section, “*construction contract*” means an agreement relating to the construction, alteration, improvement, development, demolition, excavation, rehabilitation, maintenance, or repair of buildings, ~~highways, roads, streets, bridges, tunnels, transportation facilities, airports,~~ water or sewage treatment plants, power plants, or any other improvements to real property in this state, including shafts, wells, and structures, whether on ground, above ground, or underground, and includes agreements

⁴⁴ Chapter 33 herein

for architectural services, design services, engineering services, construction services, construction management services, development services, maintenance services, material purchases, equipment rental, and labor. "Construction contract" includes all public, private, foreign, or domestic agreements as described in this subsection other than such public agreements relating to highways, roads, and streets.

Sec. 100. REPEAL. Chapter 327K, Code 2011, is repealed.

Sec. 101. APPLICABILITY. The section of this division of this Act amending section 256C.5, subsection 1, takes effect upon enactment, and applies to budget years beginning on or after July 1, 2011.

Sec. 102. EFFECTIVE DATE — RETROACTIVE APPLICABILITY.

1. The section of this division of this Act appropriating moneys to the department of cultural affairs for purposes of a grant for the battleship Iowa, BB-61, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to June 30, 2011.

2. The section of this division of this Act amending section 303.19A, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to March 29, 2011.

Sec. 103. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The provision of this division of this Act relating to a limitation on state agency office supplies purchase, equipment purchases, printing and binding, and marketing as enacted by 2011 Iowa Acts, House File 45,⁴⁵ being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 7, 2011.

Sec. 104. EFFECTIVE DATE — APPLICABILITY.

1. Section 422.11P, as amended by this division of this Act, takes effect on January 1, 2012.

2. Section 422.11P, as amended by this division of this Act, applies to tax years beginning on and after January 1, 2012.

DIVISION IX
APPROPRIATION TRANSFERS
REBUILD IOWA INFRASTRUCTURE FUND

Sec. 105. 2010 Iowa Acts, chapter 1184, section 26, is amended to read as follows:

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

Of the moneys appropriated in this section, from the amount allocated to the department of economic development in accordance with 2010 Iowa Acts, chapter 1184, section 28, subsection 1, \$1,200,000 shall be used for the department's Iowans helping Iowans business assistance program. Notwithstanding section 8.33, moneys designated pursuant to this unnumbered 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.

CASH RESERVE FUND

Sec. 106. 2010 Iowa Acts, chapter 1193, section 90, subsection 1, is amended to read as follows:

1. DEPARTMENT OF HUMAN SERVICES

For the medical assistance program:

..... \$ 187,800,000

⁴⁵ Chapter 122 herein

a. Of the moneys appropriated in this subsection, the following amounts shall be transferred as follows:

(1) To the Iowa finance authority to be used for the Iowans helping Iowans housing assistance program:

..... \$ 6,050,000

(2) To the department of human services to be used for the unmet needs program administered by the department:

..... \$ 3,056,603

b. Notwithstanding section 8.33, moneys transferred pursuant to 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.

Sec. 107. EFFECTIVE DATE — APPLICABILITY.

1. This division of this Act being deemed of immediate importance takes effect upon enactment, and if approved by the governor on or after July 1, 2011, are retroactively applicable to the date specified in subsection 2.

2. The provisions of this division of this Act providing for transfers are retroactively applicable to August 27, 2010, 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 notice to the governor and lieutenant governor dated August 27, 2010.

DIVISION X
REORGANIZATION

*Sec. 108. 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, 2012, and July 15, 2012, concerning the budget, expenditure, quality assurance, and cost control information addressed by this section for the previous six calendar months.*

Sec. 109. 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 with a report regarding planned purchases and to report 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 about procurement rules and procedures 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.

* Item veto; see message at end of the Act

Sec. 110. 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. 111. 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.

Sec. 112. STATE AGENCY EFFICIENCY EFFORTS.

1. LEAN EFFORTS. State agencies shall budget for and plan to conduct lean projects 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 projects.

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. 113. 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.

Sec. 114. 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. 115. TOBACCO RETAIL COMPLIANCE CHECKS. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, the terms of a chapter 28D agreement, entered into between the division of tobacco use prevention and control of the 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.

Sec. 116. DEPARTMENT OF ADMINISTRATIVE SERVICES — CENTRALIZED PAYROLL SYSTEM. The department of 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.

DIVISION XI
MEDICATION THERAPY MANAGEMENT

**Sec. 117. 2010 Iowa Acts, chapter 1193, section 166, subsections 2 and 3, are amended to read as follows:*

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

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

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

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

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

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

g. For the contract period beginning July 1, 2011, the department shall utilize the services of the college of pharmacy at a state university to validate reported drug cost savings.

h. The results of the pilot program for the period beginning July 1, 2010, and ending December 31, 2011, shall be submitted to the general assembly no later than March 1, 2012.

*3. This section is repealed December 31, 2011 2012.**

* Item veto; see message at end of the Act

Sec. 118. TRANSFER — MEDICATION THERAPY MANAGEMENT PROGRAM. There is transferred \$510,000 from the fees collected by the board of pharmacy pursuant to chapter 155A and retained by the board pursuant to the authority granted in section 147.82 to the department of administrative services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to be used for the medication therapy management program.

Sec. 119. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to June 15, 2011.

DIVISION XII EARNED INCOME TAX CREDIT

**Sec. 120. Section 422.12B, subsection 1, Code 2011, is amended to read as follows:*

*1. The taxes imposed under this division less the credits allowed under section 422.12 shall be reduced by an earned income credit equal to ~~seven~~ ten percent of the federal earned income credit provided in section 32 of the Internal Revenue Code. Any credit in excess of the tax liability is refundable.**

Sec. 121. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2011, for tax years beginning on or after that date.

DIVISION XIII REGULAR PROGRAM AND CATEGORICAL STATE PERCENT OF GROWTH FOR EDUCATION — FY 2012-2013

Sec. 122. Section 257.8, subsection 1, Code 2011, is amended to read as follows:

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

Sec. 123. Section 257.8, subsection 2, Code 2011, is amended to read as follows:

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

Sec. 124. CODE SECTION 257.8 — APPLICABILITY. The requirements of section 257.8 regarding the time period of enactment and the subject matter of the legislation establishing the state percent of growth and the categorical state percent of growth for a budget year are not applicable to the division. The requirements of section 257.8 regarding enactment of the regular program state percent of growth and categorical state percent of growth within thirty days of the submission in the year preceding the base year of the governor's budget and the requirements that the subject matter of each bill establishing the state percent of growth or

* Item veto; see message at end of the Act

the categorical state percent of growth be the only subject matter of the bill do not apply to this division of this Act.

Sec. 125. APPLICABILITY. This division of this Act is applicable for computing state aid under the state school foundation program for the school budget year beginning July 1, 2012.

DIVISION XIV WITHHOLDING AGREEMENTS

Sec. 126. Section 403.19A, subsection 1, paragraphs c and f, Code 2011, are amended to read as follows:

c. “Employer” means a business creating or retaining targeted jobs in an urban renewal area of a pilot project city pursuant to a withholding agreement.

f. “Targeted job” means a job in a business which is or will be located in an urban renewal area of a pilot project city that pays a wage at least equal to the countywide average wage. “Targeted job” includes new or retained jobs from Iowa business expansions or retentions within the city limits of the pilot project city and those jobs resulting from established out-of-state businesses, as defined by the department of economic development, moving to or expanding in Iowa.

Sec. 127. Section 403.19A, subsection 3, paragraph c, subparagraph (1), Code 2011, is amended to read as follows:

(1) The pilot project city shall enter into a withholding agreement with each employer concerning the targeted jobs withholding credit. The withholding agreement shall provide for the total amount of withholding tax credits awarded. An agreement shall not provide for an amount of withholding credits that exceeds the amount of the qualifying investment made in the project. An agreement shall not be entered into by a pilot project city with a business currently located in this state unless the business either creates or retains ten new jobs or makes a qualifying investment of at least five hundred thousand dollars within the urban renewal area. The withholding agreement may have a term of up to ten years. An employer shall not be obligated to enter into a withholding agreement. An agreement shall not be entered into with an employer not already located in a pilot project city when another Iowa community is competing for the same project and both the pilot project city and the other Iowa community are seeking assistance from the department.

Sec. 128. Section 403.19A, subsection 3, paragraph f, Code 2011, is amended to read as follows:

f. If the employer ceases to meet the requirements of the withholding agreement, the agreement shall be terminated and any withholding tax credits for the benefit of the employer shall cease. However, in regard to the number of new jobs that are to be created or retained, if the employer has met the number of new jobs to be created or retained pursuant to the withholding agreement and subsequently the number of new jobs falls below the required level, the employer shall not be considered as not meeting the new job requirement until eighteen months after the date of the decrease in the number of new jobs created or retained.

Sec. 129. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2006, for agreements entered into on or after that date.

DIVISION XV STATE FAIR AUTHORITY

Sec. 130. Section 173.1, subsection 4, Code 2011, is amended to read as follows:

4. A treasurer to be elected by the board ~~who shall serve as a nonvoting member~~ from the elected directors.

Sec. 131. REPEAL. Section 173.12, Code 2011, is repealed.

DIVISION XVI
CONTROLLED SUBSTANCES

Sec. 132. CONTROLLED SUBSTANCE COLLECTION AND DISPOSAL PROGRAM. A person in possession of or a retailer selling a controlled substance designated in section 124.204, subsection 4, paragraph “ai”, subparagraphs (1) through (4), if enacted, shall be required to transfer such controlled substance to the department of public safety for destruction. The department of public safety shall establish a controlled substance collection and disposal program for a controlled substance designated in section 124.204, subsection 4, paragraph “ai”, subparagraphs (1) through (4). The department of public safety may partner with a third party, including a local enforcement agency, to implement and administer the program. The program shall be dissolved thirty days after the enactment date of section 124.204, subsection 4, paragraph “ai”, subparagraphs (1) through (4).

Sec. 133. APPLICABILITY — CRIMINAL PENALTIES. Criminal penalties do not apply to violations associated with the substances designated controlled substances in section 124.204, subsection 4, paragraph “ai”, subparagraphs (1) through (4), if enacted, until thirty days after the enactment date of section 124.204, subsection 4, paragraph “ai”, subparagraphs (1) through (4).

Sec. 134. 2011 Iowa Acts, Senate File 510,⁴⁶ section 28,⁴⁷ if enacted, is amended to read as follows:

SEC. 28.⁴⁸ EFFECTIVE DATE. The following provision of this division of this Act takes effect thirty days after enactment, ~~notwithstanding section 3.7 of this Act or thirty days after the enactment of 2011 Iowa Acts, Senate File 533,~~⁴⁹ if enacted, whichever is later:

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

Sec. 135. 2011 Iowa Acts, Senate File 510,⁵⁰ section 29,⁵¹ if enacted, is amended to read as follows:

SEC. 29.⁵² EFFECTIVE UPON ENACTMENT. The following provision of this division of this Act, being deemed of immediate importance, ~~and notwithstanding section 3.7~~ takes effect upon enactment of this Act or upon enactment of 2011 Iowa Acts, Senate File 533,⁵³ if enacted, whichever is later:

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

Sec. 136. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment of this Act or upon the enactment of 2011 Iowa Acts, Senate File 510,⁵⁴ if enacted, whichever is later.

DIVISION XVII
TEACHER EXPENSES

Sec. 137. Section 422.7, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes.

⁴⁶ Chapter 134 herein

⁴⁷ According to enrolled Act; a reference to section 27 probably intended

⁴⁸ According to enrolled Act; a reference to section 27 probably intended

⁴⁹ This chapter

⁵⁰ Chapter 134 herein

⁵¹ According to enrolled Act; a reference to section 28 probably intended

⁵² According to enrolled Act; a reference to section 28 probably intended

⁵³ This chapter

⁵⁴ Chapter 134 herein

Sec. 138. REFUNDS. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. 139. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION XVIII QUALIFIED HIGHER EDUCATION EXPENSES

Sec. 140. Section 422.7, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for qualified tuition and related expenses allowed under section 222 of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes.

Sec. 141. REFUNDS. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. 142. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION XIX SPECIAL FILING PROVISIONS

Sec. 143. SPECIAL FILING PROVISIONS.

1. Adjustments by individuals to federal adjusted gross income and by corporations to federal taxable income for tax returns filed prior to the enactment of 2011 Iowa Acts, Senate File 512,⁵⁵ may be required as a result of the provisions of the divisions of this Act relating to the adjustment provisions enumerated in this subsection. These adjustments are as follows:

a. The increased expensing allowance authorized in section 179(b) of the Internal Revenue Code for tax years beginning on or after January 1, 2010, but before January 1, 2011.

b. The deduction for qualified tuition and related expenses allowed under section 222 of the Internal Revenue Code.

c. The deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code.

2. In lieu of filing an amended tax return, taxpayers may make the adjustments, pursuant to rules adopted by the director of revenue, on the next return filed subsequent to the enactment of 2011 Iowa Acts, Senate File 512.⁵⁶ If the taxpayer elects not to file an amended return, these provisions are suspended with regard to the following adjustments otherwise available as a result of this Act.

a. The limitation based on income provisions and regulations of section 179(b)(3) of the Internal Revenue Code with regard to the section 179(b) adjustment.

b. The applicable dollar limit provisions of section 222(b)(2)(B) of the Internal Revenue Code with regard to the section 222 adjustment.

⁵⁵ Chapter 41 herein

⁵⁶ Chapter 41 herein

DIVISION XX
DISASTER-RELATED PERSONAL CASUALTY LOSS DEDUCTIONS

Sec. 144. Section 422.9, Code 2011, is amended by adding the following new subsection:
NEW SUBSECTION. 9. A taxpayer is allowed to take the deduction for 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.

Sec. 145. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. 146. **EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.** This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION XXI
CLASS "A" FELONIES — JUVENILES

Sec. 147. Section 902.1, Code 2011, is amended to read as follows:

902.1 Class "A" felony.

1. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a class "A" felony may be rendered, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections for the rest of the defendant's life. Nothing in the Iowa corrections code pertaining to deferred judgment, deferred sentence, suspended sentence, or reconsideration of sentence applies to a class "A" felony, and a person convicted of a class "A" felony shall not be released on parole unless the governor commutes the sentence to a term of years.

2. a. Notwithstanding subsection 1, a person convicted of a class "A" felony, and who was under the age of eighteen at the time the offense was committed shall be eligible for parole after serving a minimum term of confinement of twenty-five years.

b. If a person is paroled pursuant to this subsection the person shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and chapter 908, and rules adopted under those chapters for persons on parole.

c. A person convicted of murder in the first degree in violation of section 707.2 shall not be eligible for parole pursuant to this subsection.

Sec. 148. **EFFECTIVE UPON ENACTMENT.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXII
CONDITIONAL EFFECTIVE DATES FOR 2011 IOWA ACTS

Sec. 149. **SENATE FILE 508 EFFECTIVE DATE.** Unless otherwise provided, if 2011 Iowa Acts, Senate File 508,⁵⁷ as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to July 1, 2011.

Sec. 150. **SENATE FILE 511 EFFECTIVE DATE.** Unless otherwise provided, if 2011 Iowa Acts, Senate File 511,⁵⁸ as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to July 1, 2011.

⁵⁷ Chapter 126 herein

⁵⁸ Chapter 135 herein

Sec. 151. SENATE FILE 525 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, Senate File 525,⁵⁹ as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to June 30, 2011.

Sec. 152. HOUSE FILE 148 EFFECTIVE DATE. Unless otherwise provided, if 2011 Iowa Acts, House File 148,⁶⁰ as enacted, is approved by the governor on or after July 1, 2011, the Act takes effect upon enactment and applies retroactively to June 30, 2011.

Sec. 153. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies as provided by this division of this Act.

DIVISION XXIII
HOUSING DEVELOPMENT — TAX STATUS

Sec. 154. Section 405.1, Code 2011, is amended to read as follows:

405.1 Housing development — tax status — limitation.

1. a. The board of supervisors of a county with a population of less than twenty thousand may adopt an ordinance providing that property acquired and subdivided for development of housing on or after January 1, 2011, shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for construction or occupancy of housing or five years from the date of subdivision, whichever is shorter. Upon the sale or the expiration of the five-year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable.

b. Ordinances adopted under this section, to the extent such ordinances affect the assessment of property subdivided for development of housing on or after January 1, 2004, but before January 1, 2011, shall remain in effect or otherwise be made effective and such ordinances adopted under section 405.1, subsection 1, Code 2011, shall be extended to apply the ordinances to the period of time ending ten years from the date of subdivision, and ordinances adopted under section 405.1, subsection 2, Code 2011, shall be extended to apply the ordinances to the period of time ending eight years from the date of subdivision.

2. The board of supervisors of a county with a population of twenty thousand or more may adopt an ordinance providing that property acquired and subdivided for development of housing shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for construction or occupancy of housing or three years from the date of subdivision, whichever is shorter. Upon the sale or the expiration of the three-year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable. On or after the effective date of this division of this Act, the board of supervisors of a county may amend an ordinance adopted or otherwise made effective under subsection 1 to extend the period of time established under subsection 1 to apply the ordinance to a period of time not to exceed five years beyond the end of the period of time established under subsection 1. An extension of an ordinance under this subsection may apply to all or a portion of the property that was subject to the original ordinance.

3. A city council may adopt an ordinance affecting that portion of the applicable property located within the incorporated area of the city, effectuating an extension of a county ordinance otherwise eligible to be extended under subsection 2 and not previously extended by the board of supervisors. An ordinance by a city council providing for an extension under this subsection shall be subject to the limitations of subsection 2.

Sec. 155. Section 441.72, Code 2011, is amended to read as follows:

441.72 Assessment of platted lots.

1. When Except as provided in subsection 2, when a subdivision plat is recorded pursuant to chapter 354, the individual lots within the subdivision plat shall not be assessed in

⁵⁹ Chapter 121 herein

⁶⁰ Chapter 117 herein

excess of the total assessment of the land as acreage or unimproved property for ~~three~~ five years after the recording of the plat or until the lot is actually improved with permanent construction, whichever occurs first. When an individual lot has been improved with permanent construction, the lot shall be assessed for taxation purposes as provided in chapter 428 and this chapter.

2. For subdivision plats recorded pursuant to chapter 354 on or after January 1, 2004, but before January 1, 2011, the individual lots within the subdivision plat shall not be assessed in excess of the total assessment of the land as acreage or unimproved property for eight years after the recording of the plat or until the lot is actually improved with permanent construction, whichever occurs first. When an individual lot has been improved with permanent construction, the lot shall be assessed for taxation purposes as provided in chapter 428 and this chapter.

3. This section does not apply to special assessment levies.

Sec. 156. IMPLEMENTATION. Nothing in this division of this Act shall be construed to require the refund or modification of property taxes that are attributable to assessment years beginning before January 1, 2012 or the adjustment of property assessments for assessment years beginning before January 1, 2012.

Sec. 157. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to assessment years beginning on or after January 1, 2012.

DIVISION XXIV CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

Sec. 158. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

Approved July 27, 2011, with exceptions noted.

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit Senate File 533, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, proving for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Senate File 533 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 6 in its entirety. This item would provide that for fiscal year 2012 bonus pay would be prohibited for employees of the Executive, Judicial and Legal branches. This item would unduly limit the ability of the Executive branch to deploy such methods to attract, retain, incentivize and reward exceptional employees.

I am unable to approve the item designated as Section 45 in its entirety. This item would provide that for fiscal year 2013 bonus pay would be prohibited for employees of the Executive, Judicial and Legal branches. This item would unduly limit the ability of the Executive branch to deploy such methods to attract, retain, incentivize and reward exceptional employees.

I am unable to approve the item designated as Section 90 in its entirety. This item would increase the number of voting members of the Iowa Law Enforcement Academy council by two members, increasing the total membership from thirteen to fifteen members. The number of voting members was increased by legislation earlier this year from seven to thirteen. I disapprove of this item because adding two additional members to this board, bringing the total to fifteen voting members, would make it too cumbersome and will impede its effectiveness. The existing board members can work to seek input from the public and interested parties.

I am unable to approve the items designated as Section 108 in its entirety. These items would specify that each department of State government track budget and actual expenditures for contract services and employee training. This item creates a redundant mandate. While I strongly support transparency efforts that publicly disclose how departments spend their resources, this information is available within the State's accounting and budgeting systems.

I am unable to approve the items designated as Sections 117, 118 and 119 in their entirety. These items would extend the Medication Therapy Management pilot program conducted by the Department of Administrative Services for certain State employees for one more year. This pilot program is funded by a transfer of \$510,000 from the Board of Pharmacy to the Department of Administrative Services to pay for the extension. The purpose of this pilot program was to temporarily engage in an activity and, at completion, thoroughly review the results before taking additional action. As a result, it is premature to authorize an additional year for this pilot program until the results have been reviewed to measure program effectiveness and for that reason I cannot authorize its continuation at this time.

I am unable to approve the items designated as Sections 120 and 121 in their entirety. The item would increase the Earned Income Tax Credit from the current level of 7.0% of the federal credit to 10.0% of the federal credit. This change is estimated to reduce revenue to the state general fund by \$28.5 million for Fiscal Years 2012-2013. It is my desire to approach tax policy in a comprehensive and holistic manner. As such, I urge members of the House and Senate to continue to work with my office on an overall tax reduction package that both fits within our sound budgeting principles while reducing those taxes that are impeding our state's ability to compete for new business and jobs.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 533 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 132

APPROPRIATIONS — EDUCATION

H.F. 645

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, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions.

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

DIVISION I
FY 2011-2012

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, 2011, and ending June 30, 2012, the following amount, 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:

.....	\$	1,691,815
.....	FTEs	88.00

2. For costs associated with universal access to audio information over the phone on demand for blind and print handicapped Iowans:

.....	\$	50,000
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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, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is 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:

.....	\$	232,943
.....	FTEs	3.95

2. STUDENT AID PROGRAMS

For payments to students for the Iowa grant program established in section 261.93:

.....	\$	791,177
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3. DES MOINES UNIVERSITY — HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For forgivable loans to Iowa students attending Des Moines university — osteopathic medical center under the forgivable loan program pursuant to section 261.19:

.....	\$	325,973
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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:

.....	\$	392,452
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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:

.....	\$	554,057
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7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:

.....	\$	2,240,854
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b. If the moneys appropriated by the general assembly to the college student aid commission for fiscal year 2011-2012 for purposes of the all Iowa opportunity scholarship program exceed \$500,000, "eligible institution" as defined in section 261.87, shall, during fiscal year 2011-2012, include accredited private institutions as defined in section 261.9, subsection 1.

8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

a. For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.23:

..... \$ 80,852

b. It is the intent of the general assembly that the commission continue to consider moneys allocated pursuant to this subsection as moneys 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:

..... \$ 36,938

Sec. 3. 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. 4. WORK-STUDY APPROPRIATION FOR FY 2011-2012. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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. 5. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is 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:

..... \$ 5,913,812

..... FTEs 81.67

2. VOCATIONAL EDUCATION ADMINISTRATION

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

..... \$ 449,276

..... FTEs 11.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 4,963,168

..... FTEs 255.00

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:

..... \$ 39,128

..... FTEs 1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

..... \$ 145,535

d. For costs associated with centers for independent living:

..... \$ 40,294

4. STATE LIBRARY

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,209,619

..... FTEs 17.00¹

¹ See chapter 124, §4 herein

b. For the enrich Iowa program established under section 256.57:		
.....	\$	1,674,227
5. LIBRARY SERVICE AREA SYSTEM		
For state aid:		
.....	\$	1,005,444
6. PUBLIC BROADCASTING DIVISION		
For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:		
.....	\$	6,654,021
.....	FTEs	82.00
7. REGIONAL TELECOMMUNICATIONS COUNCILS		
For state aid:		
.....	\$	992,913
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:		
.....	\$	2,630,134
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	20.58
10. EARLY CHILDHOOD IOWA FUND — GENERAL AID		
For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:		
.....	\$	5,386,113
a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2011, and ending June 30, 2012, not more than \$265,950 is allocated for the early childhood Iowa office and other technical assistance activities. The early childhood Iowa state board shall direct staff to work with the early childhood stakeholders alliance created in section 256I.12 to inventory technical assistance needs. Moneys allocated under this lettered paragraph may be used by the early childhood Iowa state board for the purpose of skills development and support for ongoing training of staff. 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 early childhood Iowa area board shall report to the early childhood Iowa state board progress on each of the local indicators approved by the area board. Each early childhood Iowa area board must also submit an annual budget for the area's comprehensive school ready children grant developed for providing services for children from birth through five years of age, and provide other information specified by the early childhood Iowa state board, including budget amendments as needed. The early childhood Iowa state board shall establish a submission deadline for the annual budget and any budget amendments that allow a reasonable period of time for preparation by the early childhood Iowa area boards and for review and approval or request for modification of the materials by the early childhood Iowa state board. In addition, each early childhood Iowa area board must continue to comply with reporting provisions and other requirements adopted by the early childhood Iowa state board in implementing section 256I.9.		
c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa 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 early childhood Iowa state board may reserve a portion of the allocation, not to exceed \$88,650, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified by the early childhood Iowa state 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 early childhood Iowa 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 early childhood Iowa state board in collaboration with the professional development component group of the early childhood Iowa stakeholders alliance maintained pursuant to section 256I.12, subsection 7, paragraph “b”, and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION ASSISTANCE

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... \$ 5,428,877

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, an early childhood Iowa 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. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT EDUCATION

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... \$ 12,364,434

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 early childhood Iowa state board and shall be used by an early childhood Iowa area board only for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five.

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, 2011, 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. 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:

..... \$ 560,214

Funding under this subsection is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

15. 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:

.....	\$	1,000,000
16. 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:		
.....	\$	4,785,000
.....	FTEs	2.00
17. JOBS FOR AMERICA'S GRADUATES		
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:		
.....	\$	40,000
18. COMMUNITY COLLEGES		
a. For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:		
.....	\$	163,774,647
Notwithstanding the allocation formula in section 260C.18C, the funds appropriated in this subsection shall be allocated as follows:		
(1) Merged Area I	\$	8,164,628
(2) Merged Area II	\$	8,653,675
(3) Merged Area III	\$	7,965,666
(4) Merged Area IV	\$	3,913,107
(5) Merged Area V	\$	9,010,347
(6) Merged Area VI	\$	7,621,843
(7) Merged Area VII	\$	11,387,434
(8) Merged Area IX	\$	14,181,538
(9) Merged Area X	\$	25,053,587
(10) Merged Area XI	\$	25,338,428
(11) Merged Area XII	\$	9,291,308
(12) Merged Area XIII	\$	9,595,296
(13) Merged Area XIV	\$	3,975,456
(14) Merged Area XV	\$	12,456,924
(15) Merged Area XVI	\$	7,165,410
b. For distribution to community colleges to supplement faculty salaries:		
.....	\$	500,000
c. For deposit in the workforce training and economic development funds created pursuant to section 260C.18A:		
.....	\$	5,000,000

Sec. 6. DEPARTMENT OF EDUCATION TRANSFERS. There is transferred between the following designated appropriations made to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, not more than the following amounts:

From the appropriation made for purposes of the student achievement and teacher quality program in 2010 Iowa Acts, chapter 1183, section 6, subsection 18, as follows:

1. To the appropriation made for purposes of vocational education administration in 2010 Iowa Acts, chapter 1183, section 6, subsection 2:

..... \$ 110,521

2. To the appropriation made for purposes of vocational education to secondary schools in 2010 Iowa Acts, chapter 1183, section 6, subsection 8:

..... \$ 39,458

3. To the appropriation made for purposes of school food service in 2010 Iowa Acts, chapter 1183, section 6, subsection 9:

..... \$ 55,739

Notwithstanding section 8.33, moneys transferred pursuant to this section by the department of education that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

STATE BOARD OF REGENTS

Sec. 7. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is 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:

.....	\$	1,065,005
.....	FTEs	15.00

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:

.....	\$	87,471
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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:

.....	\$	66,601
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d. For moneys to be allocated to the quad-cities graduate studies center:

.....	\$	129,776
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e. For moneys to be distributed to Iowa public radio for public radio operations:

.....	\$	391,568
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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:

.....	\$	209,737,311
.....	FTEs	5,058.55

b. Oakdale campus

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

.....	\$	2,186,558
.....	FTEs	38.25

c. State hygienic laboratory

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

.....	\$	3,536,716
.....	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:

.....	\$	1,788,265
.....	FTEs	190.40

e. Child health care services

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:

.....	\$	659,456
.....	FTEs	57.97

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

.....	\$	149,051
.....	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:

.....	\$	55,529
.....	FTEs	1.00

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

.....	\$	723,727
.....	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:

.....	\$	648,930
.....	FTEs	5.89

From the moneys appropriated in this lettered paragraph, \$254,889 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:

.....	\$	38,288
.....	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:

.....	\$	162,539
.....	FTEs	2.75

l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative

For the establishment of the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative:

.....	\$	481,849
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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:

.....	\$	164,345,198
.....	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:

.....	\$	28,111,877
.....	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:

.....	\$	17,936,722
.....	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:

.....	\$	397,417
.....	FTEs	11.25

e. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

.....	\$	172,845
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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:

.....	\$	74,734,586
.....	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:

.....	\$	175,256
.....	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:

.....	\$	1,734,656
.....	FTEs	6.20

(1) From the moneys appropriated in this lettered paragraph, up to \$282,000 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:

.....	\$	125,302
.....	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:

.....	\$	3,618,931
.....	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:

.....	\$	11,763
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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:

.....	\$	82,049
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Sec. 8. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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. 9. 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, 2011, 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. 10. Section 256I.9, subsection 2, Code 2011, is amended to read as follows:

2. The state board shall provide maximum flexibility to grantees for the use of the grant moneys included in a school ready children grant, including but not limited to authorizing an area board to use grant moneys to pay for regular audits required pursuant to section 256I.5, subsection 1, if moneys distributed to an area board for administrative costs are insufficient to pay for the required audits.

Sec. 11. Section 256I.9, subsection 3, paragraph b, Code 2011, is amended to read as follows:

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 state 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.

It is the intent of the general assembly that priority for home visitation program funding be given to programs using evidence-based or promising models for home visitation.

Sec. 12. Section 261.19, Code 2011, is amended to read as follows:

261.19 Osteopathic physician Health care professional recruitment program.

1. A physician health care professional recruitment program is established; to be administered by the college student aid commission, for Des Moines university — osteopathic medical center. The program shall consist of a forgivable loan program and a tuition scholarship program for students and a loan repayment program for physicians health care professionals. The commission shall regularly adjust the physician service requirement under each aspect of the program to provide, to the extent possible, an equal financial benefit for each period of service required.

2. ~~α. Notwithstanding the administration provisions of subsection 1, the forgivable loan program established pursuant to subsection 1 shall be administered by the commission in conjunction with Des Moines university — osteopathic medical center. Des Moines university — osteopathic medical center shall match on an equal basis state aid appropriated for purposes of the forgivable loan program.~~

b. Des Moines university — osteopathic medical center shall provide recommendations to the commission for students who meet the eligibility requirements of the forgivable loan program. A forgivable loan may be awarded to a resident of Iowa who is enrolled at Des Moines university — osteopathic medical center if the student agrees to practice in this state for a period of time to be determined by the commission at the time the loan is awarded. Forgivable loans to eligible students shall not become due until after the student completes a residency program. Interest on the loans shall begin to accrue the day following the student's graduation date. If the student completes the period of practice established by the commission and agreed to by the student, the loan amount shall be forgiven. The loan amount shall not be forgiven if the osteopathic physician fails to complete the required time period of practice in this state or fails to satisfactorily continue in the university's program of medical education.

3. A student enrolled at Des Moines university — osteopathic medical center shall be eligible for a tuition scholarship for the student's study at the university. The scholarship shall be for an amount not to exceed the annual tuition at the university. A student who receives a tuition scholarship shall not be eligible for the loan repayment program provided for by this section. A student who receives a tuition scholarship shall agree to practice in an eligible rural community in this state for a period of time to be determined by the commission at the time the scholarship is awarded. The student shall repay the scholarship

to the commission if the student fails to practice in a medically underserved rural community in this state for the required period of time.

4. A physician health care professional shall be eligible for the physician loan repayment program if the physician health care professional agrees to practice in an eligible rural community in this state. Des Moines university — osteopathic medical center shall recruit and place physicians health care professionals in rural communities which have agreed to provide additional funds for the physician's recipient's loan repayment. The contract for the loan repayment shall stipulate the time period the physician recipient shall practice in an eligible rural community in this state. In addition, the contract shall stipulate that the physician recipient repay any funds paid on the physician's recipient's loan by the commission if the physician recipient fails to practice in an eligible rural community in this state for the required period of time.

3. A health care professional recruitment revolving fund is created in the state treasury as a separate fund under the control of the commission. The commission shall deposit payments made by health care professional recruitment program recipients and the proceeds from the sale of osteopathic loans awarded pursuant to section 261.19, subsection 2, paragraph "b", Code 2011, into the health care professional recruitment revolving fund. Moneys credited to the fund shall be used to supplement moneys appropriated for the health care professional recruitment program, for loan repayment in accordance with this section, and to pay for loan or interest repayment defaults by program recipients. 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.

4. For purposes of this subsection, "eligible section:

a. "Eligible rural community" means a medically underserved rural community which agrees to match state funds provided on at least a dollar-for-dollar basis for the loan repayment of a physician health care professional who practices in the community.

b. "Health care professional" means a physician, physician assistant, podiatrist, or physical therapist.

5. The commission shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 13. Section 261.25, subsections 1, 2, and 3, Code 2011, 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-four~~ forty-three million five hundred thirteen thousand 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 six hundred fifty thousand four hundred 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, or effective January 8, 2010, 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. 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 ~~four two hundred thirteen~~ two hundred thirteen ~~fifty thousand nine one hundred fifty-nine~~ eighty-five dollars for vocational-technical tuition grants.

Sec. 14. Section 261E.3, subsection 1, paragraph e, Code 2011, is amended to read as follows:

e. The student shall have demonstrated proficiency in reading, mathematics, and science as evidenced by achievement scores on the latest administration of the state assessment for which scores are available and as defined by the department. However, a student receiving competent private instruction under chapter 299A may demonstrate proficiency by submitting the written recommendation of the licensed practitioner providing supervision to

the student in accordance with section 299A.2; may demonstrate proficiency as evidenced by achievement scores on the annual achievement evaluation required under section 299A.4; or may demonstrate proficiency as evidenced by a selection index, which is the sum of the critical reading, mathematics, and writing skills assessments, of at least one hundred forty-one on the preliminary scholastic aptitude test administered by the college board; a composite score of at least twenty-one on the college readiness assessment administered by ACT, inc.; or a sum of the critical reading and mathematics scores of at least nine hundred ninety on the college readiness assessment administered by the college board. If a student is not proficient in one or more of the content areas listed in this paragraph, has not taken the college readiness assessments identified in this paragraph, or has not achieved the scores specified in this paragraph, the school board may establish alternative but equivalent qualifying performance measures including but not limited to additional administrations of the state assessment, portfolios of student work, student performance rubric, or end-of-course assessments.

Sec. 15. Section 261E.9, subsections 1 through 3, Code 2011, are amended to read as follows:

1. a. A regional academy is a program established by a school district to which multiple school districts send students in grades ~~nine~~ seven through twelve, ~~and which may include internet-based coursework and courses delivered via the Iowa communications network. A regional academy shall include in its curriculum advanced level courses and may include in its curriculum career and technical courses. A school district establishing a regional academy may collaborate and partner with, enter into an agreement pursuant to chapter 28E with, or enter into a contract with, one or more school districts, area education agencies, community colleges, accredited public and private postsecondary institutions, accredited nonpublic schools, businesses, and private agencies located within or outside of the state.~~

b. The purpose of a regional academy established pursuant to this section shall be to build a culture of innovation for students and community, to diversify educational and economic opportunities by engaging in learning experiences that involve students in complex, real-world projects, and to develop regional or global innovation networks.

c. If a school district establishing a regional academy in accordance with this section submits a plan to the department for approval that demonstrates how the regional academy will increase and assess student achievement or increase and assess competency-based learning opportunities for students, the department may waive or modify any statutory or regulatory provision applicable to school districts except the department shall not waive or modify any statutory or regulatory provision relating to requirements applicable to school districts under chapters 11, 21, 22, 216, 216A, 256B, 279, 284, and 285; or relating to contracts with and discharge of teachers and administrators under chapters 20 and 279; or relating to audit requirements under section 256.9, subsection 20, and section 279.29.

2. a. A regional academy course shall not qualify as a concurrent enrollment course include in its curriculum advanced level courses.

b. A regional academy may include in its curriculum virtual or internet-based coursework and courses delivered via the Iowa communications network, career and technical courses, core curriculum coursework, courses required pursuant to section 256.7, subsection 26, or section 256.11, subsections 4 and 5, and asynchronous learning networks.

3. School districts participating in regional academies are eligible for supplementary weighting as provided in section 257.11, subsection 2. The school districts participating in the regional academy shall enter into an agreement on how the funding generated by the supplementary weighting received shall be used and shall submit the agreement to the department for approval.

Sec. 16. Section 262.13, Code 2011, is amended to read as follows:

262.13 Security Peace officers at institutions as ~~peace officers.~~

The board may authorize any institution under its control on commission one or more of its employees as special security peace officers. ~~Special security officers~~ Such officers shall have the same powers, duties, privileges, and immunities of as conferred on regular peace officers when acting in the interests of the institution by which they are employed. The board shall

provide as rapidly as practicable for the adequate training and certification of such special security peace officers at the Iowa law enforcement academy or ~~in an equivalent at a law enforcement training program school approved by the academy, unless they have the peace officers already received such training certified by the Iowa law enforcement academy or by an approved law enforcement training school.~~

Sec. 17. Section 263.8A, Code 2011, is amended to read as follows:

263.8A International center for talented and gifted education — Iowa online advanced placement academy science, technology, engineering, and mathematics initiative.

1. a. The state board of regents shall establish and maintain at Iowa City as an integral part of the state university of Iowa the international center for talented and gifted education. The international center shall provide programs to assist classroom teachers to teach gifted and talented students in regular classrooms, provide programs to enhance the learning experiences of gifted and talented students, serve as a center for national and international symposiums and policy forums for enhancing the teaching of gifted and talented students, and undertake other appropriate activities to enhance the programs of the center, including, but not limited to, coordinating and working with the world council for gifted and talented children, incorporated.

b. An international center endowment fund is established at the state university of Iowa and gifts and grants to the international center and investment earnings and returns on the endowment fund shall be deposited in the fund and may be expended by the state university of Iowa for the purposes for which the international center was established.

2. The Iowa online advanced placement academy science, technology, engineering, and mathematics initiative is established within the international center for talented and gifted education at the state university of Iowa to deliver, with an emphasis on science, technology, engineering, and mathematics coursework, preadvanced placement and advanced placement courses to high school students throughout the state, provide training opportunities for teachers to learn how to teach advanced placement courses in Iowa's high schools, and provide preparation for middle school students to ensure success in high school.

Sec. 18. Section 279.51, subsection 2, Code 2011, is amended to read as follows:

2. a. Funds allocated under subsection 1, paragraph "b", shall be used by the child development coordinating council for the following:

α. (1) To continue funding for programs previously funded by grants awarded under section 256A.3 and to provide additional grants under section 256A.3. The council shall seek to provide grants on the basis of the location within the state of children meeting at-risk definitions.

b. (2) At the discretion of the child development coordinating council, award grants for the following:

(1) a. To school districts to establish programs for three-year-old, four-year-old, and five-year-old at-risk children which are a combination of preschool and full-day kindergarten.

(2) b. To provide grants to provide educational support services to parents of at-risk children age birth through three years.

b. A grantee under this subsection may direct the use of moneys received to serve any qualifying child ranging in age from three years old to five years old, regardless of the age of population indicated on the grant request in its initial year of application. A grantee is encouraged to consider the degree to which the program complements existing programs and services for three-year-old, four-year-old, and five-year-old at-risk children available in the area, including other child care and preschool services, services provided through a school district, and services available through an area education agency.

Sec. 19. Section 284.13, subsection 1, paragraphs a through d, Code 2011, are amended to read as follows:

a. For the fiscal year beginning July 1, ~~2010~~ 2011, and ending June 30, ~~2011~~ 2012, to the department of education, the amount of ~~nine six hundred sixty-four eighty-five~~ 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 ~~seventy-six~~ eighty-five

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, ~~2010~~ 2011, and ~~succeeding fiscal years ending June 30, 2012~~, an amount up to ~~four two million one three hundred seven ninety-five thousand two hundred forty one hundred fifty-seven~~ 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 the fiscal year beginning July 1, ~~2010~~ 2011, and ending June 30, ~~2011~~ 2012, up to six hundred ~~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 the fiscal year in which funds are appropriated for purposes of this chapter beginning July 1, 2011, and ending June 30, 2012~~, an amount up to one million ~~six one hundred twenty-nine~~ four thousand six eight hundred forty-seven ~~forty-three~~ 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. 20. Section 298.3, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. The purchase, lease, or lease-purchase of ~~a single unit of~~ equipment or technology exceeding five hundred dollars in value per ~~unit purchase, lease, or lease-purchase transaction~~. Each transaction may include multiple equipment or technology units.

Sec. 21. Section 299A.2, Code 2011, is amended to read as follows:

299A.2 Competent private instruction by licensed practitioner.

If a licensed practitioner provides competent instruction to a school-age child ~~of compulsory attendance age~~, the practitioner shall possess a valid license or certificate which has been issued by the state board of educational examiners under chapter 272 and which is appropriate to the ages and grade levels of the children to be taught. Competent private instruction may include, but is not limited to, a home school assistance program which provides instruction or instructional supervision offered through an accredited nonpublic school or public school district by a teacher, who is employed by the accredited nonpublic school or public school district, who assists and supervises a parent, guardian, or legal custodian in providing instruction to a child. If competent private instruction is provided through a public school district, the child shall be enrolled and included in the basic enrollment of the school district as provided in section 257.6. Sections 299A.3 through 299A.7 do not apply to competent private instruction provided by a licensed practitioner under this section. However, the reporting requirement contained in section 299A.3, subsection 1, shall apply to competent private instruction provided by licensed practitioners that is not part of a home school assistance program offered through an accredited nonpublic

school or public school district.

Sec. 22. Section 299A.8, Code 2011, is amended to read as follows:

299A.8 Dual enrollment.

If a parent, guardian, or legal custodian of a school-age child who is receiving competent private instruction under this chapter ~~or a child over compulsory age who is receiving private instruction~~ submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group, and the parent, guardian, or legal custodian shall not be required to pay the costs of any annual evaluation under this chapter. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under section 257.6. A pupil who is participating only in extracurricular activities shall be counted under section 257.6, subsection 1, paragraph "a", subparagraph (6). A pupil enrolled in grades nine through twelve under this section shall be counted in the same manner as a shared-time pupil under section 257.6, subsection 1, paragraph "a", subparagraph (3).

Sec. 23. Section 299A.12, subsection 1, Code 2011, is amended to read as follows:

1. The board of directors of a school district ~~may~~ shall expend moneys received pursuant to section 257.6, subsection 1, paragraph "a", subparagraph (5), for purposes of providing a home school assistance program.

Sec. 24. Section 299A.12, subsection 2, paragraphs a and b, Code 2011, are amended to read as follows:

- a. ~~Assisting Instruction~~ for students and assisting parents with instruction.
- b. ~~Student Support services for students~~ and ~~teaching-parent support services~~ teaching parents and staff support services.

Sec. 25. Section 299A.12, subsection 2, paragraph g, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Resources, materials, computer software and hardware, ~~and~~ supplies, and purchased services that meet the following criteria:

Sec. 26. Section 299A.12, subsection 3, paragraphs b, c, e, and f, Code 2011, are amended to read as follows:

- b. Operational or maintenance costs ~~in addition to the cost of maintaining school-district facilities other than those necessary to operate and maintain the program.~~
- c. Capital expenditures ~~other than equipment or facility acquisition, including the lease or rental of space to supplement existing schoolhouse facilities.~~
- e. Administrative costs ~~other than the costs necessary to administer the program.~~
- f. Concurrent ~~and dual enrollment program~~ costs and postsecondary enrollment options program costs.

Sec. 27. REPEAL. Section 261.19B, Code 2011, is repealed.

Sec. 28. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this Act transferring moneys appropriated pursuant to 2010 Iowa Acts, chapter 1183, section 6, subsection 18, being deemed of immediate importance, takes effect upon enactment, and if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

Sec. 29. EFFECTIVE DATE AND APPLICABILITY. The section of this division of this Act amending section 261E.9, subsections 1 through 3, takes effect July 1, 2012, and is applicable to school years beginning on or after July 1, 2012.

Sec. 30. APPLICABILITY. The section of this division of this Act that amends section 298.3 applies to school budget years beginning on or after July 1, 2011.

Sec. 31. RETROACTIVE APPLICABILITY. The sections of this Act amending sections 299A.2 and 299A.8 apply retroactively to the base year beginning July 1, 2009.

DIVISION II
MIDWESTERN HIGHER EDUCATION COMPACT
FY 2010-2011, FY 2011-2012, AND FY 2012-2013

Sec. 32. There is appropriated from the general fund of the state to the department of education for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

To be distributed to the midwestern higher education compact to pay Iowa’s member state annual obligation:

FY 2010-2011	\$	39,000
FY 2011-2012	\$	100,000
FY 2012-2013	\$	50,000

Notwithstanding section 8.33, moneys appropriated in this section, to the department of education for purposes of paying Iowa’s member state annual obligation under the midwestern higher education compact, that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall not revert but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

Sec. 33. REPEAL. Section 261D.4, Code 2011, is repealed.

Sec. 34. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment, and if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

DIVISION III
LIBRARY PROVISIONS

Sec. 35. Section 8A.454, subsection 2, Code 2011, is amended to read as follows:

2. A monthly per contract administrative charge shall be assessed by the department on all health insurance plans administered by the department in which the contract holder has a state employer to pay the charge. The amount of the administrative charge shall be established by the general assembly. The department shall collect the administrative charge from each department utilizing the centralized payroll system and shall deposit the proceeds in the fund. In addition, the state board of regents, ~~all library service areas~~, the state fair board, the state department of transportation, and each judicial district department of correctional services shall remit the administrative charge on a monthly basis to the department and shall submit a report to the department containing the number and type of health insurance contracts held by each of its employees whose health insurance is administered by the department.

Sec. 36. Section 8D.2, subsection 5, paragraph a, Code 2011, is amended to read as follows:

a. “Public agency” means a state agency, an institution under the control of the board of regents, the judicial branch as provided in section 8D.13, subsection 16, a school corporation, a city library, ~~a library service area as provided in chapter 256~~, a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 8D.13, subsection 14, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

Sec. 37. Section 8D.9, subsection 1, Code 2011, is amended to read as follows:

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, ~~library service area~~, county library, judicial branch, judicial district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of May 18, 1994, shall certify to the commission no later than July 1, 1994, that the agency is a part of or intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on May 18, 1994, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

Sec. 38. Section 8D.11, subsection 4, Code 2011, is amended to read as follows:

4. A political subdivision receiving communications services from the state as of April 1, 1986, may continue to do so but communications services shall not be provided or resold to additional political subdivisions other than a school corporation, a city library, ~~a library service area as provided in chapter 256~~, and a county library as provided in chapter 336. The rates charged to the political subdivision shall be the same as the rates charged to state agencies.

Sec. 39. Section 12C.1, subsection 1, Code 2011, 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 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. 40. Section 218.22, Code 2011, is amended to read as follows:

218.22 Record privileged.

Except with the consent of the administrator in charge of an institution, or on an order of a court of record, the record provided in section 218.21 shall be accessible only to the administrator of the division of the department of human services in control of such institution, the director of the department of human services and to assistants and proper clerks authorized by such administrator or the administrator's director. The administrator of the division of such institution is authorized to permit the division of ~~libraries and information~~ library services of the department of education and the historical division of the department of cultural affairs to copy or reproduce by any photographic, photostatic, microfilm, microcard or other process which accurately reproduces a durable medium for reproducing the original and to destroy in the manner described by law such records of residents designated in section 218.21.

Sec. 41. Section 256.7, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Except for the college student aid commission, the commission of libraries and division of library services, and the public broadcasting board and division, the state board shall:

Sec. 42. Section 256.7, subsection 17, Code 2011, is amended to read as follows:

17. Receive and review the budget and unified plan of service submitted by the division of ~~libraries and information~~ library services.

Sec. 43. Section 256.9, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Except for the college student aid commission, the commission of libraries and division of library services, and the public broadcasting board and division, the director shall:

Sec. 44. Section 256.50, subsection 2, Code 2011, is amended to read as follows:

2. "Division" means the division of ~~libraries and information~~ library services of the department of education.

Sec. 45. Section 256.51, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The division of ~~libraries and information~~ library services is ~~established within~~ attached to the department of education for administrative purposes. The state librarian shall be responsible for the division's budgeting and related management functions in accordance with section 256.52, subsection 3. The division shall do all of the following:

Sec. 46. Section 256.51, subsection 1, Code 2011, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0a. Provide support services to libraries, including but not limited to consulting, continuing education, interlibrary loan services, and references services to assure consistency of service statewide and to encourage local financial support for library services.

NEW PARAGRAPH. 1. Allow a public library that receives state assistance under section 256.57, or financial support from a city or county pursuant to section 256.69, to dispose of, through sale, conveyance, or exchange, any library materials that may be obsolete or worn out or that may no longer be needed or appropriate to the mission of the public library. These materials may be sold by the public library directly or the governing body of the public library may sell the materials by consignment to a public agency or to a private agency organized to raise funds solely for support of the public library. Proceeds from the sale of the library materials may be remitted to the public library and may be used by the public library for the purchase of books and other library materials or equipment, or for the provision of library services.

Sec. 47. Section 256.51, subsection 1, paragraph d, Code 2011, is amended to read as follows:

d. Develop, in consultation with the ~~library service areas and the area education agency media centers~~, a biennial unified plan of service and service delivery for the division of ~~libraries and information~~ library services.

Sec. 48. Section 256.51, subsection 1, paragraph j, Code 2011, is amended to read as follows:

j. Establish and administer standards for state agency libraries, ~~the library service areas~~, and public libraries.

Sec. 49. Section 256.51, subsection 1, paragraph k, Code 2011, is amended by striking the paragraph.

Sec. 50. Section 256.51, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. Accept gifts, contributions, bequests, endowments, or other moneys, including but not limited to the Westgate endowment fund, for any or all purposes of the division. Interest earned on moneys accepted under this paragraph shall be credited to the fund or funds to

which the gifts, contributions, bequests, endowments, or other moneys have been deposited, and is available for any or all purposes of the division. The division shall report annually to the director commission and the general assembly regarding the gifts, contributions, bequests, endowments, or other moneys accepted pursuant to this paragraph and the interest earned on them.

Sec. 51. Section 256.52, subsection 1, Code 2011, is amended to read as follows:

1. a. 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 the following seven members who shall be appointed by the governor to serve four-year terms beginning and ending as provided in section 69.19. The governor's appointees shall

(1) Two members shall be employed in the state as public librarians.

(2) One member shall be a public library trustee.

(3) One member shall be employed in this state as an academic librarian.

(4) One member shall be employed as a librarian by a school district or area education agency.

(5) Two members shall be selected at large.

b. 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. 52. Section 256.52, subsection 3, paragraph b, subparagraphs (1) and (4), Code 2011, are amended to read as follows:

(1) Direct and organize the activities of Organize, staff, and administer the division so as to render the greatest benefit to libraries in the state.

(4) Appoint and approve the technical, professional, ~~excepting the law librarian,~~ secretarial, and clerical staff necessary to accomplish the purposes of the division subject to chapter 8A, subchapter IV.

Sec. 53. Section 256.52, subsection 3, paragraph b, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4A) (a) Assume all of the outstanding obligations of the library service areas and be liable for and recognize, assume, and carry out all valid contracts and obligations of the library service areas that are consolidated under the commission and administered by the division effective beginning July 1, 2011. Each library service area shall transfer, prior to July 1, 2011, its state-funded assets and title to any state-funded real estate owned by the library service area to the state librarian. In the event that the remaining assets and liabilities cannot be transferred to the state librarian, the board of directors of a library service area shall liquidate all assets, settle existing liabilities, and transfer remaining moneys to the general fund of the state. In addition, all fund balances from appropriations of state funds allocated to the library service areas remaining unobligated and unencumbered on the date of the transfer shall be transferred to the general fund of the state.

(b) This subparagraph is repealed July 1, 2015.

Sec. 54. Section 256.52, subsection 5, Code 2011, is amended to read as follows:

5. The commission shall receive and approve the budget and unified plan of service submitted by the division ~~of libraries and information services.~~

Sec. 55. Section 256.54, subsection 1, Code 2011, is amended to read as follows:

1. The state library includes but is not limited to ~~a law library~~ the library support network, the specialized library services unit, and the state data center. The law library shall be under the direction of the specialized library services unit.

Sec. 56. Section 256.54, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The law library shall be administered by a law librarian appointed by the ~~director~~ state librarian subject to chapter 8A, subchapter IV, who shall do all of the following:

Sec. 57. Section 256.55, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A state data center is established in the ~~department of education~~ division. The state data center shall be administered by the state data center coordinator, who shall do all of the following:

Sec. 58. NEW SECTION. 256.58 Library support network.

1. A library support network is established in the division to offer services and programs for libraries, including but not limited to individualized, locally delivered consulting and training, and to facilitate resource sharing and innovation through the use of technology, administer enrich Iowa programs, advocate for libraries, promote excellence and innovation in library services, encourage governmental subdivisions to provide local financial support for local libraries, and ensure the consistent availability of quality service to all libraries throughout the state, regardless of location or size.

2. The organizational structure to deliver library support network services shall include district offices. The district offices shall serve as a basis for providing field services to local libraries in the counties comprising the district. The division shall determine which counties are served by each district office. The number of district offices established to provide services pursuant to this section shall be six.

Sec. 59. NEW SECTION. 256.59 Specialized library services.

The specialized library services unit is established in the division to provide information services to the three branches of state government and to offer focused information services to the general public in the areas of Iowa law, Iowa state documents, and Iowa history and culture.

Sec. 60. NEW SECTION. 256.62 Library services advisory panel.

1. The state librarian shall convene a library services advisory panel to advise and recommend to the commission and the division evidence-based best practices, to assist the commission and division to determine service priorities and launch programs, articulate the needs and interests of Iowa librarians, and share research and professional development information.

2. The library services advisory panel shall consist of no fewer than eleven members representing libraries of all sizes and types, and various population levels and geographic regions of the state. A simple majority of the members appointed shall be appointed by the executive board of the Iowa library association and the remaining members shall be appointed by the state librarian. Terms of members shall begin and end as provided in section 69.19. Any vacancy shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. Members shall serve four-year terms which are staggered at the discretion of the state librarian. A member is eligible for reappointment for three successive terms. The members shall elect a chairperson annually.

3. The library services advisory panel shall meet at least twice annually and shall submit its recommendations in a report to the commission and the state librarian 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.

4. Members of the library services advisory panel shall receive actual and necessary expenses incurred in the performance of their duties. Expenses shall be paid from funds appropriated to the department for purposes of the division.

Sec. 61. Section 256.70, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The division of ~~libraries and information~~ library services of the department of education is hereby authorized to enter into interstate library compacts on behalf of the state of Iowa with any state bordering on Iowa which legally joins therein in substantially the following form and the contracting states agree that:

Sec. 62. Section 256.71, Code 2011, is amended to read as follows:

256.71 Administrator.

The administrator of the division of ~~libraries and information~~ library services shall be the compact administrator. The compact administrator shall receive copies of all agreements entered into by the state or its political subdivisions and other states or political subdivisions; consult with, advise and aid such governmental units in the formulation of such agreements; make such recommendations to the governor, legislature, governmental agencies and units as the administrator deems desirable to effectuate the purposes of this compact and consult and ~~co-operate~~ cooperate with the compact administrators of other party states.

Sec. 63. Section 273.2, subsection 4, Code 2011, is amended to read as follows:

4. The area education agency board shall provide for special education services and media services for the local school districts in the area and shall encourage and assist school districts in the area to establish programs for gifted and talented children. The board shall assist in facilitating interlibrary loans of materials between school districts and other libraries. ~~Each area education agency shall include as a member of its media center advisory committee a library service area trustee or library service area staff member, who is appointed to the committee by the commission of libraries.~~

Sec. 64. Section 669.2, subsection 5, Code 2011, is amended to read as follows:

5. "State agency" includes all executive departments, agencies, boards, bureaus, and commissions of the state of Iowa, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the state of Iowa, whether or not authorized to sue and be sued in their own names. This definition does not include a contractor with the state of Iowa. Soil and water conservation districts as defined in section 161A.3, subsection 6, and judicial district departments of correctional services as established in section 905.2, ~~and library service area boards of trustees as established in chapter 256~~ are state agencies for purposes of this chapter.

Sec. 65. Section 904.601, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The director shall keep the following record of every person committed to any of the department's institutions: Name, residence, sex, age, place of birth, occupation, civil condition, date of entrance or commitment, date of discharge, whether a discharge is final, condition of the person when discharged, the name of the institutions from which and to which the person has been transferred, and if the person is dead, the date and cause of death. The director may permit the division of ~~libraries and information~~ library services of the department of education and the historical division of the department of cultural affairs to copy or reproduce by any photographic, photostatic, microfilm, microcard, or other process which accurately reproduces in a durable medium and to destroy in the manner described by law the records of inmates required by this paragraph.

Sec. 66. REPEAL. Sections 256.60, 256.61, 256.66 through 256.68, Code 2011, are repealed.

Sec. 67. TRANSITION PROVISION. A governor's appointee serving on the state commission of libraries on the effective date of this Act shall continue to serve as a member of the commission until the appointee's term expires.

Sec. 68. LIBRARY SERVICE AREA EMPLOYEES — LENGTH OF SERVICE — TRANSFER OF PERSONNEL RECORDS.

1. The length of service of a permanent employee of a library service area who is employed by a library service area on June 30, 2011, and who is hired by the division of library services on or after July 1, 2011, shall be prorated and credited as state employment service for purposes of vacation and sick leave accrual.

2. The area administrator of each library service area shall submit to the division of library services the personnel records of each permanent full-time employee of the library service area by July 1, 2011.

Sec. 69. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this division of this Act enacting section 256.52, subsection 3, paragraph “b”, subparagraph (4A), being deemed of immediate importance, takes effect upon enactment, and if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

DIVISION IV
PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM

Sec. 70. Section 260C.18A, subsection 2, Code 2011, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. Development and implementation of pathways for academic career and employment programs under chapter 260H.

NEW PARAGRAPH. h. Development and implementation of programs for the gap tuition assistance program under chapter 260I.

NEW PARAGRAPH. i. Entrepreneurial education, small business assistance, and business incubators.

Sec. 71. NEW SECTION. **260H.1 Title.**

This chapter shall be known and may be cited as the “*Pathways for Academic Career and Employment Act*”.

Sec. 72. NEW SECTION. **260H.2 Pathways for academic career and employment program.**

A pathways for academic career and employment program is established to provide funding to community colleges for the development of projects in coordination with the department of economic development, the department of education, Iowa workforce development,² regional advisory boards established pursuant to section 84A.4, and community partners to implement a simplified, streamlined, and comprehensive process, along with customized support services, to enable eligible participants to acquire effective academic and employment training to secure gainful, quality, in-state employment.

Sec. 73. NEW SECTION. **260H.3 Eligibility criteria.**

1. Projects eligible for funding for the pathways for academic career and employment program shall be projects that further the ability of members of target populations to secure gainful, quality employment. For the purposes of this chapter, “*target population*” includes:

a. Persons deemed low skilled for the purposes of attaining gainful, quality, in-state employment.

b. Persons earning incomes 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. Unemployed persons.

d. Underemployed persons.

e. Dislocated workers, including workers eligible for services and benefits under the federal Trade Adjustment Act of 2002, Pub. L. No. 107-210, as determined by the department of workforce development and the federal internal revenue service.

2. Projects eligible for funding for the pathways for academic career and employment program shall be projects that further partnerships that link the community colleges to industry and nonprofit organizations and projects that further program outcomes as provided in section 260H.4.

Sec. 74. NEW SECTION. **260H.4 Program outcomes.**

Projects eligible for funding for the pathways for academic career and employment program shall be programs which further the following program outcomes:

1. Enabling the target populations to:

a. Acquire and demonstrate competency in basic skills.

² According to enrolled Act; the phrase “department of workforce development” probably intended

- b. Acquire and demonstrate competency in a specified technical field.
 - c. Complete a specified level of postsecondary education.
 - d. Earn a national career readiness certificate.
 - e. Obtain employer-validated credentials.
 - f. Secure gainful employment in high-quality, local jobs.
2. Satisfaction of economic and employment goals including but not limited to:
- a. Economic and workforce development requirements in each region served by the community colleges as defined by regional advisory boards established pursuant to section 84A.4.
 - b. Needs of industry partners in areas including but not limited to:
 - (1) Information technology.
 - (2) Health care.
 - (3) Advanced manufacturing.
 - (4) Transportation and logistics.
 - c. Any other industry designated as in-demand by a regional advisory board established pursuant to section 84A.4.

Sec. 75. NEW SECTION. **260H.5 Program component requirements.**

Program components of a pathways for academic career and employment project implemented at a community college shall:

1. Include measurable and effective recruitment, assessment, and referral activities designed for the target populations.
2. Integrate basics skills and work-readiness training with occupational skills training.
3. Combine customized supportive and case management services with training services to help participants overcome barriers to employment.
4. Provide training services at times, locations, and through multiple, flexible modalities that are easily understood and readily accessible to the target populations. Such modalities shall support timeless entry, individualized learning, and flexible scheduling, and may include online remediation, learning lab and cohort learning communities, tutoring, and modularization.

Sec. 76. NEW SECTION. **260H.6 Pipeline program.**

Each community college receiving funding for the pathways for academic career and employment program shall develop a pipeline program in order to better serve the academic, training, and employment needs of the target populations. A pipeline program shall have the following goals:

1. To strengthen partnerships with community-based organizations and industry representatives.
2. To improve and simplify the identification, recruitment, and assessment of qualified participants.
3. To conduct and manage an outreach, recruitment, and intake process, along with accompanying support services, reflecting sensitivity to the time and financial constraints and remediation needs of the target populations.
4. To conduct orientations for qualified participants to describe regional labor market opportunities, employer partners, and program requirements and expectations.
5. To describe the concepts of the project implemented with funds from the pathways for academic career and employment program and the embedded educational and support resources available through such project.
6. To outline the basic skills participants will learn and describe the credentials participants will earn.
7. To describe success milestones and ways in which temporal and instructional barriers have been minimized or eliminated.
8. To review how individualized and customized service strategies for participants will be developed and provided.

Sec. 77. NEW SECTION. **260H.7 Career pathways and bridge curriculum development program.**

Each community college receiving funding for the pathways for academic career and employment program shall develop a career pathways and bridge curriculum development program in order to better serve the academic, training, and employment needs of the target populations. A career pathways and bridge curriculum development program shall have the following goals:

1. The articulation of courses and modules, the mapping of programs within career pathways, and establishment of bridges between credit and noncredit programs.

2. The integration and contextualization of basic skills education and skills training. This process shall provide for seamless progressions between adult basic education and general education development programs and continuing education and credit certificate, diploma, and degree programs.

3. The development of career pathways that support the attainment of industry-recognized credentials, diplomas, and degrees through stackable, modularized program delivery.

Sec. 78. NEW SECTION. 260H.8 Rules.

The department of education, in consultation with the community colleges, the department of economic development, and Iowa workforce development,³ shall adopt rules pursuant to chapter 17A and this chapter to implement the provisions of this chapter. Regional advisory boards established pursuant to section 84A.4 shall be consulted in the development and implementation of rules to be adopted pursuant to this chapter.

Sec. 79. NEW SECTION. 260I.1 Title.

This chapter shall be known and may be cited as the “Gap Tuition Assistance Act”.

Sec. 80. NEW SECTION. 260I.2 Gap tuition assistance program.

A gap tuition assistance program is established to provide funding to community colleges for need-based tuition assistance to applicants to enable completion of continuing education certificate training programs for in-demand occupations.

Sec. 81. NEW SECTION. 260I.3 Applicants for tuition assistance — eligibility criteria.

1. The department of education, in consultation with the department of economic development, shall adopt rules pursuant to this chapter defining eligibility criteria for persons applying to receive tuition assistance under this chapter.

2. Eligibility for tuition assistance under this chapter shall be based on financial need. Criteria to be assessed in determining financial need shall include but is not limited to:

- a. The applicant’s family income for the twelve months prior to the date of application.
- b. The applicant’s family size.
- c. The applicant’s county of residence.

3. a. An applicant for tuition assistance under this chapter must have a demonstrated capacity to achieve the following outcomes:

- (1) The ability to complete an eligible certificate program.
- (2) The ability to enter a postsecondary certificate, diploma, or degree program for credit.
- (3) The ability to gain full-time employment.
- (4) The ability to maintain full-time employment over time.

b. The community college receiving the application shall only approve an applicant for tuition assistance under this chapter if the community college determines the applicant has a strong likelihood of achieving the outcomes described in paragraph “a” after considering factors including but not limited to:

- (1) Barriers that may prevent an applicant from completing the certificate program.
- (2) Barriers that may prevent an applicant from gaining employment in an in-demand occupation.

4. Applicants may be found eligible for partial or total tuition assistance.

5. Tuition assistance shall not be approved when the community college receiving the application determines that funding for an applicant’s participation in an eligible certificate program is available from any other public or private funding source.

³ According to enrolled Act; the phrase “department of workforce development” probably intended

Sec. 82. NEW SECTION. 260I.4 **Applicants for tuition assistance — additional provisions.**

1. An applicant for tuition assistance under this chapter shall provide to the community college receiving the application documentation of all sources of income.

2. Only an applicant eligible to work in the United States shall be approved for tuition assistance under this chapter.

3. An application shall be valid for six months from the date of signature on the application.

4. A person shall not be approved for tuition assistance under this chapter for more than one eligible certificate program.

5. Eligibility for tuition assistance under this chapter shall not be construed to guarantee enrollment in any community college certificate program.

6. Eligibility for tuition assistance under this chapter shall be limited to persons earning incomes 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.

Sec. 83. NEW SECTION. 260I.5 **Eligible costs.**

Costs of a certificate program eligible for coverage by tuition assistance shall include but are not limited to:

1. Tuition.

2. Direct training costs.

3. Required books and equipment.

4. Fees including but not limited to fees for industry testing services and background check testing services.

Sec. 84. NEW SECTION. 260I.6 **Eligible certificate programs.**

For the purposes of this chapter, “*eligible certificate program*” means a program meeting all of the following criteria:

1. The program is not offered for credit, but is aligned with a certificate, diploma, or degree for credit, and does any of the following:

a. Offers a state, national, or locally recognized certificate.

b. Offers preparation for a professional examination or licensure.

c. Provides endorsement for an existing credential or license.

d. Represents recognized skill standards defined by an industrial sector.

e. Offers a similar credential or training.

2. The program offers training or a credential in an in-demand occupation. For the purposes of this chapter, “*in-demand occupation*” includes occupations in the following industries:

a. Information technology.

b. Health care.

c. Advanced manufacturing.

d. Transportation and logistics.

e. Any other industry designated as in-demand by a regional advisory board established pursuant to section 84A.4.

Sec. 85. NEW SECTION. 260I.7 **Initial assessment.**

An applicant for tuition assistance under this chapter shall complete an initial assessment administered by the community college receiving the application to determine the applicant’s readiness to complete an eligible certificate program. The assessment shall include assessments for completion of a national career readiness certificate, including the areas of reading for information, applied mathematics, and locating information. An applicant must achieve a bronze-level certificate or the minimum score required for an eligible certificate program, whichever is higher, in order to be approved for tuition assistance. An applicant shall complete any additional assessments and occupational research required by an eligible certificate program.

Sec. 86. NEW SECTION. 260I.8 **Program interview.**

An applicant for tuition assistance under this chapter shall meet with a member of the staff

for an eligible certificate program offered by the community college receiving the application. The staff member shall discuss the relevant industry, any applicable occupational research, and any applicable training relating to the eligible certificate program. The discussion shall include an evaluation of the applicant's capabilities, needs, family situation, work history, educational background, attitude and motivation, employment skills, vocational potential, and employment barriers. The discussion shall also include potential start dates, support needs, and other requirements for an eligible certificate program.

Sec. 87. NEW SECTION. 260I.9 Participation requirements.

1. A participant in an eligible certificate program who receives tuition assistance pursuant to this chapter shall do all of the following:

a. Maintain regular contact with staff members for the certificate program to document the applicant's progress in the program.

b. Sign a release form to provide relevant information to community college faculty or case managers.

c. Discuss with staff members for the certificate program any issues that may impact the participant's ability to complete the certificate program, obtain employment, and maintain employment over time.

d. Attend all required courses regularly.

e. Meet with staff members for the certificate program to develop a job search plan.

2. A community college may terminate tuition assistance for a participant who fails to meet the requirements of this section.

Sec. 88. NEW SECTION. 260I.10 Oversight.

1. The department of education, in coordination with the community colleges, shall establish a steering committee. The steering committee shall determine if the performance measures of the gap tuition assistance program are being met and shall take necessary steps to correct any deficiencies. The steering committee shall meet at least quarterly to evaluate and monitor the performance of the gap tuition assistance program.

2. The department of education, in coordination with the community colleges, shall develop a common intake tracking system that shall be implemented consistently by each participating community college.

3. The department of education shall coordinate statewide oversight, evaluation, and reporting efforts for the gap tuition assistance program.

Sec. 89. NEW SECTION. 260I.11 Rules.

The department of education, in consultation with the department of economic development and the community colleges, shall adopt rules pursuant to chapter 17A and this chapter to implement the provisions of this chapter.

DIVISION V
ORGANIZATIONS REPRESENTING SCHOOL BOARDS,
MEMBERS, AND ADMINISTRATORS

**Sec. 90. Section 279.38, Code 2011, is amended by striking the section and inserting in lieu thereof the following:*

279.38 Membership in organizations — requirements.

1. As used in this section:

a. "Compensation" means the same as defined in section 8F.2, subsection 2.

b. "Organization" means a local, state, regional, or national organization which relates to the functions of the board of directors of a school district or to the administrators of a school district and to which a school board pays monetary fees for products or services or annual dues in accordance with subsection 2. "Organization" includes a related for-profit or not-for-profit subsidiary of an organization.

2. a. The board of directors of a school district, the duly elected members of the school board, and designated administrators of school districts may join or participate in

* Item veto; see message at end of the Act

organizations, including but not limited to organizations such as the Iowa association of school boards, the urban education network, Iowa school finance information services, and the school administrators of Iowa. The school board may pay out of funds available to the school board reasonable monetary fees for products or services or annual dues for membership of the school board, or a board member or administrator, in such an organization. Such an organization that receives fees or dues for membership from a school board shall be considered a taxpayer-funded organization.

b. Each school board that pays monetary fees or annual dues to an organization shall annually report to the local community and to the department of education the amount paid in annual dues, fees, or assessments for products or services received from the organization, and the total amount of any revenue or dividend payments received from the organization. The information shall be submitted to the department electronically in the format specified by the department.

3. The financial condition and transactions of an organization shall be audited as provided in section 11.6. The organization shall establish an audit committee to review the financial condition and transactions of the organization and the report of examination conducted in accordance with this subsection. The auditor conducting an examination in accordance with this subsection shall have full access to the audit committee and to all of the organization's records, reports, audits, tax reports, and all other documents and papers issued or maintained by the organization.

4. An organization shall do all of the following:

a. Publish annually on its internet site, and in a report submitted annually to the department of education, the standing committees on government oversight, and the general assembly, all of the following:

(1) A listing of the school districts that pay fees or dues for membership in the organization and the moneys paid by each school district.

(2) The total revenue the organization receives from each school district resulting from the payment of monetary fees or annual dues, and the total net profit from the sale of products and services to the school district by the organization.

(3) An accounting, broken down by individual employee, of the total amount of moneys expended for reimbursement of expenses incurred by and compensation paid to each of the ten highest paid employees of the organization as evidenced by the tax forms submitted by the organization to the internal revenue service.

(4) An accounting of all moneys expended for reimbursement of expenses incurred by and compensation paid to all legislative representatives and lobbyists of the organization.

b. Submit to the general assembly and the standing committees on government oversight copies of all reports the organization provides to the United States department of education relating to federal grants and grant amounts that the organization administers or distributes to school districts.

c. Provide education and training to the organization's board members in the fiduciary duties and legal responsibilities of members.

5. An organization shall not pay an employee or officer of the organization, a member of the organization's governing board, or a legislative representative or lobbyist for the organization, a bonus or other consideration of any type which is in addition to compensation paid and published and reported as required by subsection 4. In addition, the organization shall not allow any other entity to pay an employee or officer of the organization, a member of the organization's governing board, or a legislative representative or lobbyist for the organization for services performed on behalf of the organization. However, the organization may pay an employee a commission if the terms for paying the commission are in writing under an agreement which is a public document and the employee's compensation, which shall list the amount of the commission, is published and reported in the same manner as provided in subsection 4.

6. a. A person who serves as the head of an organization or otherwise serves in a supervisory capacity within the organization shall not require an employee of the organization to inform the person that the employee made a disclosure of information permitted by this subsection and shall not prohibit an employee of the organization from disclosing any information to a member of the governing board or to any public official, a law enforcement

agency, a state agency, the auditor of state or an auditor conducting an examination of the organization in accordance with section 11.6, the office of the attorney general, the office of citizens' aide, or to a committee of the general assembly if the employee reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by this subsection if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.

b. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position administered by, or subject to approval of, the person or the organization's governing board as a reprisal for a failure by that employee to inform the person that the employee made a disclosure of information permitted by this subsection, or for a disclosure of any information by that employee authorized under paragraph "a" if the employee reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by this subsection if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.

c. Paragraphs "a" and "b" do not apply if the disclosure of the information is prohibited by statute.

d. A person who violates paragraph "a" or "b" commits a simple misdemeanor.

e. Paragraph "b" may be enforced through a civil action.

(1) A person who violates paragraph "b" is liable to an aggrieved employee for affirmative relief including reinstatement, with or without back pay, or any other equitable relief the court deems appropriate, including attorney fees and costs.

(2) When a person commits, is committing, or proposes to commit an act in violation of paragraph "b", 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 or the attorney general.

f. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position administered by, or subject to approval of, the person or the organization's governing board as a reprisal for the employee's declining to participate in contributions or donations to charities or community organizations.

g. The person and the organization's governing board shall provide procedures for notifying the organization's new employees of the provisions of this subsection and shall periodically conduct promotional campaigns to provide similar information to the organization's employees. The information shall include the toll-free telephone number of the citizens' aide.

7. a. Except as otherwise provided in paragraph "b", all meetings of the governing board of the organization shall comply with the requirements of chapter 21 and all records of the governing board and the organization shall be maintained in accordance with chapter 22.

b. The governing board of the organization may keep the following records confidential and the governing board may hold a closed session meeting to discuss the following matters:

(1) Personal information in confidential personnel records maintained by the governing board of the organization and required or authorized to be kept confidential by law.

(2) Discussions with, or the work product of, an attorney of the governing board of the organization required or authorized to be kept confidential by law.

(3) Pricing, product, service, business strategy, or marketing information which if released, would give an advantage to competitors, vendors, or other parties and that serve no public purpose.*

Sec. 91. REPEAL. Section 279.38A, Code 2011, is repealed.

* Item veto; see message at end of the Act

Sec. 92. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment, and if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

DIVISION VI
SCHOOL EMPLOYEE MISCONDUCT

Sec. 93. Section 272.2, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

b. Provide annually to any person who holds a license, certificate, authorization, or statement of recognition issued by the board, training relating to the knowledge and understanding of the board's code of professional conduct and ethics. The board shall develop a curriculum that addresses the code of professional conduct and ethics and shall annually provide regional training opportunities throughout the state.

Sec. 94. Section 272.15, subsection 1, Code 2011, is amended to read as follows:

1. *a.* The board of directors of a school district or area education agency, the superintendent of a school district or the chief administrator of an area education agency, and the authorities in charge of a nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person's contract executed under sections 279.12, 279.13, 279.15 through 279.21, 279.23, and 279.24, and the resignation of a person who holds a license, certificate, or authorization issued by the board as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of the rules adopted by the board to implement section 272.2, subsection 14, paragraph "b", subparagraph (1), when the board or reporting official has a good faith belief that the incident occurred or the allegation is true. The board may deny a license or revoke the license of an administrator if the board finds by a preponderance of the evidence that the administrator failed to report the termination or resignation of a school employee holding a license, certificate, statement of professional recognition, or coaching authorization, for reasons of alleged or actual misconduct, as defined by this section.

b. Information reported to the board in accordance with this section is privileged and confidential, and except as provided in section 272.13, is not subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than the respondent and the board and its employees and agents involved in licensee discipline, and is not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. The board shall review the information reported to determine whether a complaint should be initiated. In making that determination, the board shall consider the factors enumerated in section 272.2, subsection 14, paragraph "a".

c. For purposes of this section, unless the context otherwise requires, "misconduct" means an action disqualifying an applicant for a license or causing the license of a person to be revoked or suspended in accordance with the rules adopted by the board to implement section 272.2, subsection 14, paragraph "b", subparagraph (1).

Sec. 95. Section 280.17, Code 2011, is amended to read as follows:

280.17 Procedures for handling child abuse reports.

1. The board of directors of a public school district and the authorities in control charge of a nonpublic school shall prescribe procedures, in accordance with the guidelines contained in the model policy developed by the department of education in consultation with the department of human services, and adopted by the department of education pursuant to chapter 17A, for the handling of reports of child abuse, as defined in section 232.68, subsection 2, paragraph "a", "c", or "e", alleged to have been committed by an employee or agent of the public or nonpublic school.

2. *a.* The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall place on administrative leave a school employee who is

* Item veto; see message at end of the Act

the subject of an investigation of an alleged incident of abuse of a student conducted in accordance with 281 IAC 102.

b. If the results of an investigation of abuse of a student by a school employee who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners finds that the school employee’s conduct constitutes a crime under any other statute, the board or the authorities, as appropriate, shall report the results of the investigation to the board of educational examiners.

Sec. 96. Section 280.27, Code 2011, is amended to read as follows:

280.27 Reporting violence — immunity.

An employee of a school district, an accredited nonpublic school, or an area education agency who participates in good faith and acts reasonably in the making of a report to, or investigation by, an appropriate person or agency regarding violence, threats of violence, physical or sexual abuse of a student, or other inappropriate activity against a school employee or student in a school building, on school grounds, or at a school-sponsored function shall be immune from civil or criminal liability relating to such action, as well as for participating in any administrative or judicial proceeding resulting from or relating to the report or investigation.

DIVISION VII

FY 2012-2013

DEPARTMENT FOR THE BLIND

Sec. 97. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, 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:

.....	\$	845,908
.....	FTEs	88.00

2. For costs associated with universal access to audio information over the phone on demand for blind and print handicapped Iowans:

.....	\$	25,000
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COLLEGE STUDENT AID COMMISSION

Sec. 98. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is 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:

.....	\$	116,472
.....	FTEs	3.95

2. STUDENT AID PROGRAMS

For payments to students for the Iowa grant program established in section 261.93:

.....	\$	395,589
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3. DES MOINES UNIVERSITY — HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For forgivable loans to Iowa students attending Des Moines university — osteopathic medical center under the forgivable loan program pursuant to section 261.19:

.....	\$	162,987
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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:

.....	\$	1,593,117
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5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

For the teacher shortage loan forgiveness program established in section 261.112:
 \$ 196,226

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:
 \$ 277,029

7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

a. For purposes of the all Iowa opportunity scholarship program established pursuant to section 261.87:
 \$ 1,120,427

b. If the moneys appropriated by the general assembly to the college student aid commission for fiscal year 2012-2013 for purposes of the all Iowa opportunity scholarship program exceed \$500,000, "eligible institution" as defined in section 261.87, shall, during fiscal year 2012-2013, include accredited private institutions as defined in section 261.9, subsection 1.

8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS PROGRAM

a. For purposes of the registered nurse and nurse educator loan forgiveness program established pursuant to section 261.23:
 \$ 40,426

b. It is the intent of the general assembly that the commission continue to consider moneys allocated pursuant to this subsection as moneys 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:
 \$ 18,469

Sec. 99. IOWA TUITION AND VOCATIONAL-TECHNICAL TUITION GRANT APPROPRIATIONS FOR FY 2012-2013. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the amounts appropriated from the general fund of the state to the college student aid commission pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For Iowa tuition grants under section 261.25, subsection 1:
 \$ 21,756,724

2. For tuition grants for students attending for-profit accredited private institutions located in Iowa under section 261.25, subsection 2:
 \$ 2,000,000

3. For vocational-technical tuition grants under section 261.25, subsection 3:
 \$ 1,125,093

Sec. 100. 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. 101. WORK-STUDY APPROPRIATION FOR FY 2012-2013. Notwithstanding section 261.85, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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. 102. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is 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:

.....	\$	2,956,906
.....	FTEs	81.67

2. VOCATIONAL EDUCATION ADMINISTRATION

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

.....	\$	224,638
.....	FTEs	11.50

3. VOCATIONAL REHABILITATION SERVICES DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,481,584
.....	FTEs	255.00

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:

.....	\$	19,564
.....	FTEs	1.00

c. For the entrepreneurs with disabilities program established pursuant to section 259.4, subsection 9:

.....	\$	72,768
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d. For costs associated with centers for independent living:

.....	\$	20,147
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4. STATE LIBRARY

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	604,810
.....	FTEs	17.00

b. For the enrich Iowa program established under section 256.57:

.....	\$	837,114
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5. LIBRARY SERVICE AREA SYSTEM

For state aid:

.....	\$	502,722
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6. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,327,011
.....	FTEs	82.00

7. REGIONAL TELECOMMUNICATIONS COUNCILS

For state aid:

.....	\$	496,457
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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:

.....	\$	1,315,067
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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:

.....	\$	1,088,399
.....	FTEs	20.58

10. EARLY CHILDHOOD IOWA FUND — GENERAL AID

For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	2,693,057
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a. From the moneys deposited in the school ready children grants account for the fiscal year beginning July 1, 2012, and ending June 30, 2013, not more than \$265,950 is allocated for the early childhood Iowa office and other technical assistance activities. The early childhood Iowa state board shall direct staff to work with the early childhood stakeholders alliance created in section 256I.12 to inventory technical assistance needs. Moneys allocated under this lettered paragraph may be used by the early childhood Iowa state board for the purpose of skills development and support for ongoing training of staff. 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 early childhood Iowa area board shall report to the early childhood Iowa state board progress on each of the local indicators approved by the area board. Each early childhood Iowa area board must also submit an annual budget for the area’s comprehensive school ready children grant developed for providing services for children from birth through five years of age, and provide other information specified by the early childhood Iowa state board, including budget amendments as needed. The early childhood Iowa state board shall establish a submission deadline for the annual budget and any budget amendments that allow a reasonable period of time for preparation by the early childhood Iowa area boards and for review and approval or request for modification of the materials by the early childhood Iowa state board. In addition, each early childhood Iowa area board must continue to comply with reporting provisions and other requirements adopted by the early childhood Iowa state board in implementing section 256I.9.

c. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the early childhood Iowa 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 early childhood Iowa state board may reserve a portion of the allocation, not to exceed \$88,650, for the technical assistance expenses of the early childhood Iowa state office, including the reimbursement of staff, and shall distribute the remainder to early childhood Iowa areas for local quality improvement efforts through a methodology identified by the early childhood Iowa state 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 early childhood Iowa 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 early childhood Iowa state board in collaboration with the professional development component group of the early childhood Iowa stakeholders alliance maintained pursuant to section 256I.12, subsection 7, paragraph “b”, and the early childhood Iowa area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.

11. EARLY CHILDHOOD IOWA FUND — PRESCHOOL TUITION ASSISTANCE

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

.....	\$	2,714,439
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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, an early childhood Iowa 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. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT EDUCATION

a. For deposit in the school ready children grants account of the early childhood Iowa fund created in section 256I.11:

..... \$ 6,182,217

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 early childhood Iowa state board and shall be used by an early childhood Iowa area board only for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five.

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, 2012, birth through age three services due to increased numbers of children qualifying for those services:

..... \$ 860,700

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. 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:

..... \$ 280,107

Funding under this subsection is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils.

15. 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:

..... \$ 500,000

16. 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:

..... \$ 2,392,500

..... FTEs 2.00

17. JOBS FOR AMERICA'S GRADUATES

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:

..... \$ 20,000

18. COMMUNITY COLLEGES

a. For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C:

..... \$ 81,887,324

The funds appropriated in this subsection shall be allocated pursuant to the formula established in section 206C.18C.

b. For distribution to community colleges to supplement faculty salaries:

..... \$ 250,000

c. For deposit in the workforce training and economic development funds created pursuant to section 260C.18A:

..... \$ 2,500,000

STATE BOARD OF REGENTS

Sec. 103. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is 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:

.....	\$	532,503
.....	FTEs	15.00

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:

.....	\$	43,736
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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:

.....	\$	33,301
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d. For moneys to be allocated to the quad-cities graduate studies center:

.....	\$	64,888
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e. For moneys to be distributed to Iowa public radio for public radio operations:

.....	\$	195,784
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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:

.....	\$	104,868,656
.....	FTEs	5,058.55

b. Oakdale campus

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

.....	\$	1,093,279
.....	FTEs	38.25

c. State hygienic laboratory

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

.....	\$	1,768,358
.....	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:

.....	\$	894,133
.....	FTEs	190.40

e. Child health care services

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:

.....	\$	329,728
.....	FTEs	57.97

f. Statewide cancer registry

For the statewide cancer registry, and for not more than the following full-time equivalent positions:

.....	\$	74,526
.....	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:

.....	\$	27,765
.....	FTEs	1.00

h. Center for biocatalysis

For the center for biocatalysis, and for not more than the following full-time equivalent positions:

.....	\$	361,864
.....	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:

.....	\$	324,465
.....	FTEs	5.89

From the moneys appropriated in this lettered paragraph, \$254,889 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:

.....	\$	19,144
.....	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:

.....	\$	81,270
.....	FTEs	2.75

l. Iowa online advanced placement academy science, technology, engineering, and mathematics initiative

For the establishment of the Iowa online advanced placement academy science, technology, engineering, and mathematics initiative:

.....	\$	240,925
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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:

.....	\$	82,172,599
.....	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:

.....	\$	14,055,939
.....	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:

.....	\$	8,968,361
.....	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:

.....	\$	198,709
.....	FTEs	11.25

e. Livestock disease research

For deposit in and the use of the livestock disease research fund under section 267.8:

.....	\$	86,423
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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:

.....	\$	37,367,293
.....	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:

.....	\$	87,628
.....	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:

.....	\$	867,328
.....	FTEs	6.20

(1) From the moneys appropriated in this lettered paragraph, up to \$282,000 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:

.....	\$	62,651
.....	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:

.....	\$	4,339,982
.....	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:

.....	\$	1,809,466
.....	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:

.....	\$	5,882
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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:

.....	\$	41,025
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Sec. 104. ENERGY COST-SAVINGS PROJECTS — FINANCING. For the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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. 105. 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, 2012, for expenses relating to prescription drug costs for students attending the state school for the deaf and the Iowa braille and sight saving school.

DIVISION VIII
CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

Sec. 106. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

Approved July 27, 2011, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 645, 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, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions.

House File 645 is approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve of the items designated as Sections 90, 91 and 92, in their entirety. These items comprise Division V which would impose additional requirements on local, state, regional, or national organizations which relate to the functions of the board of directors of a school district, or to the administrators of a school district and to which a school board pays monetary fees for products or services or annual dues to the organization. I support transparency and accountability for how taxpayer dollars are spent. However, this language is overly broad, lacks clarity, and may have unintended consequences. I am concerned this language will not operate in practice in the way it may have been intended. The language in Division V is overly inclusive and could encompass privately owned, for-profit companies that sell goods or services to a school district.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 645 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 133**APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS***H.F. 648*

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, and other funds, providing for related matters and including effective date and retroactive applicability provisions.

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 following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

a. For exterior repairs and related improvements to the state historical building:

FY 2011-2012	\$ 1,200,000
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b. For infrastructure improvements, including fire safety and security systems, in the secretary of state offices in the Lucas state office building:

FY 2011-2012	\$ 45,000
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2. DEPARTMENT FOR THE BLIND

For replacement of air handlers and related improvements:

FY 2011-2012	\$ 1,065,674
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3. DEPARTMENT OF CORRECTIONS

a. For the construction project and one-time furniture, fixture, and equipment costs at Fort Madison:

FY 2011-2012	\$ 5,155,077
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FY 2012-2013	\$ 18,269,124
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FY 2013-2014	\$ 3,000,000
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b. For the construction project and one-time equipment costs at the Iowa correctional facility for women at Mitchellville:

FY 2011-2012	\$ 3,061,556
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FY 2012-2013	\$ 5,391,062
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FY 2013-2014	\$ 26,769,040
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4. DEPARTMENT OF CULTURAL AFFAIRS

For deposit into the Iowa great places program fund created in section 303.3D for Iowa great places program projects that meet the definition of the term “vertical infrastructure” in section 8.57, subsection 6, paragraph “c”:

FY 2011-2012	\$ 1,000,000
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Of the amounts appropriated in this subsection, up to \$45,000 may be used per fiscal year for administration of the Iowa great places grant program, notwithstanding section 8.57, subsection 6, paragraph “c”.

5. DEPARTMENT OF ECONOMIC DEVELOPMENT

a. For accelerated career education program capital projects at community colleges that are authorized under chapter 260G and that meet the definition of the term “vertical infrastructure” in section 8.57, subsection 6, paragraph “c”:

FY 2011-2012	\$ 5,000,000
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b. 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”:

FY 2011-2012	\$ 500,000
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c. For costs associated with the renovation, expansion, and improvements of exhibits as part of a zoo capital campaign located in a central Iowa city with a population between one hundred ninety-five thousand and two hundred five thousand as determined by the 2010 federal decennial census:

FY 2011-2012	\$	0
d. For interior and exterior renovations and repairs of cabins, including improved energy efficiencies and for compliance with the federal Americans with Disabilities Act, at a year-round camp for persons with disabilities in a central Iowa city with a population between one hundred ninety-five thousand and two hundred five thousand as determined by the 2010 federal decennial census:		
FY 2011-2012	\$	250,000
e. For administration and support of the world food prize including the Borlaug/Ruan scholar program, notwithstanding section 8.57, subsection 6, paragraph "c":		
FY 2011-2012	\$	100,000
6. DEPARTMENT OF EDUCATION		
a. To the public broadcasting division for the purchase of a building in the city of Johnston:		
FY 2011-2012	\$	1,255,550
b. 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:		
FY 2011-2012	\$	1,000,000
7. DEPARTMENT OF HUMAN SERVICES		
For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:		
FY 2011-2012	\$	285,000
8. DEPARTMENT OF NATURAL RESOURCES		
a. For floodplain management and dam safety, notwithstanding section 8.57, subsection 6, paragraph "c":		
FY 2011-2012	\$	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 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, notwithstanding section 8.57, subsection 6, paragraph "c":		
FY 2011-2012	\$	5,459,000
Of the amount appropriated in this lettered paragraph, \$350,000 shall be allocated to a county with a population between seventeen thousand seven hundred and seventeen thousand eight hundred as determined by the 2010 federal decennial census, for a lake with public access that has the support of a benefited lake district. The allocated moneys shall be used for purposes of completing a preconstruction dam restoration study that would include a geotechnical evaluation, hydrological studies, restoration alternatives, and construction specifications. The preconstruction dam restoration study shall be filed with the general assembly upon completion.		
<i>*It is the intent of the general assembly that money shall be appropriated for the restoration and reconstruction of the dam for FY 2012-2013 and FY 2013-2014. Funding shall be contingent upon receipt of the study by the general assembly.*</i>		
<i>*c. For the administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 6, paragraph "c":</i>		
FY 2011-2012	\$	75,000*
<i>*d. 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":</i>		
FY 2011-2012	\$	75,000*
9. DEPARTMENT OF PUBLIC DEFENSE		
a. For major maintenance projects at national guard armories and facilities:		
FY 2011-2012	\$	2,000,000
b. For renovation and facility improvements at the Muscatine readiness center:		
FY 2011-2012	\$	100,000

* Item veto; see message at end of the Act

c. For construction improvement projects at statewide readiness centers:
 FY 2011-2012 \$ 1,800,000

d. For construction upgrades at Camp Dodge including sanitary system and sewer system improvements:
 FY 2011-2012 \$ 1,000,000

e. For renovation, repair, and related improvements at the joint forces headquarters building:
 FY 2011-2012 \$ 1,000,000

10. BOARD OF REGENTS

a. For allocation by the state board of regents to the state university of Iowa, 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:

FY 2011-2012 \$ 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":

FY 2011-2012 \$ 1,300,000

c. For projects for immediate fire safety needs and for compliance with the federal Americans with Disabilities Act, at the regents institutions:

FY 2011-2012 \$ 2,000,000

FY 2012-2013 \$ 2,000,000

d. For construction, renovation, and related improvements for phase II of the agricultural and biosystems engineering complex, including classrooms, laboratories, and offices at Iowa state university of science and technology:

FY 2011-2012 \$ 1,000,000

FY 2012-2013 \$ 20,800,000

FY 2013-2014 \$ 20,000,000

FY 2014-2015 \$ 18,600,000

e. For the renovation and related improvements to the dental science building at the state university of Iowa including but not limited to renovation of clinical spaces and development of a multidisciplinary clinical area:

FY 2011-2012 \$ 1,000,000

FY 2012-2013 \$ 12,000,000

FY 2013-2014 \$ 8,000,000

FY 2014-2015 \$ 8,000,000

f. For renovation and related improvements for Bartlett hall at the university of northern Iowa including providing faculty offices, seminar rooms, and laboratories in the building and the associated demolition of Baker hall:

FY 2011-2012 \$ 1,000,000

FY 2012-2013 \$ 8,286,000

FY 2013-2014 \$ 9,767,000

FY 2014-2015 \$ 1,947,000

11. DEPARTMENT OF TRANSPORTATION

a. For acquiring, constructing, and improving recreational trails within the state:
 FY 2011-2012 \$ 3,000,000

b. For deposit into the public transit infrastructure grant fund created in section 324A.6A, for projects that meet the definition of "vertical infrastructure" in section 8.57, subsection 6, paragraph "c":

FY 2011-2012 \$ 1,500,000

c. For infrastructure improvements at the commercial service airports within the state:

FY 2011-2012 \$ 1,500,000

d. For infrastructure improvements at general aviation airports within the state:

FY 2011-2012 \$ 750,000

12. TREASURER OF STATE

For distribution in accordance with chapter 174 to qualified fairs which belong to the

association of Iowa fairs for county fair infrastructure improvements:

FY 2011-2012 \$ 1,060,000

13. DEPARTMENT OF VETERANS AFFAIRS

a. 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”:

FY 2011-2012 \$ 1,000,000

b. For the Iowa veterans home to upgrade generator emissions controls to meet required stack emissions for four generators and related improvements:

FY 2011-2012 \$ 250,000

Sec. 2. 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 is 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. 3. There is appropriated from the technology reinvestment fund created in section 8.57C 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 ADMINISTRATIVE SERVICES

For technology improvement projects:

FY 2011-2012 \$ 1,643,728

2. DEPARTMENT OF CORRECTIONS

For costs associated with the Iowa corrections offender network data system:

FY 2011-2012 \$ 500,000

3. DEPARTMENT OF EDUCATION

a. For maintenance and lease costs associated with connections for part III of the Iowa communications network:

FY 2011-2012 \$ 2,727,000

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:

FY 2011-2012 \$ 600,000

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 HUMAN RIGHTS

For the cost of equipment and computer software for the implementation of Iowa’s criminal justice information system:

FY 2011-2012 \$ 1,689,307

5. DEPARTMENT OF HUMAN SERVICES

a. To be used for medical contracts under the medical assistance program for technology upgrades necessary to support Medicaid claims and other health operations, worldwide HIPAA claims transactions and coding requirements, and the Iowa automated benefits calculation system:

FY 2011-2012 \$ 3,494,176

FY 2012-2013 \$ 4,667,600

FY 2013-2014 \$ 4,267,600

FY 2014-2015 \$ 1,945,684

b. For the purchase of software and for training costs associated with the purchase of the software for a community-based, nonprofit, nonresidential program serving persons with disabilities, notwithstanding section 8.57C, subsection 2:

FY 2011-2012 \$ 11,000

6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

For replacement of equipment for the Iowa communications network:

FY 2011-2012 \$ 2,248,653

The commission may continue to enter into contracts pursuant to section 8D.13 for the replacement of equipment and for operation and maintenance costs of the network.

In addition to funds 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. Repayment of any amounts financed shall be made from receipts associated with fees charged for use of the network.

7. DEPARTMENT OF MANAGEMENT

To develop a searchable database that can be placed on the internet for budget and financial information:

FY 2011-2012 \$ 50,000

8. DEPARTMENT OF PUBLIC SAFETY

a. For the provision of a statewide public safety radio network and the purchase of compatible radio communications equipment with the goal of achieving compliance with the federal communications commission's narrowbanding mandate deadline, and for achieving "interoperability", as defined in section 80.28:

FY 2011-2012 \$ 2,500,000

FY 2012-2013 \$ 2,500,000

FY 2013-2014 \$ 2,500,000

Of the amounts appropriated in this lettered paragraph, the department of public safety may enter into a public-private partnership, through a competitive bidding process, for the provision of the statewide network and the purchase of compatible equipment.

On or before January 13, 2012, the department of public safety shall provide a report to the legislative services agency and the department of management. The report shall detail the status of the funds appropriated in this subsection and shall include the estimated needs of the departments of public safety, corrections, and natural resources to achieve interoperability and to meet the federal narrowbanding mandate, any changes in estimated costs to meet those needs, and the status of requests for proposals to develop a public-private partnership.

b. For transfer to a firefighter association in a county with a population between ninety thousand and ninety-five thousand as determined by the 2010 federal decennial census for a driving simulator to enhance the association's emergency vehicle operations course:

FY 2011-2012 \$ 80,000

Sec. 4. 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 is 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. 5. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the following departments for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF CORRECTIONS

For the construction project and one-time equipment costs at the Iowa correctional facility for women at Mitchellville:

..... \$ 4,430,952

2. DEPARTMENT OF ADMINISTRATIVE SERVICES

For projects related to major repairs and major maintenance for state buildings and facilities:

..... \$ 500,000

Moneys appropriated in this subsection shall not be used for purposes of the Iowa building.

For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this section 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. 6. There is appropriated from the revenue bonds capitals II fund created in section 12.88A, to the following departments for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. DEPARTMENT OF ADMINISTRATIVE SERVICES

For projects related to major repairs and major maintenance for state buildings and facilities:

FY 2011-2012 \$ 2,020,000

Moneys appropriated in this lettered paragraph shall not be used for purposes of the Iowa building.

b. DEPARTMENT OF ECONOMIC DEVELOPMENT

For deposit into the community attraction and tourism fund created in section 15F.204:

FY 2011-2012 \$ 2,020,000

Moneys appropriated for grants awarded pursuant to this lettered paragraph shall be used to assist communities in the development and creation of multiple purpose attractions or community service facilities for public use.

For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this section shall not revert but shall remain available for expenditures 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 V
PUBLIC BIDDING AND CONTRACTING

Sec. 7. Section 73A.21, Code 2011, is amended to read as follows:

73A.21 Reciprocal resident bidder and resident labor force preference by state, its agencies, and political subdivisions — penalties.

1. For purposes of this section:

a. “Commissioner” means the labor commissioner appointed pursuant to section 91.2, or the labor commissioner’s designee.

b. “Division” means the division of labor of the department of workforce development.

* Item veto; see message at end of the Act

c. "Nonresident bidder" means a person or entity who does not meet the definition of a resident bidder.

d. "Public body" means the state and any of its political subdivisions, including a school district, public utility, or the state board of regents.

a. e. "Public improvement" means public improvements as defined in section 73A.1 a building or other construction work to be paid for in whole or in part by the use of funds of the state, its agencies, and any of its political subdivisions and includes road construction, reconstruction, and maintenance projects.

f. "Public utility" includes municipally owned utilities and municipally owned waterworks.

b. g. "Resident bidder" means a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting and has conducted business for at least ~~six months~~ three years prior to the date of the first advertisement for the public improvement and in the case of a corporation, having at least fifty percent of its common stock owned by residents of this state **and which will utilize, to the greatest extent possible, resident subcontractors on the public improvement**. If another state or foreign country has a more stringent definition of a resident bidder, the more stringent definition is applicable as to bidders from that state or foreign country.

h. "Resident labor force preference" means a requirement in which all or a portion of a labor force working on a public improvement is a resident of a particular state or country.

i. "Resident subcontractor" means a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting or has conducted business in this state for at least three years prior to the date of the first advertisement for the public improvement.

2. Notwithstanding this chapter, chapter 73, chapter 309, chapter 310, chapter 331, or chapter 384, when a contract for a public improvement is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country which if that state or foreign country gives or requires a any preference to bidders from that state or foreign country, including but not limited to any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference is allowed shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident.

3. This section applies to the state, its agencies, and any political subdivisions of the state.

4. 3. If it is determined that this may cause denial of federal funds which would otherwise be available, or would otherwise be inconsistent with requirements of any federal law or regulation, this section shall be suspended, but only to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

4. The public body involved in a public improvement shall require a nonresident bidder to specify on all project bid specifications and contract documents whether any preference as described in subsection 2 is in effect in the nonresident bidder's state or country of domicile at the time of a bid submittal.

5. The commissioner and the division shall administer and enforce this section, and the commissioner shall adopt rules for the administration and enforcement of this section as provided in section 91.6.

6. The commissioner shall have the following powers and duties for the purposes of this section:

a. The commissioner may hold hearings and investigate charges of violations of this section.

b. The commissioner may, consistent with due process of law, enter any place of employment to inspect records concerning labor force residency, to question an employer or employee, and to investigate such facts, conditions, or matters as are deemed appropriate

* Item veto; see message at end of the Act

in determining whether any person has violated the provisions of this section. The commissioner shall only make such an entry in response to a written complaint.

c. The commissioner shall develop a written complaint form applicable to this section and make it available in division offices and on the department of workforce development's internet site.

d. The commissioner may sue for injunctive relief against the awarding of a contract, the undertaking of a public improvement, or the continuation of a public improvement in response to a violation of this section.

e. The commissioner may investigate and ascertain the residency of a worker engaged in any public improvement in this state.

f. The commissioner may administer oaths, take or cause to be taken deposition of witnesses, and require by subpoena the attendance and testimony of witnesses and the production of all books, registers, payrolls, and other evidence relevant to a matter under investigation or hearing.

g. The commissioner may employ qualified personnel as are necessary for the enforcement of this section. Such personnel shall be employed pursuant to the merit system provisions of chapter 8A, subchapter IV.

h. The commissioner shall require a contractor or subcontractor to file, within ten days of receipt of a request, any records enumerated in subsection 7. If the contractor or subcontractor fails to provide the requested records within ten days, the commissioner may direct, within fifteen days after the end of the ten-day period, that the fiscal or financial office charged with the custody and disbursement of funds of the public body that contracted for construction of the public improvement or undertook the public improvement, to immediately withhold from payment to the contractor or subcontractor up to twenty-five percent of the amount to be paid to the contractor or subcontractor under the terms of the contract or written instrument under which the public improvement is being performed. The amount withheld shall be immediately released upon receipt by the public body of a notice from the commissioner indicating that the request for records as required by this section has been satisfied.

7. While participating in a public improvement, a nonresident bidder domiciled in a state or country that has established a resident labor force preference shall make and keep, for a period of not less than three years, accurate records of all workers employed by the contractor or subcontractor on the public improvement. The records shall include each worker's name, address, telephone number when available, social security number, trade classification, and the starting and ending time of employment.

8. Any person or entity that violates the provisions of this section is subject to a civil penalty in an amount not to exceed one thousand dollars for each violation found in a first investigation by the division, not to exceed five thousand dollars for each violation found in a second investigation by the division, and not to exceed fifteen thousand dollars for a third or subsequent violation found in any subsequent investigation by the division. Each violation of this section for each worker and for each day the violation continues constitutes a separate and distinct violation. In determining the amount of the penalty, the division shall consider the appropriateness of the penalty to the person or entity charged, upon determination of the gravity of the violations. The collection of these penalties shall be enforced in a civil action brought by the attorney general on behalf of the division.

9. A party seeking review of the division's determination pursuant to this section may file a written request for an informal conference. The request must be received by the division within fifteen days after the date of issuance of the division's determination. During the conference, the party seeking review may present written or oral information and arguments as to why the division's determination should be amended or vacated. The division shall consider the information and arguments presented and issue a written decision advising all parties of the outcome of the conference.

Sec. 8. Section 331.341, subsection 2, Code 2011, is amended to read as follows:

2. The board shall give preference to Iowa products and labor in accordance with chapter 73 and shall comply with bid and contract requirements in chapter 26.

Sec. 9. REPEAL. Sections 73.3 and 73.4, Code 2011, are repealed.

Sec. 10. EFFECTIVE DATE. This division of this Act takes effect September 1, 2011.

Sec. 11. APPLICABILITY. This division of this Act applies to all public improvement, public works, and public road projects, and to public improvement, public works, and public road contracts entered into on or after the effective date of this division of this Act.

DIVISION VI
GROW IOWA VALUES FUND

Sec. 12. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In lieu of the \$50,000,000 appropriated for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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, 2011, and ending June 30, 2012, \$15,000,000 for the purposes of making expenditures pursuant to chapter 15G.

Sec. 13. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the amounts allocated pursuant to section 15G.111, subsections 4 through 11, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, of the \$15,000,000 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 11:

1. For departmental purposes, \$8,550,000. Of the moneys allocated in this subsection, the department may use up to \$600,000 for administrative costs.
2. For the state board of regents institutions, \$1,500,000.
3. For state parks, \$300,000.
4. For deposit in the Iowa cultural trust fund, \$300,000.
5. For community colleges for deposit in the workforce training and economic development funds pursuant to section 260C.18A, \$2,100,000.
6. For regional financial assistance, \$300,000. Of the moneys allocated in this subsection, the department shall transfer \$105,000 to Iowa state university of science and technology, for purposes of providing financial assistance to establish small business development centers.
7. For innovation and commercialization services, \$1,650,000.
8. For targeted small business, \$300,000.

Sec. 14. **NEW SECTION. 15G.107 Subchapter repealed — new program proposal.**

1. This subchapter of this chapter is repealed on June 30, 2012.
2. On or before November 30, 2011, the department of economic development shall propose to the general assembly a new business development financial assistance program.
3. On or before November 30, 2011, the department of economic development shall propose to the general assembly any changes in law necessary to implement the repeal of this subchapter.

Sec. 15. Section 15G.110, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

15G.110 Appropriation.

For the fiscal year beginning July 1, 2011, and ending June 30, 2012, there is appropriated to the department of economic development fifteen 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. 16. Section 15G.111, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Of the moneys transferred to the fund pursuant to 2009 Iowa Acts, chapter 123, section 9, the department, with the approval of the board, may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to

this paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph “a”.

DIVISION VII
GAMBLING REVENUES — CONTINGENT APPROPRIATION

Sec. 17. GAMBLING REVENUES — APPROPRIATION. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, there is appropriated from the rebuild Iowa infrastructure fund an amount not to exceed two million dollars of any gambling revenues in excess of the revenue estimate determined by the revenue estimating conference on March 25, 2011, for the fiscal year ending June 30, 2011, pursuant to section 8.22A, subsection 5, paragraph “b”, to the department of economic development for deposit into the community attraction and tourism fund created in section 15F.204, notwithstanding section 8.57, subsection 6, paragraph “c”.

DIVISION VIII
MISCELLANEOUS CODE CHANGES

Sec. 18. Section 8.57, subsection 6, paragraph c, Code 2011, is amended to read as follows:

c. Moneys in the fund in a fiscal year shall be used as directed by the general assembly for public vertical infrastructure projects. For the purposes of this subsection, “*vertical infrastructure*” includes only land acquisition and construction; major renovation and major repair of buildings; all appurtenant structures; utilities; site development, and recreational trails; and debt service payments on academic revenue bonds issued in accordance with chapter 262A for capital projects at board of regents institutions. “*Vertical infrastructure*” does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

Sec. 19. Section 8.57, subsection 6, paragraph f, Code 2011, 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, 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. 20. Section 8.57A, subsection 4, Code 2011, is amended to read as follows:

4. a. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal years year beginning July 1, 2008, July 1, 2009, and July 1, 2011 2013, 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 each fiscal year for the fiscal year period beginning July 1, 2010, and ending June 30, 2011 2012, the sum of thirty-three million dollars to the environment first 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, 2012, and ending June 30, 2013, the sum of thirty-five million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph “c”.

Sec. 21. Section 8.57C, subsection 3, paragraphs a and c, Code 2011, are amended to read as follows:

a. There is appropriated from the general fund of the state for the fiscal years year beginning July 1, 2006, July 1, 2007, July 1, 2011 2012, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund.

c. 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 ten million dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 22. Section 8.57C, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of fifteen million, five hundred forty-one thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 23. Section 8A.321, subsection 6, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. (1) The department shall annually issue a request for proposals for leasing privately owned office space for state employees in the downtown area of the city of Des Moines. Prior to replacing or renovating publicly owned buildings or relocating any state agencies to any space in publicly owned buildings, the department shall use such proposals to compare the costs of privately owned space to publicly owned space. The department shall locate state employees in office space in the most cost-efficient manner possible. In determining cost efficiency, the department shall consider all costs of the publicly owned space, the costs of the original acquisition of the publicly owned space, the costs of tenant improvements to the publicly owned space, and the anticipated economic and useful life of the publicly owned building space.

(2) Subparagraph (1) shall not apply when emergency circumstances exist. Actions taken during an emergency which would otherwise violate subparagraph (1) shall be limited in scope and duration to meet the emergency. An emergency includes but is not limited to a condition that does any of the following:

- (a) Threatens public health, welfare, or safety.
- (b) In which there is a need to protect the health, welfare, or safety of persons occupying or visiting a public improvement or property located adjacent to the public improvement.
- (c) In which the department or agency must act to preserve critical services or programs.
- (d) In which the need is a result of events or circumstances not reasonably foreseeable.

Sec. 24. Section 12.82, subsection 1, Code 2011, is amended to read as follows:

1. A school infrastructure fund is created and established as a separate and distinct fund in the state treasury under the control of the department of education. The Notwithstanding any other provision of this chapter, the fund shall be used for purposes of the school infrastructure program established in section 292.2.

Sec. 25. Section 12.82, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Any amounts remaining in the school infrastructure fund at the end of the fiscal year beginning July 1, 2010, and for each fiscal year thereafter, which are determined by the treasurer of state to be unencumbered and unobligated and otherwise unnecessary to make the payments for such fiscal year, shall be transferred to the rebuild Iowa infrastructure fund.

Sec. 26. Section 15F.204, subsection 8, paragraph a, subparagraphs (6) and (7), Code 2011, are amended to read as follows:

(6) For the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of five three million three hundred thousand dollars.

(7) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of five fifteen million dollars.

Sec. 27. Section 15F.204, subsection 8, paragraph b, Code 2011, is amended by striking the paragraph.

* Item veto; see message at end of the Act

Sec. 28. Section 16.193, subsection 2, Code 2011, 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~~ For the period beginning July 1, 2009, and ending June 30, 2011, 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. 29. EFFECTIVE AND APPLICABILITY DATES. The sections of this division amending section 12.82, being deemed of immediate importance, take effect upon enactment and, if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

DIVISION IX
CHANGES TO PRIOR APPROPRIATIONS

Sec. 30. 2004 Iowa Acts, chapter 1175, section 288, subsection 7, paragraph d, as amended by 2010 Iowa Acts, chapter 1184, section 51, is amended to read as follows:

d. For allocation to the public broadcasting division for costs of installation of digital and analog television for Iowa public television facilities, notwithstanding section 8.57, subsection 5 6, paragraph “c”:

FY 2004-2005	\$	8,000,000
FY 2005-2006	\$	8,000,000
FY 2006-2007	\$	2,300,000

Of the amounts appropriated in this lettered paragraph, up to a maximum of \$1,000,000 may be used for operational costs of the division for the fiscal years beginning July 1, 2011, and July 1, 2012.

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. 31. 2006 Iowa Acts, chapter 1179, section 18, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Except for the allocation to Des Moines area community college and 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 public safety for allocation to the division of fire protection 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, 2011, or until the project for which the appropriation was made is completed, whichever is earlier. This subsection shall apply in lieu of subsection 1 of this section.

Sec. 32. 2007 Iowa Acts, chapter 219, section 2, is amended to read as follows:

SEC. 2. REVERSION.

1. ~~Notwithstanding~~ Except as provided in subsection 2 and 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 that begins July 1, 2010, or until the project for which the appropriation was made is completed, whichever is earlier.

2. a. Notwithstanding section 8.33, moneys appropriated in section 1, subsection 1, paragraphs “a” and “f” of this division of this Act that remain unencumbered or unobligated at the close of the fiscal year for which they were appropriated shall not revert but shall

remain available for the purposes designated until the close of the fiscal year that begins July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier.

b. The department of administrative services is authorized to provide for the disposition and relocation of structures located at 707 east locust and 709 east locust, Des Moines, Iowa, in a manner as deemed appropriate by the department. The disposition of the structures, if possible, shall be completed in a manner that reduces or eliminates the costs of the state associated with the removal of the structures from their current locations. Any amount received from the disposition of the structures as permitted under this section shall be retained by the department to pay for improvement costs associated with the restoration of the west capitol terrace. The department, if unable to otherwise dispose of the structures, is authorized to demolish the structures using other appropriate funding available to the department.

Sec. 33. 2008 Iowa Acts, chapter 1179, section 7, as amended by 2009 Iowa Acts, chapter 173, section 21, and 2010 Iowa Acts, chapter 1184, section 58, 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	\$	0
FY 2011-2012	\$	10,000,000
		0
FY 2012-2013	\$	10,000,000
		0

~~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.~~

Sec. 34. 2008 Iowa Acts, chapter 1179, section 18, as amended by 2009 Iowa Acts, chapter 173, section 24, subsection 4, paragraph b, unnumbered paragraph 1, is amended to read as follows:

For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:

.....	\$	10,000,000
		9,200,000

Sec. 35. 2009 Iowa Acts, chapter 184, section 3, is amended to read as follows:

SEC. 3. There is appropriated from the rebuild Iowa infrastructure fund to the department of transportation for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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
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Of the amount appropriated in this section, ten percent shall be allocated to the planning

¹ 2008 Iowa Acts, chapter 1178

and development of rail ports in Iowa.

Sec. 36. 2010 Iowa Acts, chapter 1184, section 2, subsection 3, unnumbered paragraph 1, is amended to read as follows:

For deposit into the passenger rail service revolving fund created in section 327J.2 for matching federal funding available through the federal Passenger Rail Investment and Improvement Act of 2008 for passenger rail service, notwithstanding section 8.57, subsection 6, paragraph “c”:

FY 2011–2012..... \$ 6,500,000
0

Sec. 37. 2010 Iowa Acts, chapter 1184, section 10, subsection 2, paragraph b, is amended to read as follows:

b. For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:

..... \$ 4,000,000
0

Sec. 38. 2010 Iowa Acts, chapter 1184, section 10, subsection 2, paragraph b, unnumbered paragraph 2, is amended to read as follows:

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

Sec. 39. 2010 Iowa Acts, chapter 1184, section 10, subsection 8, is amended to read as follows:

8. TREASURER OF STATE

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

..... \$ 2,000,000

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

Sec. 40. 2010 Iowa Acts, chapter 1184, section 14, is amended to read as follows:

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

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

..... \$ 322,500

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

Sec. 41. 2010 Iowa Acts, chapter 1184, section 37, is amended to read as follows:

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, notwithstanding section 12.82, subsection 1:

..... \$ 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.

Sec. 42. 2010 Iowa Acts, chapter 1184, section 39, is amended to read as follows:

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:

For purposes of creating a business assistance internet site, notwithstanding section 12.82, subsection 1:

..... \$ 20,000

Sec. 43. 2010 Iowa Acts, chapter 1184, section 43, is amended to read as follows:

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, notwithstanding section 12.82, subsection 1:

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. 2010 Iowa Acts, chapter 1193, section 6, is amended to read as follows:

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, notwithstanding section 12.82, subsection 1:

..... \$ 7,500,000

Notwithstanding section 257.20, subsection 3, the appropriation made in this lettered paragraph 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. 45. 2011 Iowa Acts, House File 45,² section 2, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. This subsection shall not apply to any appropriations for the fiscal year beginning July 1, 2010, receiving a supplemental appropriation under 2011 Iowa Acts, Senate File 209,³ or any multiyear appropriation that includes the fiscal year beginning July 1, 2009, for equipment as determined by the department of management.

Sec. 46. EFFECTIVE AND APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and, unless otherwise provided, if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

² Chapter 122 herein

³ Chapter 123 herein

Sec. 47. RETROACTIVE APPLICABILITY. The provision of this division of this Act amending 2011 Iowa Acts, House File 45,⁴ section 2, subsection 2, applies retroactively to March 7, 2011.

DIVISION X
MISCELLANEOUS

Sec. 48. WELCOME CENTER DESIGNATION. Notwithstanding any provision of section 15.272 to the contrary, the department of economic development shall by January 1, 2012, select a site in or near the city of Nashua for designation as a statewide welcome center under the statewide welcome center program.

Sec. 49. IOWA BUILDING LEASES. The department of administrative services may utilize space in the Iowa building for purposes of entering into short-term leases with persons associated with the media who request space for the purpose of providing media coverage of the 2012 Iowa presidential caucuses. Moneys received pursuant to any such lease agreements shall be retained by and are appropriated to the department for purposes of operational costs of the Iowa building.

DIVISION XI
CONDITIONAL EFFECTIVE DATE
AND RETROACTIVE APPLICABILITY

Sec. 50. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

Approved July 27, 2011, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Secretary:

I hereby transmit House File 648, 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, and other funds, providing for related matters and including effective date and retroactive applicability provisions.

House File 648 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 8, lettered paragraph b. The language I disapprove states the General Assembly's intent to appropriate resources for the restoration and reconstruction of the dam at Lake Delhi in future fiscal years. I am supporting the preconstruction dam restoration study as required in this section. I am designating the Department of Natural Resources to take the lead in overseeing this study. However, it is premature to assume the State will obligate funds for the dam until the study is completed and analyzed by myself and the General Assembly.

I am unable to approve the item designated as Section 1, subsection 8, lettered paragraph c, in its entirety. This item would appropriate \$75,000 from the Rebuild Iowa Infrastructure Fund ("RIIF") for fiscal year 2012 to the Department of Natural Resources ("DNR") for the administration of a Water Trails and Low Head Dam Public Hazard Improvement Program. This item was not part of the budget recommendation I submitted to the General Assembly.

⁴ Chapter 122 herein

I expect the Department of Natural Resources to provide what support is necessary for the administration of this program from within the resources the department has available for fiscal year 2012.

I am unable to approve the item designated as Section 1, subsection 8, lettered paragraph d, in its entirety. This item would appropriate \$75,000 from RIF for fiscal year 2012 to the DNR for contracting for an asset manager for the Honey Creek Resort State Park as a continuation of a program started last fiscal year. The intent at that time was for a one-year contract with an asset manager for the park. Due to this fact, I cannot agree with the continuation of this funding from the RIF. If it is necessary to continue to contract with an asset manager, I expect the DNR to include these costs in the operations of the park and pay for such operations with the revenues generated at the park. Additionally, this item was not part of the budget recommendation I submitted to the General Assembly.

I am unable to approve the designated portion of Section 5, subsection 2. This item would prohibit the Department of Administrative Services from conducting major repair and maintenance on the Iowa building. The exclusion of one specific building from this program is not appropriate and if continued would lead to increased costs in the future.

I am unable to approve the designated portion of Section 6, lettered paragraph a. This item would prohibit the Department of Administrative Services from conducting major repair and maintenance on the Iowa building. The exclusion of one specific building from this program is not appropriate and if continued would lead to increased costs in the future.

I am unable to approve the designated portion of Section 7. This item would define "resident subcontractor" and could potentially create a preference for resident subcontractors. I disapprove of this language because it could harm Iowa contractors by potentially triggering the reciprocal preference laws of other states, which would hurt construction employment opportunities for Iowans as Iowa contractors compete for out-of-state public projects. Further, this item could impose a costly and burdensome requirement on all Iowa public owners overseeing the construction of public improvements.

I am unable to approve the designated portion of Section 26. This item would increase the RIF appropriation for the Community Attraction and Tourism program from \$5,000,000 to \$15,000,000 for fiscal year 2013. My recommended budget for fiscal year 2013 called for no appropriation in this program area. As a result of my disapproval of this section, the program will maintain funding at \$5,000,000 for fiscal year 2013. This will provide additional time to consider the best use of these funds in the future.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 648 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 134

APPROPRIATIONS — JUSTICE SYSTEM

S.F. 510

AN ACT relating to and making appropriations to the justice system, providing penalties, and including effective and retroactive applicability date provisions.

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

DIVISION I
FY 2011-2012

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, 2011, and ending June 30, 2012, 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, matching funds for federal violence against women grant programs, 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:

.....	\$	7,792,930
.....	FTEs	212.00

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:

.....	\$	2,876,400
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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 24 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice shall transfer at least \$150,000 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:

.....	\$	1,814,831
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2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2012, 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, 2010, and actual and expected reimbursements for the fiscal year commencing July 1, 2011.

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, 2012.

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, 2011, and ending

June 30, 2012, 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:

.....	\$	3,136,163
.....	FTEs	22.00

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, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used 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:

.....	\$	41,031,283
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b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	31,985,974
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c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	55,594,426
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d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	25,958,757
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e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	25,917,815
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f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	9,316,466
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g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	24,482,356
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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:

.....	\$	15,615,374
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i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	29,062,235
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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
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k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

.....	\$	239,411
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l. For three correctional officer full-time equivalent positions that are to be assigned to a correctional institution by the director of the department of corrections:

.....	\$	157,162
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2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam and a Native American spiritual leader.

Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. 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:

..... \$ 4,835,542

a. 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 paragraph "c", 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, 2011, for the privatization of services performed by the department using state employees as of July 1, 2011, 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.

b. 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.

c. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection 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.

2. For educational programs for inmates at state penal institutions:

..... \$ 2,308,109

a. As a condition of receiving the appropriation in this subsection, 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 subsection.

b. It is the intent of the general assembly that moneys appropriated in this subsection 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 subsection 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.

c. 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.

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

e. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used only for the purposes designated in this subsection until the close of the succeeding fiscal year.

3. For the development of the Iowa corrections offender network (ICON) data system:

..... \$ 424,364

* Item veto; see message at end of the Act

- 4. For offender mental health and substance abuse treatment:
 - \$ 22,319
- 5. For viral hepatitis prevention and treatment:
 - \$ 167,881

6. It is the intent of the general assembly that for the fiscal year addressed by this section 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 January 1, 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, 2011, 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.

7. The department of corrections shall solicit requests for information to improve efficiencies at the pharmacy under the control of the department.

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, 2011, and ending June 30, 2012, 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:
 - \$ 12,204,948
- b. For the second judicial district department of correctional services:
 - \$ 10,336,948
- c. For the third judicial district department of correctional services:
 - \$ 5,599,765
- d. For the fourth judicial district department of correctional services:
 - \$ 5,391,355
- e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:
 - \$ 18,742,129
- f. For the sixth judicial district department of correctional services:
 - \$ 13,112,563
- g. For the seventh judicial district department of correctional services:
 - \$ 6,492,814
- h. For the eighth judicial district department of correctional services:
 - \$ 6,879,715

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 or any succeeding entity of 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 of corrections shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 7. INTENT — REPORTS.

1. The department of corrections in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2011, 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. On a quarterly basis the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2011. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, 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, 2012. 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, 2011, exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 10. 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, 2011, and ending June 30, 2012, 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:

* Item veto; see message at end of the Act

.....	\$	868,698
.....	FTEs	24.55

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 in this subsection 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. 11. 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, 2011, and ending June 30, 2012, 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:

.....	\$	25,083,182
.....	FTEs	219.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

.....	\$	30,680,929
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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, 2011, and ending June 30, 2012, 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:

.....	\$	1,053,835
.....	FTEs	12.50

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, 2011, and ending June 30, 2012, 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:

.....	\$	5,527,042
.....	FTEs	313.00

The military division may temporarily exceed and draw more than the amount appropriated in this subsection 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:

.....	\$	1,836,877
.....	FTEs	40.00

a. The homeland security and emergency management division may temporarily exceed and draw more than the amount appropriated in this subsection 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.

b. 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, 2011, and ending June 30, 2012, 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:

.....	\$	4,007,075
.....	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:

.....	\$	12,533,931
.....	FTEs	159.10

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.

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:

.....	\$	6,429,884
.....	FTEs	74.00

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:

.....	\$	4,298,707
.....	FTEs	55.00

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:

.....	\$	51,903,233
.....	FTEs	513.00

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
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8. For costs associated with the training and equipment needs of volunteer fire fighters:

.....	\$	725,520
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a. 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.

b. 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 regarding 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.

1. 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, 2011, and ending June 30, 2012, 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:

.....	\$	9,836,306
.....	FTEs	120.00

2. For each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the fiscal year beginning July 1, 2011, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2011, and ending June 30, 2012, an additional amount of not more than \$521,000 to be used for not more than 6.00 additional full-time equivalent positions.

3. 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, 2011, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2011. 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 subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

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, 2011, and ending June 30, 2012, 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:

.....	\$	1,297,069
.....	FTEs	28.00

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

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

Sec. 18. Section 124.204, subsection 4, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. ai. (1) Mephedrone, also known as 4-methylmethcathinone, (RS)-2-methylamino-1-(4-methylphenyl)propan-1-one.

(2) Methylene-dioxypyrovalerone (MDPV) [(1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].

(3) Salvia divinorum.

(4) Salvinorin A.

(5) Any substance, compound, mixture or preparation which contains any quantity of any synthetic cannabinoid that is not approved as a pharmaceutical, including but not limited to the following:

(a) CP 47, 497 and homologues 2-[(1R, 3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol.

(b) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol].

(c) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).

(d) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.

(e) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

(f) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-methanone.

Sec. 19. Section 124.401, subsection 1, paragraph c, subparagraph (8), Code 2011, is amended to read as follows:

(8) Any other controlled substance, counterfeit substance, or simulated controlled substance classified in schedule I, II, or III, except as provided in paragraph “d”.

Sec. 20. Section 124.401, subsection 1, paragraph d, Code 2011, is amended to read as follows:

d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, or simulated controlled substances classified in section 124.204, subsection 4, paragraph “ai”, or classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving fifty kilograms or less of marijuana or involving flunitrazepam is a class “D” felony.

Sec. 21. 2009 Iowa Acts, chapter 178, section 20, is amended to read as follows:

SEC. 20. CONSUMER EDUCATION AND LITIGATION FUND. Notwithstanding section 714.16C, for each fiscal year of the period beginning July 1, 2008, and ending June 30, ~~2011~~ 2013, the annual appropriations in section 714.16C, are increased from \$1,125,000 to \$1,875,000, and \$75,000 to \$125,000 respectively. Moneys appropriated from the consumer education and litigation fund may be allocated for cash flow purposes to the victim compensation fund established in section 915.94 during each of the fiscal years enumerated, provided that any moneys so allocated are returned to the consumer education and litigation fund by the end of each fiscal year an allocation occurs.

Sec. 22. 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. 23. 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, 2011, and ending June 30, 2012, 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. 24. GERIATRIC AND PSYCHIATRIC TREATMENT — LEGISLATIVE STUDY. The legislative council is requested to establish an interim study committee to examine the treatment and placement options for geriatric and psychiatric patients under the care, custody, and control of the state, or for patients who are otherwise specifically housed at the Iowa medical and classification center at Oakdale or other correctional facilities for geriatric or psychiatric treatment purposes. The committee shall focus on maximizing the availability of treatment options for such patients while achieving fiscal efficiencies. The committee shall review programs used in other states and by the federal government including but not limited to the use of forensic hospitals, prison-based hospice care, compassionate release, and the funding mechanisms used to implement such programs. Members of the interim study committee shall include the co-chairpersons and the ranking members of the joint appropriations subcommittee on justice system and the co-chairpersons and the ranking members of the joint appropriations subcommittee on human services. The committee shall provide a report detailing the findings of the committee to the general assembly for consideration during the 2012 legislative session.

Sec. 25. GERIATRIC AND PSYCHIATRIC TREATMENT REPORT. The departments of corrections, human services, inspections and appeals, and public health, and the board of parole, shall jointly study the development and establishment of treatment options for geriatric and psychiatric patients currently under the care, custody, and control of the state to provide maximum treatment opportunities for such persons while achieving fiscal efficiencies. The department of corrections in consultation with the other departments and the board of parole, shall provide a report detailing the results of the study to the co-chairpersons and the ranking members of the joint appropriations subcommittee on health and human services, the co-chairpersons and ranking members of the joint appropriations subcommittee on justice system, the legislative interim study committee examining such treatment options, if established by the legislative council pursuant to this division of this Act, and the legislative services agency by November 15, 2011.

Sec. 26. SALARY INCREASES — CERTAIN REVOLVING FUNDS. For the fiscal year beginning July 1, 2011, there is appropriated from the gaming enforcement revolving fund an amount necessary for funding annual pay adjustments and related benefits for agents and officers of the division of criminal investigation's racetrack, excursion boat, or gambling structure enforcement activities. Moneys appropriated pursuant to this subsection shall be in addition to and supplement other appropriations from the fund.

Sec. 27. EFFECTIVE DATE. The following provision of this division of this Act takes effect thirty days after enactment, notwithstanding section 3.7:

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

¹ See chapter 131, §134, 136 herein

Sec. 28. EFFECTIVE UPON ENACTMENT. The following provision of this division of this Act, being deemed of immediate importance, and notwithstanding section 3.7 takes effect upon enactment:

The section of this Act amending section 124.204, subsection 4, paragraph “ai”, subparagraph (5).²

Sec. 29. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The following provision of this division of this Act takes effect upon enactment, and if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011:

The section of this division of this Act amending section 654.4B.

DIVISION II
FY 2012-2013

Sec. 30. 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, 2012, and ending June 30, 2013, 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, matching funds for federal violence against women grant programs, 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:

.....	\$	3,896,465
.....	FTEs	212.00

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:

.....	\$	1,438,200
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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 24 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice shall transfer at least \$150,000 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:

.....	\$	907,416
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2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2013, 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, 2011, and actual and expected reimbursements for the fiscal year commencing July 1, 2012.

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, 2013.

² See chapter 131, §135, 136 herein

Sec. 31. 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, 2012, and ending June 30, 2013, 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:

.....	\$	1,568,082
.....	FTEs	22.00

Sec. 32. 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, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used 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:

.....	\$	20,515,641
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b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	15,992,987
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c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	27,797,213
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d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	12,979,379
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e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	12,958,908
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f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	4,658,233
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g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	12,241,178
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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:

.....	\$	7,807,687
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i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	14,531,118
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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:

.....	\$	387,546
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k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

.....	\$	119,706
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l. For three correctional officer full-time equivalent positions that are to be assigned to a correctional institution by the director of the department of corrections:

.....	\$	78,581
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2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam and a Native American spiritual leader.

Sec. 33. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. 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:

..... \$ 2,417,771

a. 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 paragraph "c", 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, 2012, for the privatization of services performed by the department using state employees as of July 1, 2012, 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.

b. 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.

c. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection 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.

2. For educational programs for inmates at state penal institutions:

..... \$ 1,154,055

a. As a condition of receiving the appropriation in this subsection, 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 subsection.

b. It is the intent of the general assembly that moneys appropriated in this subsection 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 subsection 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.

c. 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.

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

e. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain

* Item veto; see message at end of the Act

available to be used only for the purposes designated in this subsection until the close of the succeeding fiscal year.

3. For the development of the Iowa corrections offender network (ICON) data system:	\$ 212,182
4. For offender mental health and substance abuse treatment:	\$ 11,160
5. For viral hepatitis prevention and treatment:	\$ 83,941

6. It is the intent of the general assembly that for the fiscal year addressed by this section 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 January 1, 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, 2011, 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.

7. The department of corrections shall solicit requests for information to improve efficiencies at the pharmacy under the control of the department.

Sec. 34. 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, 2012, and ending June 30, 2013, 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:	\$ 6,102,474
b. For the second judicial district department of correctional services:	\$ 5,168,474
c. For the third judicial district department of correctional services:	\$ 2,799,883
d. For the fourth judicial district department of correctional services:	\$ 2,695,678
e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:	\$ 9,371,065
f. For the sixth judicial district department of correctional services:	\$ 6,556,282
g. For the seventh judicial district department of correctional services:	\$ 3,246,407
h. For the eighth judicial district department of correctional services:	\$ 3,439,858

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 or any succeeding entity of 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. 35. DEPARTMENT OF CORRECTIONS — REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the moneys appropriated in this division of 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 of corrections shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 36. INTENT — REPORTS.

1. The department of corrections in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2012, 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. On a quarterly basis the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2012. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, 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. 37. 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, 2013. 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. 38. 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, 2012, exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 39. IOWA LAW ENFORCEMENT ACADEMY.

* Item veto; see message at end of the Act

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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:

.....	\$	434,349
.....	FTEs	24.55

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 in this subsection 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. 40. 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, 2012, and ending June 30, 2013, 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:

.....	\$	12,541,591
.....	FTEs	219.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

.....	\$	15,340,464
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Sec. 41. 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, 2012, and ending June 30, 2013, 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:

.....	\$	526,918
.....	FTEs	12.50

Sec. 42. 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, 2012, and ending June 30, 2013, 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:

.....	\$	2,763,521
.....	FTEs	313.00

The military division may temporarily exceed and draw more than the amount appropriated in this subsection 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:

.....	\$	918,439
.....	FTEs	40.00

a. The homeland security and emergency management division may temporarily exceed and draw more than the amount appropriated in this subsection 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.

b. 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. 43. 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, 2012, and ending June 30, 2013, 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:

.....	\$	2,003,538
.....	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:

.....	\$	6,266,966
.....	FTEs	159.10

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.

3. For the criminalistics laboratory fund created in section 691.9:

.....	\$	151,173
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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:

.....	\$	3,214,942
.....	FTEs	74.00

b. For the division of narcotics enforcement for undercover purchases:

.....	\$	54,521
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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:

.....	\$	2,149,354
.....	FTEs	55.00

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:

.....	\$	25,951,617
.....	FTEs	513.00

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:

.....	\$	139,759
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8. For costs associated with the training and equipment needs of volunteer fire fighters:

.....	\$	362,760
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a. 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.

b. 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 regarding 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. 44. GAMING ENFORCEMENT.

1. 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, 2012, and ending June 30, 2013, 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:

.....	\$	4,918,153
.....	FTEs	120.00

2. For each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the fiscal year beginning July 1, 2012, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2012, and ending June 30, 2013, an additional amount of not more than \$521,000 to be used for not more than 6.00 additional full-time equivalent positions.

3. 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, 2012, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2012. 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 subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 45. 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, 2012, and ending June 30, 2013, 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:

.....	\$	648,535
.....	FTEs	28.00

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. 46. 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, 2012, and ending June 30, 2013, 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.

DIVISION III
CONDITIONAL EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

Sec. 47. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2011, takes effect upon enactment and applies retroactively to July 1, 2011.

Approved July 29, 2011, with exceptions noted.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 510, an act relating to and making appropriations to the justice system, providing penalties, and including effective and retroactive applicability date provisions.

Senate File 510 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated in Section 4, numbered paragraph 1, lettered paragraph a in its entirety. This item prevents the Department of Corrections from entering into a new contract in excess of \$100,000 for privatized services during fiscal year 2012 and 2013 without prior notification of the legislature and employee organizations. However, these sections allow the department to renew existing contracts without notification. This item would prevent the department from obtaining services for inmates in an effective and efficient manner. This notification unnecessarily impedes on the department’s management authority.

I am unable to approve the item designated in Section 4, numbered paragraph 2, lettered paragraph a in its entirety. This item mandates the Department of Corrections to transfer at least \$300,000 from canteen funds of the institutions to the department’s education programs. The department already is required and desires to utilize canteen funds for the benefit of inmates. However, this item requires the department to use \$300,000 of the canteen fund towards inmate education programs when the fund usually does not have \$300,000. It is impossible for the department to spend \$300,000 of the fund when the fund’s balance is typically below that amount. Therefore, I continue to encourage the department to use funds provided in the Canteen Fund towards education programs for inmates.

I am unable to approve the item designated in Section 5, subsection 6 in its entirety. This item 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 in order to assure that each CBC facility will maintain control of the types and numbers of offenders who they serve in their respective residential programs.

I am unable to approve the item designated in Section 33, numbered paragraph 1, lettered paragraph a in its entirety. This item prevents the Department of Corrections from entering into a new contract in excess of \$100,000 for privatized services during fiscal year 2012 and 2013 without prior notification of the legislature and employee organizations. However, these sections allow the department to renew existing contracts without notification. This item would prevent the department from obtaining services for inmates in an effective and efficient manner. This notification unnecessarily impedes on the department’s management authority.

I am unable to approve the item designated in Section 33, numbered paragraph 2, lettered paragraph a in its entirety. This item mandates the Department of Corrections to transfer at least \$300,000 from canteen funds of the institutions to the department’s education programs. The department already is required and desires to utilize canteen funds for the benefit of inmates. However, this item requires the department to use \$300,000 of the canteen fund towards inmate education programs when the fund usually does not have \$300,000. It is impossible for the department to spend \$300,000 of the fund when the fund’s balance is typically below that amount. Therefore, I continue to encourage the department to use funds provided in the Canteen Fund towards education programs for inmates.

I am unable to approve the item designated in Section 34, paragraph 6 in its entirety. This item 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 in order to assure that each CBC facility will maintain control of the types and numbers of offenders who they serve in their respective residential programs.

For the above reasons, I respectfully disapprove the designated items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 510 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 135

APPROPRIATIONS — JUDICIAL BRANCH

S.F. 511

AN ACT relating to and making appropriations to the judicial branch.

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

DIVISION I
FY 2011-2012

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, 2011, and ending June 30, 2012, 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, 2011; and maintenance, equipment, and miscellaneous purposes:

..... \$ 154,111,822

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:

..... \$ 2,300,000

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, 2012, 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, 2010, and ending June 30, 2011, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2011, and ending June 30, 2012. 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, 2011, exceeding \$5,000.

Sec. 2. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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, 2011, 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 2011-2012 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, 2011, and ending June 30, 2012, 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, 2011.

DIVISION II
FY 2012-2013

Sec. 7. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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, 2012; and maintenance, equipment, and miscellaneous purposes:

..... \$ 77,055,911

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:

..... \$ 1,150,000

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 division of 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, 2013, 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, 2011, and ending June 30, 2012, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2012, and ending June 30, 2013. 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, 2012, exceeding \$5,000.

Sec. 8. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, 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. 9. TRAVEL REIMBURSEMENT. Notwithstanding section 602.1509, for the fiscal year beginning July 1, 2012, a judicial officer may waive travel reimbursement for any travel outside the judicial officer's county of residence to conduct official judicial business.

Sec. 10. 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 2012-2013 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. 11. 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, 2012, and ending June 30, 2013, 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. 12. 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, 2012.

Approved July 29, 2011

CHAPTER 136

DR. NORMAN BORLAUG STATUE — PLACEMENT AT UNITED STATES CAPITOL

H.J.R. 16

A JOINT RESOLUTION relating to the placement of a statue in the United States capitol honoring Dr. Norman E. Borlaug.

WHEREAS, each state may provide two statues of notable citizens for display in the United States capitol, and may replace the statues if a resolution to do so is approved by a state's legislature and governor; and

WHEREAS, Dr. Norman E. Borlaug was born March 25, 1914, on a farm in Iowa, educated in a one-room school and worked his way through college during the depression, eventually earning a doctorate degree in plant pathology; and

WHEREAS, Dr. Borlaug, as a native son of Iowa, conducted groundbreaking work in breeding varieties of wheat to feed starving populations across the globe, earning the title of father of the "green revolution"; and

WHEREAS, Dr. Borlaug's breakthrough achievements in plant breeding resulted in the saving of as many as one billion lives, leading to his being described as the man who saved more lives than any other person who has ever lived; and

WHEREAS, Dr. Borlaug had the vision for the creation of the world food prize as the equivalent of a Nobel prize for food and agriculture; and

WHEREAS, in honor of his service to humanity, Dr. Borlaug also received a Nobel peace prize, a presidential medal of freedom, and the congressional gold medal; and

WHEREAS, the state of Iowa and the Iowa general assembly have enacted a permanent day of recognition on October 16 as Dr. Norman E. Borlaug World Food Prize Day; NOW THEREFORE,

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

Section 1. REPLACEMENT AUTHORIZATION. The state of Iowa authorizes the replacement of the statue of James Harlan with a statue honoring Dr. Norman E. Borlaug.

Sec. 2. COMMITTEE CREATED. A committee of seven is created, to be appointed by the governor and to serve at the pleasure of the governor, to exchange the statue of James Harlan currently on display in the United States capitol with a statue of Dr. Borlaug.

a. The committee shall 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 exchange the statue, commission the creation of a new statue, transport the replaced statue to the Iowa statehouse, and make all arrangements with the architect of the United States capitol necessary for the new statue to be put into place.

Sec. 3. ADMINISTRATIVE SUPPORT. The department of cultural affairs shall provide all necessary administrative support for the committee and shall administer the capitol statutory fund.

Sec. 4. CAPITOL STATUARY FUND. A capitol statutory 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. Any funds remaining after the exchange of statues shall be used to suitably restore and relocate the Harlan statue. 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.

Sec. 5. DISPLAY OF REPLACED STATUE. The department of administrative services shall provide for a perpetual display of the replaced statue at a suitable location within the statehouse.

Approved March 23, 2011

ANALYSIS OF TABLES

Conversion Tables of Senate and House Files and Joint Resolutions to Chapters of the Acts of the General Assembly

2011 Code Chapters and Sections Amended or Repealed and New Code Sections Assigned, 2011 Regular Session

Session Laws Amended, Repealed, or Referred to in Acts of the Eighty-fourth General Assembly, 2011 Regular Session

Iowa Codes Referred to in Acts of the Eighty-fourth General Assembly, 2011 Regular Session

Iowa Administrative Code Referred to in Acts of the Eighty-fourth General Assembly, 2011 Regular Session

Acts of Congress, United States Code, and Code of Federal Regulations Referred To

Constitution of the State of Iowa Referred To

Constitution of the United States Referred To

Vetoed Bill

Item Vetoes

**CONVERSION TABLES OF SENATE AND HOUSE FILES
AND JOINT RESOLUTIONS TO
CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY**

2011 REGULAR SESSION

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271	22	468	27	649	129
290	15	474	54	651	114
299	51	484	82	652	105
321	43	493	88	654	94
322	60	512	55	658	89
328	102	516	64	672	115
329	44	532	46	676	110
348	23	536	75	679	104
363	74	537	83	682	76
364	45	557	84	683	125
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**2011 CODE CHAPTERS AND SECTIONS AMENDED OR REPEALED
AND NEW CODE SECTIONS ASSIGNED,
2011 REGULAR SESSION**

Boldface type represents new Code section numbers that are subject to change when codified.

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7C.4A	118, §85, 89	8A.363	127, §58, 89
7D.10	131, §10, 158	8A.363(1)	127, §41, 89
7D.10A	81, §11; 131, §11, 158	8A.364	127, §58, 89
7D.29	131, §12, 158	8A.366	127, §58, 89
7D.30	131, §13, 158	8A.367	127, §42, 89
7D.34	118, §50, 89	8A.454(2)	132, §35, 106
7D.35	118, §50, 89	8A.502(9)	122, §40
7E.3(5)	122, §3, 5	8A.504[1c(1)]	120, §1
7E.5	118, §85, 89	8A.512(2)	127, §43, 89
7E.5(1g)	118, §54, 89	8A.512A	127, §44, 89
8.6	118, §85, 89	8D.2(5a)	132, §36, 106
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8.9(1)	34, §1	8D.9(2)	93, §1
8.22A(2)	117, §1, 4	8D.11(4)	132, §38, 106
8.31	118, §85, 89	8E.202(1)	106, §2, 17
8.39(1, 2)	117, §2, 4	8E.202(3)	106, §3, 17
8.39(2A)	117, §3, 4	8G.1	122, §41
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8.55(2)	123, §29, 32	8G.4	122, §44
8.55(3a)	131, §14, 158	8G.5	122, §45
8.55(3“0d”)	131, §15, 158	8G.6	122, §46
8.57(6c)	133, §18, 50	8G.10	122, §47
8.57[6e(1)(d)(i)]	25, §1	8G.11	122, §48
8.57(6f)	133, §19, 50	8G.12	122, §49
8.57A(4)	133, §20, 50	8G.13	122, §50; 131, §51, 158
8.57C(3a, c)	133, §21, 50	10A.104(12)	16, §1, 5
8.57C(3d)	133, §22, 50	10B.5(2)	118, §22, 89
8.57E	123, §30; 131, §50, 158	10C	118, §35, 89
8.58	123, §31	11.1	75, §1
8A.111(4)	127, §32, 89	11.2(1)	75, §2
8A.207(5c)	34, §2	11.2(1A)	75, §3
8A.311(14b)	25, §2	11.2(2a - c)	75, §4
8A.311(15)	127, §33, 89	11.4(1)	75, §5
8A.315(1d)	127, §34, 89	11.4(2)	75, §6
8A.316(4a)	25, §3	11.5A	75, §7
8A.316[4c(1)]	25, §4	11.5B	75, §8
8A.318(3c)	20, §1	11.5B(13)	75, §9
8A.321(4)	131, §16, 158	11.5B(15)	118, §37, 89
8A.321(6)	127, §35, 89	11.6(1a)	75, §10
8A.321(6a)	122, §9, 10	11.6(1“0b”)	75, §11
8A.321(6a, b)	131, §17, 158	11.6(1b)	75, §12
8A.321(6d)	133, §23, 50	11.6(2)	75, §13
8A.327(1)	127, §36, 89	11.6(3)	75, §14
8A.341(2)	106, §1, 17	11.6(4)	75, §15
8A.361	127, §37, 89	11.6(7)	75, §16
8A.362	118, §50, 89; 127, §58, 89	11.6(9)	75, §17
8A.362(4a - c)	127, §38, 89	11.6(10)	75, §18
8A.362(5)	127, §39, 89	11.6(11)	75, §19

Code Chapter or Section	Acts Chapter	Code Chapter or Section	Acts Chapter
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11.10	75, §41	15.108	118, §85, 89
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11.23	75, §41	15.119(2A)	116, §2
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