

CHAPTER 1193

**STATE AND LOCAL GOVERNMENT FINANCIAL AND REGULATORY MATTERS —
APPROPRIATIONS AND MISCELLANEOUS CHANGES**

H.F. 2531

AN ACT relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions.

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

DIVISION I

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2011-2012

Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2011-2012. Notwithstanding section 331.439, subsection 3, the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities service expenditures for the fiscal year beginning July 1, 2011, shall be established by statute which shall be enacted within thirty calendar days of the convening of the Eighty-fourth General Assembly, 2011 Session, on January 10, 2011. The governor shall submit to the general assembly a recommendation for such allowed growth factor adjustment and the amounts of related appropriations to the general assembly on or before January 11, 2011.

DIVISION II

**STANDING APPROPRIATIONS
AND RELATED MATTERS**

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2011-2012.

1. For the budget process applicable to the fiscal year beginning July 1, 2011, on or before October 1, 2010, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph “a”, all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 3. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, are reduced by the following amount:

..... \$ 5,939,790

2. The budgeted amounts for the general assembly for the fiscal year beginning July 1, 2010, may be adjusted to reflect unexpended budgeted amounts from the previous fiscal year.

Sec. 4. LIMITATION OF STANDING APPROPRIATIONS. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph “d”, subparagraph (1):	\$ 443,300
2. For regional tourism marketing under section 99F.11, subsection 3, paragraph “d”, subparagraph (2):	\$ 862,028
3. For the center for congenital and inherited disorders central registry under section 144.13A, subsection 4, paragraph “a”:	\$ 182,044
4. For primary and secondary child abuse prevention programs under section 144.13A, subsection 4, paragraph “a”:	\$ 217,772
5. For programs for at-risk children under section 279.51:	\$ 11,493,891
The amount of any reduction in this subsection shall be prorated among the programs specified in section 279.51, subsection 1, paragraphs “a”, “b”, and “c”.	
6. For payment for nonpublic school transportation under section 285.2:	\$ 7,060,931
If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this subsection, the department of education shall prorate the amount of each approved claim.	
7. For mental health, mental retardation, and developmental disabilities services property tax relief under section 426B.1, subsection 2, as amended in this division of this Act:	\$ 81,199,911
8. For the enforcement of chapter 453D relating to tobacco product manufacturers under section 453D.8:	\$ 19,591
9. For the Iowa power fund under section 469.10, subsection 1:	\$ 19,600,000

Sec. 5. STATE FOUNDATION AID FOR SCHOOLS — FY 2010-2011.

1. Notwithstanding the standing appropriation in section 257.16, subsection 1, for state foundation aid for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the amount appropriated from the general fund of the state pursuant to that section for the following designated purpose shall not exceed the following amount:

For state foundation aid under section 257.16, subsection 1:

.....	\$ 2,499,157,875
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2. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund for state foundation aid for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary to be used for the purposes designated:

In lieu of an equal amount appropriated from the general fund for state foundation aid under section 257.16, subsection 1, as limited by subsection 1 of this section, notwithstanding section 455G.3, subsection 1:

.....	\$ 5,100,000
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3. a. Of the amount designated in this section for state foundation aid, \$314,894,787 is allocated for the teacher salary supplements, the professional development supplements, and the early intervention supplement in accordance with section 257.10, subsections 9 through 11, and section 257.37A. The department of management may adjust the amount allocated pursuant to this subsection in order to reflect any differences resulting from the budget certification process.

b. If the remaining balance of the moneys designated in subsection 1, after the allocation made in paragraph “a” is less than the amount required to pay the remainder of state foundation aid pursuant to section 257.16, subsection 1, the difference shall be deducted from the payments to each school district in the manner provided in section 257.16, subsection 4.

Sec. 6. INSTRUCTIONAL SUPPORT STATE AID — APPROPRIATION. In lieu of the appropriation provided in section 257.20, there is appropriated from the school infrastructure fund created in section 12.82, subsection 1, to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For paying instructional support state aid for fiscal year 2010-2011:

..... \$ 7,500,000

Notwithstanding section 257.20, subsection 3, the appropriation made in this lettered paragraph¹ shall be allocated in the same manner as the allocation of the appropriation was made for the same purpose in the previous fiscal year.

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

Sec. 8. PROPERTY TAX CREDIT FUND — PAYMENTS IN LIEU OF GENERAL FUND REIMBURSEMENT.

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

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

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

d. Notwithstanding section 8.33, the surplus existing in the property tax credit fund created pursuant to 2009 Iowa Acts, chapter 179, section 9, at the conclusion of the fiscal year beginning July 1, 2009, and ending June 30, 2010, is transferred to the property tax credit fund created in paragraph “a”.

2. In lieu of the appropriations in the following designated sections, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, there is appropriated from the property tax credit fund the following amounts for the following designated purposes:

a. For reimbursement for the homestead property tax credit under section 425.1:

..... \$ 87,757,913

b. For reimbursement for the family farm and agricultural land tax credits under sections 425A.1 and 426.1:

..... \$ 32,395,131

c. For reimbursement for the military service tax credit under section 426A.1A:

..... \$ 2,400,000

d. For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.39:

..... \$ 23,400,000

If the director of revenue determines that the amount of claims for credit for property taxes due pursuant to paragraphs “a”, “b”, “c”, and “d”, plus the amount of claims for reimbursement for rent constituting property taxes paid which are to be paid during the fiscal year may exceed the total amount appropriated, the director shall estimate the percentage of the credits and reimbursements which will be funded by the appropriation. The county treasurer shall notify the director of the amount of property tax credits claimed by June 8, 2010. The director shall estimate the percentage of the property tax credits and rent reimbursement claims that will be funded by the appropriation and notify the county treasurer of the percentage estimate by June 15, 2010. The estimated percentage shall be used in computing for each claim the amount of property tax credit and reimbursement for rent constituting property taxes paid for that fiscal year. If the director overestimates the

¹ According to enrolled Act; the phrase “this section” probably intended

percentage of funding, claims for reimbursement for rent constituting property taxes paid shall be paid until they can no longer be paid at the estimated percentage of funding. Rent reimbursement claims filed after that point in time shall receive priority and shall be paid in the following fiscal year.

Sec. 9. FEDERAL RECOVERY AND REINVESTMENT FUND — ADDITIONAL FUNDING FOR FISCAL YEAR 2010-2011.

1. In lieu of 2010 Iowa Acts, House File 2519,² section 19, if additional funding designated for education stabilization is made available for the fiscal year beginning July 1, 2010, through the state fiscal stabilization fund established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, such funding shall be credited to the federal recovery and reinvestment fund created in section 8.41A and is appropriated for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to the departments and agencies that received the funding designated for education stabilization in 2009 Iowa Acts, chapter 183, section 61, subsection 1.

2. a. Except as otherwise provided in paragraph “b”, the amounts of the individual appropriations made in subsection 1 shall be in the same proportion as the individual appropriations in 2009 Iowa Acts, chapter 183, section 61, subsection 1, bear to the total amount appropriated in that provision.

b. (1) The amount appropriated pursuant to subsection 1 for state foundation aid to schools shall not exceed the difference between the amount determined for the standing appropriation for state foundation aid for the fiscal year pursuant to section 257.16, subsection 1, and the amount the standing appropriation was limited to pursuant to this division of this Act.

(2) The amount appropriated for the fiscal year pursuant to subsection 1 for instructional support state aid under section 257.20 shall not exceed \$5,609,950, shall be in addition to the appropriation made in this division of this Act for the same purpose from the school infrastructure fund, and shall be allocated as provided in the school infrastructure fund appropriation.

3. a. Except as provided in subsection 2 for instructional support state aid, the distribution of each appropriation made pursuant to subsection 1 to subunits of the departments and agencies shall also be in the same proportion as the distribution to subunits of the individual appropriations in 2009 Iowa Acts, chapter 183, section 61, subsection 1. However, state foundation aid to school districts shall be distributed based on 2010 Iowa Acts, House File 2519,³ section 20, subsection 1.

b. If good cause exists, as determined by the departments of education and management, in coordination with the office of the governor, adjustments may be made to distribution proportions to the subunits other than as provided in paragraph “a”.

4. The department of management shall report to the chairpersons and ranking members of the appropriations committees of the senate and house of representatives and the legislative services agency concerning any appropriations and distributions made pursuant to this section, within two weeks of such appropriations and distributions being made.

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

For performance of duty by the executive council in sections 7D.29 and 29C.20:
..... \$ 10,583,628

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

Sec. 11. CASH RESERVE FUND APPROPRIATION REQUIREMENTS. Section 8.56, subsections 3 and 4, shall not apply to any appropriation made in this division or any other division of this Act from the cash reserve fund created in section 8.56.

² Chapter 1187 herein

³ Chapter 1187 herein

Sec. 12. CASH RESERVE FUND APPROPRIATION FOR FISCAL YEAR 2010-2011. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the appropriation to the cash reserve fund provided in section 8.57, subsection 1, paragraph “a”, shall not be made.

Sec. 13. Section 257.35, subsection 5, Code Supplement 2009, is amended to read as follows:

5. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, ~~2010~~ 2011, shall be reduced by the department of management by two million five hundred thousand dollars. The reduction for each area education agency for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, ~~2010~~ 2011, shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

Sec. 14. Section 426B.1, subsections 2 and 3, Code 2009, are amended to read as follows:

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

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

CASH RESERVE FUND — PERFORMANCE OF DUTY

Sec. 15. 2009 Iowa Acts, chapter 179, section 10, is amended by adding the following new unnumbered paragraph:

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

Sec. 16. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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

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

3. The section of this division of this Act amending 2009 Iowa Acts, chapter 179, section 10, being deemed of immediate importance, takes effect upon enactment.

DIVISION III SALARIES, COMPENSATION, AND RELATED MATTERS

Sec. 17. APPOINTED STATE OFFICERS.

1. The governor shall establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in and within the salary ranges provided in 2008 Iowa Acts, chapter 1191, section 14, by considering, among other items, the experience of the individual in the position, changes in the duties of the position, the incumbent’s performance of assigned duties, and subordinates’ salaries. However, the

attorney general shall establish the salary for the consumer advocate, the chief justice of the supreme court shall establish the salary for the state court administrator, the ethics and campaign disclosure board shall establish the salary of the executive director, and the Iowa public broadcasting board shall establish the salary of the administrator of the public broadcasting division of the department of education, each within the salary range provided in 2008 Iowa Acts, chapter 1191, section 14.

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

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

Sec. 18. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The various state departments, boards, commissions, councils, and agencies, including the state board of regents, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall provide from available sources pay adjustments, expense reimbursements, and related benefits to fully fund the following:

1. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.

2. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.

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

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

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

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

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

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

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

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

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

12. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the university of northern Iowa faculty bargaining unit.

13. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa graduate student bargaining unit.

14. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa hospital and clinics tertiary health care bargaining unit.

15. The annual pay adjustments, related benefits, and expense reimbursements referred to in the sections of this division of this Act addressing noncontract state and state board of regents employees who are not covered by a collective bargaining agreement.

Sec. 19. NONCONTRACT STATE EMPLOYEES — GENERAL.

1. For the fiscal year beginning July 1, 2010:

a. The maximum and minimum salary levels of all pay plans provided for in section 8A.413, subsection 3, as they exist for the fiscal year ending June 30, 2010, shall not increase.

b. Employees shall not receive a step increase or the equivalent of a step increase.

c. The pay plan for noncontract judicial branch employees shall not be increased.

d. The pay plans for state employees who are exempt from chapter 8A, subchapter IV, and who are included in the department of administrative services' centralized payroll system shall not be increased, and any additional changes in any executive branch pay plans shall be approved by the governor.

2. This section does not apply to members of the general assembly, board members, commission members, persons whose salaries are set by the general assembly pursuant to this Act or are set by the governor, or other persons designated in the section of this division of this Act addressing appointed state officers, employees designated under section 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

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

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

Sec. 20. STATE EMPLOYEES — STATE BOARD OF REGENTS. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, funds shall be provided from available sources of the state board of regents for funding of collective bargaining agreements for state board of regents employees covered by such agreements and for the following state board of regents employees not covered by a collective bargaining agreement:

1. Regents merit system employees and merit supervisory employees.

2. Faculty members and professional and scientific employees.

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

Sec. 22. SPECIAL FUNDS. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, salary adjustments otherwise provided for in this Act may be funded using departmental revolving, trust, or special funds for which the general assembly has established an operating budget, provided doing so does not exceed the operating budget established by the general assembly.

Sec. 23. FEDERAL FUNDS APPROPRIATED. For the fiscal year beginning July 1, 2010, all federal grants to and the federal receipts of the agencies affected by this division of this Act which are received and may be expended for purposes of this division of this Act are appropriated for those purposes and as set forth in the federal grants or receipts.

Sec. 24. STATE TROOPER MEAL ALLOWANCE. For the fiscal year beginning July 1, 2010, the sworn peace officers in the department of public safety who are not covered by a collective bargaining agreement negotiated pursuant to chapter 20 shall receive the same per diem meal allowance as the sworn peace officers in the department of public safety who are covered by a collective bargaining agreement negotiated pursuant to chapter 20.

Sec. 25. SALARY MODEL ADMINISTRATOR. The salary model administrator shall work in conjunction with the legislative services agency to maintain the state's salary model used for analyzing, comparing, and projecting state employee salary and benefit information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions

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

Sec. 26. 2008 Iowa Acts, chapter 1191, section 14, subsection 7, is amended to read as follows:

7. The following are range 7 positions: administrator of the public broadcasting division of the department of education, director of the department of corrections, director of the department of education, director of human services, director of the department of economic development, executive director of the Iowa telecommunications and technology commission, executive director of the state board of regents, director of transportation, director of the department of workforce development, director of revenue, director of public health, state court administrator, director of the department of management, chief information officer, state debt coordinator, and director of the department of administrative services.

DIVISION IV APPROPRIATION REDUCTIONS

Sec. 27. APPROPRIATION REDUCTIONS — REPORT.

1. The amounts appropriated from the general fund of the state to the departments and establishments of the executive branch, as defined in section 8.2, but not including appropriations to the state board of regents, for operational purposes in enactments made for the fiscal year beginning July 1, 2010, and ending June 30, 2011, are reduced by \$83,760,500. For purposes of this section, "operational purposes" means salary, support, administrative expenses, or other personnel-related costs. The reductions in appropriations required pursuant to this subsection shall be realized through the implementation of 2010 Iowa Acts, Senate File 2062,⁴ 2010 Iowa Acts, Senate File 2088,⁵ executive order number 20⁶ issued December 16, 2009, and any other efficiency measure. The reductions to operational appropriations required by this subsection shall be applied by the department of management.

2. On or before December 1, 2010, the department of management shall submit a report to the general assembly and the legislative services agency regarding anticipated reductions in appropriations for operational purposes and anticipated reductions in full-time equivalent positions for the fiscal year beginning July 1, 2010, and ending June 30, 2011, as required by this section. In the report, all reductions shall be categorized in one of four categories. The categories shall include the implementation of 2010 Iowa Acts, Senate File 2062;⁷ the implementation of 2010 Iowa Acts, Senate File 2088,⁸ section 65; the implementation of 2010 Iowa Acts, Senate File 2088,⁹ sections 67 and 68; and the implementation of both executive order number 20¹⁰ issued December 16, 2009, and any remaining provisions of 2010 Iowa Acts, Senate File 2088.¹¹

⁴ Chapter 1005 herein

⁵ Chapter 1031 herein

⁶ Published in IAB Vol. XXXII, No. 18, (2/24/2010) p. 2102

⁷ Chapter 1005 herein

⁸ Chapter 1031 herein

⁹ Chapter 1031 herein

¹⁰ Published in IAB Vol. XXXII, No. 18, (2/24/2010) p. 2102

¹¹ Chapter 1031 herein

Sec. 28. CASH RESERVE TRANSFER. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of management may transfer up to five million dollars from the cash reserve fund created in section 8.56 to appropriations addressed by this division for purposes of offsetting the appropriation reductions required in this division. A transfer made pursuant to the authority granted in this section shall be subject to the reporting requirements in section 8.39, subsections 3 and 4.

Sec. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES — INFORMATION TECHNOLOGY. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementing 2010 Iowa Acts, Senate File 2088, ¹² division I, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 2,300,000

DIVISION V
STATE FINANCIAL MANAGEMENT DUTIES

Sec. 30. Section 8A.502, subsection 1, Code 2009, is amended to read as follows:

1. Centralized accounting and payroll system. To assume the responsibilities related to a centralized accounting system for state government and to establish a centralized payroll system for all state agencies. However, the state board of regents and institutions under the control of the state board of regents shall not be required to utilize the centralized payroll system.

Sec. 31. Section 8A.502, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 8A. *Budget database.* To develop and make available to the public a searchable budget database.

Sec. 32. Section 11.5B, subsection 16, if enacted by 2010 Iowa Acts, Senate File 2367, ¹³ is amended by striking the subsection.

Sec. 33. 2010 Iowa Acts, Senate File 2088, ¹⁴ section 233, is amended to read as follows:

SEC. 233. DEPARTMENT OF MANAGEMENT ADMINISTRATIVE SERVICES — CENTRALIZED PAYROLL SYSTEM. The department of ~~management~~ administrative services shall examine the possibility of merging all state payroll systems into the centralized payroll system operated by the department. The department shall consult with those entities of state government not utilizing the centralized payroll system, including but not limited to the state department of transportation, about strategies for encouraging utilization of the state’s centralized payroll system and by identifying those barriers preventing merging of the payroll systems. The department shall provide information to the joint appropriations subcommittee on administration and regulation concerning efforts by the department to merge payroll systems and any recommendations for legislative action to encourage, or eliminate barriers to, the provision of payroll services by the department to other state agencies.

Sec. 34. 2010 Iowa Acts, Senate File 2088, ¹⁵ section 234, is amended to read as follows:

SEC. 234. DEPARTMENT OF MANAGEMENT ADMINISTRATIVE SERVICES — PAYROLL FREQUENCY. The department of ~~management~~ administrative services shall implement to the greatest extent possible a reduction in the frequency of paying state employees by paying employees through the payroll system on a semimonthly instead of a biweekly basis.

¹² Chapter 1031 herein
¹³ Chapter 1189 herein
¹⁴ Chapter 1031 herein
¹⁵ Chapter 1031 herein

Sec. 35. REPEALS. 2010 Iowa Acts, Senate File 2088,¹⁶ sections 175 through 232, are repealed.

DIVISION VI
CORRECTIVE PROVISIONS

Sec. 36. Section 2.69, subsection 3, as enacted by 2010 Iowa Acts, Senate File 2088,¹⁷ section 420, is amended to read as follows:

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

Sec. 37. Section 16.181A, subsection 1, as enacted by 2010 Iowa Acts, Senate File 2389,¹⁸ is amended to read as follows:

1. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2009, and ~~ending~~ beginning July 1, 2011, and for each succeeding fiscal year, the sum of three million dollars.

Sec. 38. Section 46.3, subsection 3, Code 2009, as amended by 2010 Iowa Acts, Senate File 2343,¹⁹ section 1, if enacted, is amended to read as follows:

3. A No more than a simple majority of the commissioners appointed shall be of the same gender.

Sec. 39. Section 97D.4, subsection 2, Code 2009, is amended to read as follows:

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

Sec. 40. Section 123.43A, subsection 1, unnumbered paragraph 1, as enacted by 2010 Iowa Acts, Senate File 2088,²⁰ section 84, is amended to read as follows:

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

Sec. 41. Section 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File 2280,²¹ section 18, is amended to read as follows:

2. The department may require ~~that~~ an owner, operator, or employee of a commercial establishment subject to disciplinary action under subsection 1 to complete a continuing education program as a condition for retaining an authorization. This section does not prevent a person from voluntarily participating in a continuing education program.

Sec. 42. Section 216A.113, subsection 1, as enacted by 2010 Iowa Acts, Senate File 2088,²² section 139, is amended to read as follows:

1. The ~~commission on the deaf~~ of deaf services is established, and shall consist of seven voting members appointed by the governor, subject to confirmation by the senate pursuant to section 2.32. Membership of the commission shall include at least four members who are

¹⁶ Chapter 1031 herein

¹⁷ Chapter 1031 herein

¹⁸ Chapter 1184, §84 herein

¹⁹ Vetoed by governor

²⁰ Chapter 1031 herein

²¹ Chapter 1030 herein

²² Chapter 1031 herein

deaf and who cannot hear human speech with or without use of amplification and at least one member who is hard of hearing. All members shall reside in Iowa.

Sec. 43. Section 216C.9, subsection 1, Code 2009, as amended by 2010 Iowa Acts, Senate File 2202,²³ section 7, if enacted, is amended to read as follows:

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

Sec. 44. Section 256.51, subsection 1, paragraph a, Code 2009, as amended by 2010 Iowa Acts, Senate File 2088,²⁴ section 316, is amended to read as follows:

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

Sec. 45. Section 256F.3, subsection 1, Code 2009, as amended by 2010 Iowa Acts, Senate File 2033,²⁵ section 10, is amended to read as follows:

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

Sec. 46. Section 256F.6, subsection 3, Code 2009, is amended to read as follows:

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

Sec. 47. Section 260C.44, Code 2009, as amended by 2010 Iowa Acts, Senate File 2340,²⁶ section 35, if enacted, is amended to read as follows:

260C.44 Apprenticeship programs.

1. Each community college is authorized to establish or contract for the establishment of apprenticeship programs for apprenticeable occupations. Any apprenticeship program established under this section shall comply with requirements established by the United States department of labor, ~~bureau office of apprenticeship and training~~. Participation in an apprenticeship program or apprenticeship agreement by an apprenticeship sponsor shall be on a voluntary basis.

2. For purposes of this section:

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

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

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

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

Sec. 48. Section 298.4, subsection 2, if enacted by 2010 Iowa Acts, Senate File 2237,²⁷ section 103, is amended to read as follows:

²³ Chapter 1079 herein

²⁴ Chapter 1031 herein

²⁵ Chapter 1001 herein

²⁶ Chapter 1069 herein

²⁷ Chapter 1061 herein

2. Unencumbered funds collected from the levies authorized in sections 96.31, 279.46, and 296.7 prior to July 1, 1991, may be expended for the purposes listed in subsections subsection 1, paragraphs “a”, “c”, and “e”.

Sec. 49. Section 317.1, Code 2009, as amended by 2010 Iowa Acts, Senate File 2340,²⁸ section 86, if enacted, is amended to read as follows:

317.1 Definitions.

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

- a. 1. “Book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.
- b. 2. “Commissioner” means the county weed commissioner or the commissioner’s deputy within each county.

Sec. 50. Section 321J.2, subsection 3, paragraph d, subparagraphs (1) and (2), if enacted by 2010 Iowa Acts, Senate File 431,²⁹ section 1, are amended to read as follows:

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

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

Sec. 51. Section 336.4, Code 2009, as amended by 2010 Iowa Acts, Senate File 2088,³⁰ section 323, is amended to read as follows:

336.4 Library trustees.

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

Sec. 52. Section 421C.2, subsection 8, paragraph b, if enacted by 2010 Iowa Acts, Senate File 2383,³¹ is amended to read as follows:

b. “Third party” means an individual, institution, corporation, or public or private agency which is or may be liable to pay all or part of a debtor’s monetary claim. “Third party” does not include a financial institution as defined in section ~~572.2~~ 527.2.

Sec. 53. Section 435.26B, subsection 1, paragraph c, if enacted by 2010 Iowa Acts, Senate File 2199,³² section 13, is amended to read as follows:

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

²⁸ Chapter 1069 herein

²⁹ Chapter 1124 herein

³⁰ Chapter 1031 herein

³¹ Chapter 1146, §10 herein

³² Chapter 1108 herein

Sec. 54. Section 455B.104, subsection 4, as enacted by 2010 Iowa Acts, Senate File 2088,³³ section 258, is amended to read as follows:

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

Sec. 55. Section 476.53, subsection 2, paragraph a, Code 2009, as amended by 2010 Iowa Acts, House File 2399,³⁴ section 2, if enacted, is amended to read as follows:

a. The general assembly's intent with regard to the development of electric power generating and transmission facilities, or the significant alteration of an existing generating facility,₂ as provided in subsection 1, shall be implemented in a manner that is cost-effective and compatible with the environmental policies of the state, as expressed in Title XI.

Sec. 56. Section 489.116, subsection 4, as amended by 2010 Iowa Acts, House File 2478,³⁵ section 5, if enacted, is amended to read as follows:

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

Sec. 57. Section 489.1005, subsection 2, Code 2009, is amended to read as follows:

2. A surviving organization that is a foreign organization consents to the jurisdiction of the courts of this state to enforce any debt, obligation, or other liability owed by a constituent organization, if before the merger the constituent organization was subject to suit in this state on the debt, obligation, or other liability. A surviving organization that is a foreign organization and not authorized to transact business in this state appoints the secretary of state as its registered agent for service of process for the purposes of enforcing a debt, obligation, or other liability under this subsection. Service on the secretary of state under this subsection must be made in the same manner and has the same consequences as in section 489.116, subsections ~~3~~ 2 and ~~4~~ 3.

Sec. 58. Section 489.1009, subsection 3, Code 2009, is amended to read as follows:

3. A converted organization that is a foreign organization consents to the jurisdiction of the courts of this state to enforce any debt, obligation, or other liability for which the converting limited liability company is liable if, before the conversion, the converting limited liability company was subject to suit in this state on the debt, obligation, or other liability. A converted organization that is a foreign organization and not authorized to transact business in this state appoints the secretary of state as its registered agent for service of process for purposes of enforcing a debt, obligation, or other liability under this subsection. Service on the secretary of state under this subsection must be made in the same manner and has the same consequences as in section 489.116, subsections ~~3~~ 2 and ~~4~~ 3.

Sec. 59. Section 489.1013, subsection 2, Code 2009, is amended to read as follows:

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

³³ Chapter 1031 herein

³⁴ Chapter 1176 herein

³⁵ Chapter 1100 herein

Sec. 60. Section 508C.3, subsection 1, paragraph b, subparagraph (2), subparagraph division (b), Code 2009, as amended by 2010 Iowa Acts, Senate File 2272,³⁶ section 1, if enacted, is amended to read as follows:

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

Sec. 61. Section 514C.26, subsection 1, paragraph c, subparagraph (2), subparagraph division (j), as enacted by 2010 Iowa Acts, House File 2075,³⁷ section 1, is amended to read as follows:

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

Sec. 62. Section 543B.29, subsection 1, paragraph e, subparagraph (2), if enacted by 2010 Iowa Acts, Senate File 2326,³⁸ section 5, is amended to read as follows:

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

Sec. 63. Section 562A.29A, subsection 1, paragraph b, as enacted by 2010 Iowa Acts, Senate File 2300,³⁹ section 3, is amended to read as follows:

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

Sec. 64. Section 685.6, subsection 9, paragraph d, as enacted by 2010 Iowa Acts, Senate File 2088,⁴⁰ section 343, is amended to read as follows:

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

Sec. 65. Section 692A.102, subsection 1, paragraph c, subparagraph (30), Code Supplement 2009, is amended to read as follows:

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

Sec. 66. Section 805.6, subsection 3, paragraph a, if enacted by 2010 Iowa Acts, Senate File 2340,⁴¹ section 63, is amended to read as follows:

a. The uniform citation and complaint shall contain spaces for the parties' names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2, a warning which states; I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information; and a statement that providing false information is a violation of section

³⁶ Chapter 1063 herein

³⁷ Chapter 1013 herein

³⁸ Chapter 1068 herein

³⁹ Chapter 1017 herein

⁴⁰ Chapter 1031 herein

⁴¹ Chapter 1069 herein

719.3; a list of the scheduled fines prescribed by sections 805.8A, 805.8B, and 805.8C, either separately or by group, and a statement of the court costs payable in scheduled violation cases, whether or not a court appearance is required or is demanded; a brief explanation of sections 805.9 and 805.10; and a space where the defendant may sign an admission of the violation when permitted by section 805.9; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety, the director of transportation, and the director of the department of natural resources may determine.

Sec. 67. Section 805.6, subsection 7, Code Supplement 2009, as amended by 2010 Iowa Acts, Senate File 2340,⁴² section 63, if enacted, is amended to read as follows:

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

Sec. 68. Section 901A.1, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Enticing a minor away in violation of section 710.10, subsection 1.

Sec. 69. The portion of 2010 Iowa Acts, House File 2399,⁴³ section 2, if enacted, that enacts section 476.53, subsection 3, paragraph a, subparagraph (1), unnumbered paragraph 1, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

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

Sec. 70. 2010 Iowa Acts, Senate File 431,⁴⁴ section 5, if enacted, is amended by striking the section and inserting in lieu thereof the following:

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

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

Sec. 71. 2010 Iowa Acts, Senate File 2237,⁴⁵ section 180, subsection 4, paragraph a, as enacted, is amended to read as follows:

a. The Code editor is directed to strike the words “title” or “Title” and insert “Tit.” within federal Act references in sections 13.31, subsections 1 and 6; 15E.192, subsection 2; 15E.195, subsections 1 and 2; 30.1, subsection 3; 47.1, subsection 5; 96.11, subsection 10, paragraph “c”; 97C.1; 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered paragraph 1, and subsections 1 and 2; 135C.9, subsection 1, paragraph “b”; 142A.8, subsection 2; 203C.1, subsection 26; 207.21, subsections 1, 4, and 5; 207.22, subsection 3, paragraph “b”; 217.38; 228.1, subsection 7; 230.20, subsection 6; 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2, subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24, subsection 2, paragraph “b”; 249B.1, subsections 6 and 7; 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10, subsection 3; 249J.22, subsection 3; 252B.6, subsection 3; 252B.9, subsection 2, paragraph “b”, subparagraph (1), subsection 3, paragraphs “c”, “d”, “e”, subparagraph (1), and “f”; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered paragraph 2; 259.9; 260C.18A,

⁴² Chapter 1069 herein

⁴³ Chapter 1176 herein

⁴⁴ Chapter 1124 herein

⁴⁵ Chapter 1061 herein

subsection 2, paragraph “c”; 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105, subsection 5; 321.450, subsections 1 and 3; 403.6, subsection 7; 455B.133, subsection 3 and subsection 8, paragraph “a”; 459A.102, subsection 19; 483A.4, subsection 1; 486A.101, subsection 2, paragraph “a”; 488.102, subsection 3, paragraph “a”; 490A.102, subsection 2; 514.7, subsections 2 through 4; 514B.1, subsection 5, paragraphs “b” ~~though~~ through “d”; 514C.8, subsection 1; 514F.4, subsection 2, paragraph “a”; 514I.9, subsection 1; 523A.401, subsection 5, paragraph “a”; 523A.402, subsection 5, paragraph “a”; 523A.602, subsection 3; 534.205, subsection 1; 541A.1, subsection 8, paragraph “b”, subparagraph (2); and 541A.6, Code 2009.

Sec. 72. 2010 Iowa Acts, Senate File 2366,⁴⁶ section 16, if enacted, is amended to read as follows:

SEC. 16. EFFECTIVE DATE — APPLICABILITY. ~~This section~~ The sections of this division of this Act providing for transfers involving the college student aid commission and the department of inspections and appeals are retroactively applicable to December 14, 2009, and apply in lieu of the transfers made for the same purposes by the executive branch, as reported by the department of management in the transfer notices dated December 14, 2009.

Sec. 73. 2010 Iowa Acts, Senate File 2366,⁴⁷ section 23, subsection 2, if enacted, is amended to read as follows:

2. The costs associated with implementation of this division of this Act shall be funded exclusively through moneys appropriated from the quality assurance trust fund, and shall result in budget neutrality to the general fund of the state for the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Sec. 74. REPEAL. 2010 Iowa Acts, House File 2280,⁴⁸ section 25, is repealed.

Sec. 75. REPEAL. 2010 Iowa Acts, House File 2452,⁴⁹ section 3, is repealed.

Sec. 76. REPEAL. 2010 Iowa Acts, Senate File 2340,⁵⁰ section 117, is repealed.

Sec. 77. CONDITIONAL EFFECTIVE DATE. The sections of this division of this Act amending sections 489.1005, 489.1009, and 489.1013, take effect only if 2010 Iowa Acts, House File 2478,⁵¹ is enacted.

Sec. 78. CONDITIONAL EFFECTIVE DATE. The sections of this division of this Act amending section 692A.102, subsection 1, paragraph “c”, subparagraph (30), and section 901A.1, subsection 1, paragraph “c”, take effect only if 2010 Iowa Acts, House File 2438,⁵² is enacted.

Sec. 79. CONTINGENT EFFECTIVE DATE. The section of this division of this Act amending section 805.6, subsection 7, takes effect only if 2010 Iowa Acts, Senate File 2197,⁵³ is enacted.

Sec. 80. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The following sections of this division of this Act, being deemed of immediate importance, take effect upon enactment and apply retroactively as follows:

1. The section of this division of this Act amending section 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File 2280,⁵⁴ section 18, applies retroactively to March 9, 2010.

⁴⁶ Chapter 1182 herein

⁴⁷ Chapter 1182 herein

⁴⁸ Chapter 1030 herein

⁴⁹ Chapter 1097 herein

⁵⁰ Chapter 1069 herein

⁵¹ Chapter 1100 herein

⁵² Chapter 1129 herein

⁵³ Chapter 1078 herein

⁵⁴ Chapter 1030 herein

2. The section of this division of this Act amending section 216A.113, subsection 1, as enacted by 2010 Iowa Acts, Senate File 2088,⁵⁵ section 139, applies retroactively to March 10, 2010.

3. The section of this division of this Act amending section 256.51, subsection 1, paragraph “a”, Code 2009, as amended by 2010 Iowa Acts, Senate File 2088,⁵⁶ section 316, applies retroactively to March 10, 2010.

4. The section of this division of this Act amending section 435.26B, subsection 1, paragraph “c”, if enacted by 2010 Iowa Acts, Senate File 2199,⁵⁷ section 13, applies retroactively to the effective date of 2010 Iowa Acts, Senate File 2199.⁵⁸

5. The section of this division of this Act amending section 562A.29A, subsection 1, paragraph “b”, as enacted by 2010 Iowa Acts, Senate File 2300,⁵⁹ section 3, applies retroactively to March 2, 2010.

6. The section of this division of this Act amending the portion of 2010 Iowa Acts, House File 2399,⁶⁰ section 2, that enacts section 476.53, subsection 3, paragraph “a”, subparagraph (1), unnumbered paragraph 1, applies retroactively to March 9, 2010.

7. The section of this division of this Act repealing 2010 Iowa Acts, House File 2280,⁶¹ section 25, applies retroactively to March 9, 2010.

8. The section of this division of this Act amending 2010 Iowa Acts, Senate File 2366,⁶² section 16.

Sec. 81. EFFECTIVE DATE. The following sections of this division of this Act take effect December 1, 2010:

1. The section of this division of this Act amending section 321J.2, subsection 3, paragraph “d”, subparagraphs (1) and (2), if enacted by 2010 Iowa Acts, Senate File 431,⁶³ section 1.

2. The section of this division of this Act repealing 2010 Iowa Acts, House File 2452,⁶⁴ section 3, if 2010 Iowa Acts, Senate File 431,⁶⁵ is enacted.

3. The section of this division of this Act amending 2010 Iowa Acts, Senate File 431,⁶⁶ section 5, if 2010 Iowa Acts, Senate File 431,⁶⁷ is enacted.

DIVISION VII MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

Sec. 82. DEPARTMENT OF CULTURAL AFFAIRS — MERCHANT MARINE BONUS FUND. There is appropriated from the merchant marine bonus fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2010, and ending June 30, 2011, any moneys remaining in the fund after the appropriation made pursuant to 2010 Iowa Acts, House File 2526,⁶⁸ to be used for any costs relating to a study of the U.S.S. Iowa and for departmental salaries, support, maintenance, and miscellaneous purposes.

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

Sec. 83. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND — APPROPRIATIONS. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3 to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30,

⁵⁵ Chapter 1031 herein

⁵⁶ Chapter 1031 herein

⁵⁷ Chapter 1108 herein

⁵⁸ Chapter 1108 herein

⁵⁹ Chapter 1017 herein

⁶⁰ Chapter 1176 herein

⁶¹ Chapter 1030 herein

⁶² Chapter 1182 herein

⁶³ Chapter 1124 herein

⁶⁴ Chapter 1097 herein

⁶⁵ Chapter 1124 herein

⁶⁶ Chapter 1124 herein

⁶⁷ Chapter 1124 herein

⁶⁸ Chapter 1192 herein

2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 455G.3, subsection 1:

1. DEPARTMENT OF PUBLIC HEALTH — BOARD OF PHARMACY

For continuation of the pharmaceutical collection and disposal pilot program established pursuant to 2009 Iowa Acts, chapter 175, section 9:

..... \$ 150,000

2. DEPARTMENT OF ADMINISTRATIVE SERVICES

For costs associated with providing autism spectrum disorders coverage pursuant to section 514C.26, as enacted by this Act:

..... \$ 140,000

3. STATE BOARD OF REGENTS

a. For the state school for the deaf:

..... \$ 233,000

b. For Iowa braille and sight saving school:

..... \$ 137,000

4. DEPARTMENT OF EDUCATION — VOCATIONAL REHABILITATION SERVICES DIVISION

For a program for farmers with disabilities:

..... \$ 97,000

The funds appropriated in this subsection shall be used for the public purpose of providing a grant to a national nonprofit organization with over 80 years of experience in assisting children and adults with disabilities and special needs. The funds shall be used for a nationally recognized program that began in 1986 and has been replicated in at least 30 other states, but which is not available through any other entity in this state, that provides assistance to farmers with disabilities in all 99 counties to allow the farmers to remain in their own homes and be gainfully engaged in farming through provision of agricultural worksite and home modification consultations, peer support services, services to families, information and referral, and equipment loan services. Notwithstanding section 8.33, moneys appropriated in this section⁶⁹ that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

5. DEPARTMENT OF HUMAN SERVICES

For restoring for the fiscal year beginning July 1, 2010, a portion of the reimbursement rate reduction that was applied in the previous fiscal year to adoption, family foster care, group foster care, and supervised apartment living services providers, to implement appropriations reductions applied pursuant to executive order number 19⁷⁰ issued October 8, 2010:⁷¹

..... \$ 1,000,000

The department shall increase the reimbursement rates otherwise specified in 2010 Iowa Acts, House File 2526,⁷² if enacted, for the designated services providers by an equal percentage in order to fully utilize the amount appropriated in this subsection.

6. DEPARTMENT OF COMMERCE — DIVISION OF INSURANCE

For costs associated with establishing the Iowa insurance information exchange pursuant to section 505.32, if enacted by 2010 Iowa Acts, Senate File 2356:⁷³

..... \$ 150,000

Sec. 84. FISCAL YEAR 2009-2010 — APPROPRIATIONS. There is appropriated from the general fund of the state to the following departments and agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 200,000

⁶⁹ According to enrolled Act; the word "subsection" probably intended
⁷⁰ Published in IAB Vol. XXXII, No. 9, (10/21/09) p. 1139
⁷¹ According to enrolled Act; the year "2009" probably intended
⁷² Chapter 1192 herein
⁷³ Chapter 1134, §7 herein

2. DEPARTMENT OF REVENUE

For the duties of the office of the state debt coordinator established in 2010 Iowa Acts, Senate File 2383, ⁷⁴ if enacted, including salaries, support, maintenance, services, advertising, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	300,000
.....	FTEs	3.00

For the period beginning on the effective date of the section establishing the debt amnesty program in 2010 Iowa Acts, Senate File 2383, ⁷⁵ through November 30, 2010, or when the program is ended, whichever is later, an amount of the proceeds collected by the program equal to the administrative, advertising, and other costs of the program shall be considered repayment receipts, as defined in section 8.2, and shall be used by the office of the state debt coordinator for those costs.

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

Sec. 85. SAC AND FOX INDIAN SETTLEMENT — EDUCATIONAL EXPENSES. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

Notwithstanding section 455G.3, subsection 1, for distribution to the tribal council of the Sac and Fox Indian settlement located on land held in trust by the secretary of the interior of the United States. Moneys appropriated under this section shall be used for the purposes specified in section 256.30:

.....	\$	90,000
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Sec. 86. SCHOOL READY CHILDREN GRANT REQUIREMENT. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the early childhood Iowa state board may grant a school ready children grant waiver as to the required percentage of family support program to be committed to a home visitation component to an early childhood Iowa area that is funding the teaching interventions to empower and strengthen families program and is more than 10 percent away from meeting the required percentage.

Sec. 87. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, administration, and other costs associated with implementation of 2010 Iowa Acts, Senate File 2333, ⁷⁶ if enacted:

.....	\$	250,000
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Sec. 88. TAIWAN TRADE OFFICE — IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

Notwithstanding section 455G.3, subsection 1, for establishing a trade office in Taipei, Taiwan:

.....	\$	100,000
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If the department cannot arrange for matching moneys from another source in an amount at least equal to the appropriation made in this section, the moneys appropriated in this section

⁷⁴ Chapter 1146 herein
⁷⁵ Chapter 1146 herein
⁷⁶ Chapter 1177 herein

shall revert to the Iowa comprehensive petroleum underground storage tank fund.

Sec. 89. INSURANCE DIVISION. There is appropriated from the department of commerce revolving fund created in section 546.12 to the insurance division of the department of commerce for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	55,000
.....	FTEs	1.00

Sec. 90. CASH RESERVE FUND APPROPRIATIONS. There is appropriated from the cash reserve fund created in section 8.56 to the following departments and agencies for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts to be used for the purposes designated:

1. DEPARTMENT OF HUMAN SERVICES

For the medical assistance program:

.....	\$	187,800,000
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2. DEPARTMENT OF MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	260,000
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3. DEPARTMENT OF EDUCATION

a. To provide funding in addition to the amount appropriated in 2010 Iowa Acts, Senate File 2376,⁷⁷ section 6, subsection 14, for allocation to eligible school districts for the four-year-old preschool program under chapter 256C:

.....	\$	4,000,000
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b. For school districts to provide direct services to the most at-risk senior high school students enrolled in school districts through direct intervention by a jobs for America's graduates specialist:

.....	\$	540,000
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4. DEPARTMENT OF NATURAL RESOURCES

For operations, notwithstanding restrictions otherwise applicable under 2010 Iowa Acts, House File 2525,⁷⁸ relating to private buildings, if enacted:

.....	\$	300,000
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5. DEPARTMENT OF HUMAN SERVICES

For funding of shelter care in addition to the amount allocated for this purpose in the appropriation for child and family services in 2010 Iowa Acts, House File 2526,⁷⁹ if enacted:

.....	\$	500,000
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6. OFFICE OF ENERGY INDEPENDENCE

For deposit in the Iowa power fund:

.....	\$	2,000,000
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7. IOWA FINANCE AUTHORITY

a. To a county with a population between 189,000 and 196,000 in the last preceding certified federal census for rehabilitation of a flood damaged public service center:

.....	\$	4,500,000
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b. To a city with a population between 120,500 and 120,800 in the last preceding certified federal census for rehabilitation and renovation of a federal courthouse and to meet federal flood mitigation standards:

.....	\$	2,100,000
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⁷⁷ Chapter 1183 herein

⁷⁸ Chapter 1191 herein

⁷⁹ Chapter 1192 herein

Sec. 91. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF ADMINISTRATIVE SERVICES. The appropriations to the department of administrative services for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate File 2367,⁸⁰ from the general fund of the state shall be increased by \$2,761,100. The number of full-time equivalent positions authorized for the department of administrative services for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate File 2367,⁸¹ shall be increased by 34.40.

Sec. 92. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF MANAGEMENT. The appropriations to the department of management for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate File 2367,⁸² from the general fund of the state shall be decreased by \$2,761,100. The number of full-time equivalent positions authorized for the department of management for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate File 2367,⁸³ shall be decreased by 34.40.

Sec. 93. RAILROAD COMPANY — LIMITED LIABILITY. A railroad company which alters facilities described in section 327F.2 pursuant to a written agreement executed on or before December 31, 2011 with a political subdivision with a population of more than 15,100, but less than 15,150, according to the 2000 certified federal census, to construct a flood mitigation project shall receive the limitation on liability contained in section 670.4, subsection 8, for its facilities described in section 327F.2 governed by the written agreement for any damages caused by the alteration due to a flood.

Sec. 94. IOWA PHARMACY RECOVERY NETWORK. The board of pharmacy may use fees retained by the board pursuant to the authority granted in section 147.82 for purposes of supporting the Iowa pharmacy recovery network.

Sec. 95. RENEWABLE BIOMASS. It is the intent of the general assembly that the Iowa power fund board and the department of economic development use moneys appropriated to the Iowa power fund and the department of economic development to encourage projects utilizing biomass made from renewable biomass to produce inputs for agricultural purposes that replace products that are produced using fossil fuels as the raw materials. The projects shall include but not be limited to products such as anhydrous ammonia.

Sec. 96. DEPARTMENT OF CULTURAL AFFAIRS. The department of cultural affairs, in its capacity as the state historic preservation officer and consulting party for the purpose of satisfying the requirements of the federal National Historic Preservation Act, shall be no more restrictive than the federal agency for which it is acting as such consulting party.

Sec. 97. BRAILLE AND SIGHT SAVING SCHOOL STUDY.

1. The state board of regents shall conduct a study to examine possible changes to and make recommendations regarding the current structure for providing residential services on the campus of the Iowa braille and sight saving school and to make recommendations regarding appropriate facilities and facility utilization. The study shall also examine potential partnerships with other state agencies as well as private providers of residential services.

2. For purposes of conducting the study, the state board of regents shall form a committee with representatives of all of the following:

- a. Parents of students who are blind or visually impaired.
- b. Constituent organizations for the blind or visually impaired.
- c. The department of education.
- d. The department for the blind.
- e. The department of human services.
- f. Area education agencies.
- g. School boards and school board administrators.
- h. The governor's developmental disabilities council.

⁸⁰ Chapter 1189 herein

⁸¹ Chapter 1189 herein

⁸² Chapter 1189 herein

⁸³ Chapter 1189 herein

- i. Administration of the statewide system for vision services.
- j. Administration of the Iowa school for the deaf.
3. By August 31, 2010, the state board of regents shall submit a report of the study to the legislative council.

Sec. 98. PUBLIC LIBRARY SUPPORT LEVY — ELECTION DATE.

1. Notwithstanding the election date required under section 384.12, subsections 1 and 21, a city may submit a proposition relating to a public library property tax levy to the electorate on a date specified in section 39.2, subsection 4, paragraph “b”, if all of the following conditions are met:

a. The city is located in whole or in part in an area that the governor proclaimed a disaster emergency or the president of the United States declared a major disaster, as the result of a natural disaster occurring during the period of time beginning May 1, 2008, and ending August 1, 2008.

b. The city contains a public library that was damaged by the natural disaster described in paragraph “a”.

2. An election under subsection 1 shall be held not later than August 2, 2011.

Sec. 99. MH/MR/DD SERVICES FUND TRANSFER. Notwithstanding section 331.424A, subsection 5, and section 331.432, subsection 3, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, a county may transfer moneys from other funds of the county to the county’s mental health, mental retardation, and developmental disabilities services fund created in section 331.424A. A county transferring moneys from other funds of the county to the county’s services fund pursuant to this section shall submit a report detailing the transfers made and funds affected. The county shall submit the report along with the county expenditure and information report submitted by December 1, 2010, in accordance with section 331.439.

Sec. 100. PLUMBERS, MECHANICAL PROFESSIONALS, AND CONTRACTORS — EFFECTIVE UPON ENACTMENT.

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

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

Sec. 101. LIMITED LIABILITY COMPANIES — BIENNIAL REPORTS.

1. The biennial report fee, as determined by the secretary of state in accordance with section 490A.1320, subsection 1, received for reports filed on or after July 1, 2006, shall be credited to the general fund of the state. The biennial report fee shall be due at the time the report is filed. On or after July 1, 2006, such biennial reports shall be due in even-numbered calendar years during the period beginning January 1, and ending April 1, and shall contain information relating to the two-year period immediately preceding the calendar year in which the report is filed.

2. a. This section, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2006.

b. A limited liability company that has not filed the biennial report for 2008 or 2010 shall file such report on or before June 30, 2010.

Sec. 102. Section 8D.13, subsection 5, Code 2009, is amended to read as follows:

5. a. The state shall lease all fiberoptic cable facilities or facilities with ~~DS-3~~ sufficient capacity as determined by the commission for Part III connections, ~~for which state funding is provided. The state shall lease all fiberoptic cable facilities or facilities with DS-3 or DS-1 capacity for the judicial branch, judicial district department departments of correctional services, and state agency connections for which state funding is provided. In determining the capacity to be provided, the commission shall consult with the authorized users~~

associated with the Part III connections, the judicial branch, the judicial district departments of correctional services, and state agencies associated with connections for which state funding is provided. Such facilities shall be leased from qualified providers. The state shall not own such facilities, except for those facilities owned by the state as of January 1, 1994.

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

Sec. 103. Section 16.100A, subsection 6, paragraph d, Code Supplement 2009, is amended to read as follows:

d. General public members shall be reimbursed by the Iowa finance authority for actual and necessary expenses incurred while engaged in their official duties. ~~Expense payments shall be made from appropriations made for purposes of this section.~~

Sec. 104. Section 16.181, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

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

Sec. 105. NEW SECTION. 16.188 Workforce housing assistance grant fund.

1. A workforce housing assistance grant fund is created under the authority of the Iowa finance authority. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. *a.* Moneys in the fund in a fiscal year are appropriated to the Iowa finance authority to be used for grants for projects that create workforce housing or for projects that include adaptive reuse of buildings for workforce housing. For purposes of this section, "*workforce housing*" means housing that is affordable for a household whose income does not exceed one hundred twenty percent of the median income for the area.

b. Priority shall be given to the following types of projects:

(1) Projects that are eligible for historic preservation and cultural and entertainment district tax credits under section 404A.1.

(2) Projects for the construction of new single-family dwellings that incorporate one or more energy-efficient measures. The authority shall by rule identify the types of energy-efficient measures that will qualify a project for priority under this subparagraph.

(3) Projects that utilize new markets tax credits, established under the federal Community Renewal Tax Relief Act of 2000, Pub. L. No. 106-554, 114 Stat. 2763A, and undertaken by a qualified community development entity, as defined in the federal Act.

(4) Projects that are located in an area where other state funding has been used to support the creation of new jobs.

c. In any fiscal year, an area shall not receive grants totaling more than twenty-five percent of the moneys expended from the fund in that fiscal year. For purposes of this paragraph, "*area*" means the same area used to determine the median income under paragraph "*a*".

4. Annually, on or before January 15 of each year, the authority shall report to the legislative services agency and the department of management the status of all projects that received moneys from the workforce housing assistance grant fund. The report shall include a description of each project, the progress of work completed, the total estimated cost of

each project, a list of all revenue sources being used to fund each project, the amount of funds expended, the amount of funds obligated, and the date each project was completed or an estimated completion date of each project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

6. The authority shall adopt rules pursuant to chapter 17A to administer this section.

**Sec. 106. Section 469.9, Code Supplement 2009, is amended by adding the following new subsection:*

***NEW SUBSECTION.** 4A. a. During the period of funding for the Iowa power fund as provided in section 469.10, the office of energy independence shall collect data on all grants and loans approved for funding. The department of management and the state agencies associated with the grants and loans shall assist the office with the data collection and in developing the report required by this subsection. The office shall report quarterly to the governor and the general assembly concerning the data.*

b. The report shall include but is not limited to all of the following:

(1) The nature of each grant or loan and its purpose.

(2) The status of each grant or loan and the amount and percentage of power fund moneys expended for the grant or loan.

(3) The outside funding that is matched or leveraged by power fund moneys.

(4) The number of jobs created or retained due to each grant or loan.

(5) For each grant or loan, the names of the grant or loan contractors, their state of residence, and the state of residence of the contractors' employees.

*c. The office shall maintain an internet site that allows citizens to track data on a county-by-county basis.**

Sec. 107. Section 20.19, Code 2009, is amended to read as follows:

20.19 Impasse procedures — agreement of parties.

1. As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. However, if public employees represented by the employee organization are teachers licensed under chapter 272, and the public employer is a school district or area education agency, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is a community college, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is not subject to the budget certification requirements of section 24.17 and other applicable sections, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 to 20.22 shall apply.

2. Parties who by agreement are utilizing a cooperative alternative bargaining process shall, at the outset of such process, agree upon a method and schedule for the completion of impasse procedures should they fail to reach a collective bargaining agreement through the use of such alternative bargaining process.

Sec. 108. Section 20.20, Code 2009, is amended to read as follows:

20.20 Mediation.

In the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to the certified budget

* Item veto; see message at end of the Act

submission date, or one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective if public employees represented by the employee organization are teachers licensed under chapter 272 and the public employer is a school district or area education agency, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. If the public employer is a community college, and in the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as mediator. If the public employer is not subject to the budget certification requirements of section 24.17 or other applicable sections and in the absence of an impasse agreement negotiated pursuant to section 20.19, or the failure of either party to utilize its procedures, one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as a mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

Sec. 109. Section 99B.12A, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 110. Section 99B.17, Code 2009, is amended to read as follows:

99B.17 Gambling on credit unlawful — exception.

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

2. A participant in a raffle conducted by an eligible qualified organization may purchase raffle tickets by personal check, money order, bank check, cashier's check, electronic check, or debit card for one raffle conducted by the eligible qualified organization during a calendar year. The department shall adopt rules setting minimum standards concerning the purchase of raffle tickets as authorized by this subsection which shall ensure compliance with applicable federal law and for the protection of personal information consistent with payment card industry compliance regulations. For purposes of this subsection, an "eligible qualified organization" is a qualified organization that has conducted a raffle pursuant to section 99B.7 during the previous eight consecutive calendar years in which the net proceeds are distributed to a museum.

Sec. 111. Section 123.30, subsection 3, paragraph e, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) A class "E" liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor from the division only and high alcoholic content beer from a class "AA" beer permittee only and to sell the alcoholic liquor and high alcoholic content beer to patrons for consumption off the licensed premises and to other liquor control licensees. A class "E" license shall not be issued to premises at which gasoline is sold. A holder of a class "E" liquor control license may hold other retail liquor control licenses or retail wine or beer permits, but the premises licensed under a class "E" liquor control license shall be separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class "E" liquor control license may also hold a class "B" wine or class "C" beer permit or both for the premises licensed under a class "E" liquor control license.

Sec. 112. Section 155A.6A, subsection 3, Code 2009, is amended to read as follows:

3. ~~*a. Beginning July 1, 2009 December 31, 2012, a person who is in the process of acquiring national certification as a pharmacy technician and who is in training to become a pharmacy technician shall register with the board as a pharmacy technician. The registration shall be issued for a period not to exceed one year and shall not be renewable.*~~

b. A person who is registered as a pharmacy technician or a pharmacy technician trainee prior to January 1, 2010, who has worked as a pharmacy technician or pharmacy technician trainee for a minimum of two thousand hours in the previous eighteen months under the direction of a licensed pharmacist shall have until December 31, 2013, to attain certification pursuant to this section. The supervising pharmacist shall be responsible for verifying with the Iowa board of pharmacy that any person affected by this paragraph continues to have a minimum of two thousand hours of supervised training in any eighteen-month period of time between January 1, 2010, and December 31, 2013.

Sec. 113. Section 174.1, subsection 2, paragraphs b and c, Code 2009, are amended to read as follows:

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

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

Sec. 114. Section 174.1, subsection 3, Code 2009, is amended to read as follows:

3. *“Fair event”* means an annual gathering of the public on fairgrounds that incorporates agricultural exhibits, demonstrations, shows, or competitions ~~and which includes all of the following:~~

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

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

~~e. b.~~ Educational programs or exhibits sponsored by governmental entities or nonprofit organizations.

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

Sec. 115. Section 237.3, subsection 2, paragraph f, Code Supplement 2009, is amended to read as follows:

f. Housing, health, safety, and medical care policies for children receiving child foster care. The medical care policies shall include but are not limited to all of the following:

(1) Provision by the department to the foster care provider at or before the time of a child's placement of the child's health records and any other information possessed or known about the health of the child or about a member of the child's family that pertains to the child's health.

(2) If the health records supplied in accordance with the child's case permanency plan to the foster care provider are incomplete or the provider requests specific health information, provision for obtaining additional health information from the child's parent or other source and supplying the additional information to the foster care provider.

(3) Provision for emergency health coverage of the child while the child is engaged in temporary out-of-state travel with the child's foster family.

Sec. 116. Section 237.3, subsection 2, paragraph k, subparagraph (1), Code Supplement 2009, is amended to read as follows:

(1) Receiving information prior to the child's placement regarding risk factors concerning the child that are known to the department, including but not limited to notice if the child is required to register under chapter 692A.

* Item veto; see message at end of the Act

Sec. 117. 2010 Iowa Acts, Senate File 2378,⁸⁴ section 20, subsection 1, if enacted, is amended to read as follows:

1. A public safety enforcement fund is created in the state treasury under the control of the treasurer of state. Notwithstanding section 602.8108, after the necessary amount is remitted for deposit in the Iowa prison infrastructure fund as provided in section 602.8108A, the state court administrator shall allocate to the treasurer of state for deposit in the public safety enforcement fund the ~~first~~ next nine million one hundred thousand dollars of the moneys received under section 602.8108, subsection 2, during the fiscal year beginning July 1, 2010, and ending June 30, 2011. Moneys deposited into the fund are appropriated to the treasurer of state for allocation as provided in subsection 2.

Sec. 118. Section 256.9, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18A. The department shall compile the financial information related to chapters 423E and 423F from the certified annual reports of each school district received pursuant to section 291.10, subsection 2, and shall submit the information to the general assembly in an annual report each February 1.

Sec. 119. NEW SECTION. **261D.4 Payment of dues.**

On an annual basis, the department of management shall apportion the dues assessed for membership in the midwestern higher education compact to various sectors of education including the department of education, the community college trustees, the Iowa association of independent colleges and universities, and the state board of regents. The apportionment shall be based on actual savings achieved in the previous fiscal year by each sector of education in a manner determined by the department of management. The department of management shall make payment on behalf of the state to the midwestern higher education compact commission and shall seek reimbursement from each sector of education based on the apportionment determined by the department.

Sec. 120. Section 291.10, Code 2009, is amended to read as follows:

291.10 Reports by secretary.

1. The school district shall file an annual report with the director of the department of education on forms prepared for that purpose.

2. The annual report shall include the financial information required in section 423F.5, subsection 1, as related to moneys received under chapter 423E or 423F, as applicable, for each budget year.

Sec. 121. Section 314.17, as amended by 2010 Iowa Acts, House File 2458,⁸⁵ if enacted, is amended by adding the following new subsections:

NEW SUBSECTION. 7. Within fifty feet of a drainage tile or tile intake.

NEW SUBSECTION. 8. For access to a mailbox or for other accessibility purposes.

NEW SUBSECTION. 9. On rights-of-way adjacent to agricultural demonstration or research plots.

Sec. 122. Section 321.18, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Any trailer that is used exclusively for the transportation, display, and distribution of flags honoring deceased veterans in parades or ceremonies held on Memorial Day, Veterans Day, or other patriotic occasions as authorized by resolution of the local government of the community where the parade or ceremony takes place. A trailer exempt from registration under this subsection shall only be used on city streets or secondary roads on the day of a parade or ceremony specified in the local government's resolution, and a copy of the resolution shall be carried at all times in the vehicle pulling the trailer.

⁸⁴ Chapter 1190 herein

⁸⁵ Chapter 1164, §1 herein

Sec. 123. Section 321.482A, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.256, 321.257, section 321.275, subsection 4, section 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.308, section 321.309, subsection 2, or section 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324, 321.324A, 321.327, 321.329, or 321.333 causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A or any other penalty provided by law:

Sec. 124. Section 421.27, subsection 6, Code 2009, is amended to read as follows:

6. *Improper receipt of refund or credit.* A person who makes an erroneous application for refund or credit shall be liable for any overpayment received or tax liability reduced plus interest at the rate in effect under section 421.7. In addition, a person who willfully makes a false or frivolous application for refund or credit with intent to evade tax or with intent to receive a refund or credit to which the person is not entitled is guilty of a fraudulent practice and is liable for a penalty equal to seventy-five percent of the refund or credit being claimed. ~~Repayments~~ Payments, penalties, and interest due under this subsection may be collected and enforced in the same manner as the tax imposed.

Sec. 125. Section 421C.3, subsection 15, if enacted by 2010 Iowa Acts, Senate File 2383,⁸⁶ is amended to read as follows:

15. a. The director of revenue shall establish an account and shall deposit in the account all receipts received under the program established by the state debt coordinator. Not later than the fifteenth day of each month, the director shall deposit amounts received with the treasurer of state for deposit in the general fund of the state.

b. Of the amount of debt actually collected pursuant to the program, the department of revenue shall retain an amount, not to exceed the amount collected, that is sufficient to pay for salaries, support, maintenance, services, advertising, and other costs incurred by the coordinator relating to the program. Revenues retained by the office pursuant to this lettered paragraph shall be considered repayment receipts as defined in section 8.2.

Sec. 126. Section 455A.13, Code 2009, is amended to read as follows:

455A.13 State nurseries.

1. Notwithstanding section 17A.2, subsection 11, paragraph “g”, the department of natural resources shall adopt administrative rules establishing a range of prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants. The department is authorized to sell plant material in other states.

1. 2. The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall continue its efforts to encourage forestation and reforestation on private and public lands in the state.

2. 3. The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 127. Section 466B.4, subsection 2, Code Supplement 2009, is amended to read as follows:

2. *Marketing campaign.* The water resources coordinating council shall develop a marketing campaign to educate Iowans about the need to take personal responsibility for the quality and quantity of water in their local watersheds. The emphasis of the campaign shall be that not only is everyone responsible for clean water, but that everyone benefits from it as well, and that everyone is responsible for and benefits from reducing the risk for flooding and mitigating possible future flood damage. The goals of the campaign shall be to convince Iowans to take personal responsibility for clean water and reducing the risk of flooding and to equip them with the tools necessary to effect change through local water quality improvement projects and better flood plain management and flood risk programs.

⁸⁶ Chapter 1146, §11 herein

Sec. 128. **NEW SECTION. 466B.12 Flood plain managers.**

The council shall encourage and support the formation of a chapter of the association of state flood plain managers in Iowa that would provide a vehicle for local flood plain managers and flood plain planners to further pursue professional educational opportunities.

Sec. 129. **NEW SECTION. 466B.13 Flood education.**

The Iowa state university agricultural extension service, the council, and agency members of the council shall, to the extent feasible, work with flood plain and hydrology experts to educate the general public about flood plains, flood risks, and basic flood plain management principles. This educational effort shall include developing educational materials and programs in consultation with flood plain experts.

Sec. 130. Section 600C.1, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

600C.1 Grandparent and great-grandparent visitation.

1. The grandparent or great-grandparent of a minor child may petition the court for grandchild or great-grandchild visitation when the parent of the minor child, who is the child of the grandparent or the grandchild of the great-grandparent, is deceased.

2. The court shall consider a fit parent's objections to granting visitation under this section. A rebuttable presumption arises that a fit parent's decision to deny visitation to a grandparent or great-grandparent is in the best interest of a minor child.

3. The court may grant visitation to the grandparent or great-grandparent under this section if the court finds all of the following by clear and convincing evidence:

a. It is in the best interest of the child to grant such visitation.

b. The grandparent or great-grandparent has established a substantial relationship with the child prior to the filing of the petition.

c. That the presumption that the parent who is being asked to temporarily relinquish care, custody, and control of the child to provide visitation is fit to make the decision regarding visitation is overcome by demonstrating one of the following:

(1) The parent is unfit to make such decision.

(2) The parent's judgment has been impaired and the relative benefit to the child of granting visitation greatly outweighs any effect on the parent-child relationship. Impaired judgment of a parent may be evidenced by any of, but not limited to, the following:

(a) Neglect of the child.

(b) Abuse of the child.

(c) Violence toward the child.

(d) Indifference or absence of feeling toward the child.

(e) Demonstrated unwillingness and inability to promote the emotional and physical well-being of the child.

(f) Drug abuse.

(g) A diagnosis of mental illness.

4. In determining the best interest of the child, the court shall consider all of the following:

a. The prior interaction and interrelationships of the child with the child's parents, siblings, and other persons related by consanguinity or affinity, compared to the child's relationship with the grandparent or great-grandparent.

b. The geographical location of the grandparent's or great-grandparent's residence and the distance between the grandparent's or great-grandparent's residence and the child's residence.

c. The child's and parent's available time, including but not limited to the parent's employment schedule, the child's school schedule, the amount of time that will be available for the child to spend with siblings, and the child's and the parent's holiday and vacation schedules.

d. The age of the child.

e. If the court has interviewed the child in chambers as provided in this section regarding the wishes and concerns of the child as to visitation by the grandparent or great-grandparent or as to a specific visitation schedule, the wishes and concerns of the child, as expressed to the court.

- f. The health and safety of the child.
- g. The mental and physical health of all parties.

h. Whether the grandparent or great-grandparent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the grandparent or great-grandparent previously has been convicted of or pleaded guilty to a crime involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; and whether there is reason to believe that the grandparent or great-grandparent has acted in a manner resulting in a child having ever been found to be an abused child or a neglected child.

- i. The wishes and concerns of the child's parent, as expressed by the parent to the court.
- j. Any other factor in the best interest of the child.

5. For the purposes of this subsection "*substantial relationship*" includes but is not limited to any of the following:

- a. The child has lived with the grandparent or great-grandparent for at least six months.

b. The grandparent or great-grandparent has voluntarily and in good faith supported the child financially in whole or in part for a period of not less than six months.

c. The grandparent or great-grandparent has had frequent visitation including occasional overnight visitation with the child for a period of not less than one year.

6. If the court interviews any child concerning the child's wishes and concerns regarding parenting time or visitation, the interview shall be conducted in chambers, and only the child, the child's attorney, the judge, any necessary court personnel, and, in the judge's discretion, the attorney of the parent shall be permitted to be present in the chambers during the interview. A person shall not obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the wishes and concerns of the child regarding parenting time or visitation.

7. For the purposes of this section, "*court*" means the district court or the juvenile court if that court currently has jurisdiction over the child in a pending action. If an action is not pending, the district court has jurisdiction.

8. Notwithstanding any provision of this chapter to the contrary, venue for any action to establish, enforce, or modify visitation under this section shall be in the county where the child resides if no final custody order determination relating to the grandchild or great-grandchild has been entered by any other court. If a final custody order has been entered by any other court, venue shall be located exclusively in the county where the most recent final custody order was entered. If any other custodial proceeding is pending when an action to establish, enforce, or modify visitation under this section is filed, venue shall be located exclusively in the county where the pending custodial proceeding was filed.

9. Notice of any proceeding to establish, enforce, or modify visitation under this section shall be personally served upon the parent of the child whose interests are affected by a proceeding brought pursuant to this section and all grandparents or great-grandparents who have previously obtained a final order or commenced a proceeding under this section.

10. The court shall not enter any temporary order to establish, enforce, or modify visitation under this section.

11. An action brought under this section is subject to chapter 598B, and in an action brought to establish, enforce, or modify visitation under this section, each party shall submit in its first pleading or in an attached affidavit all information required by section 598B.209.

12. A grandparent or great-grandparent shall not petition for visitation under this section more than once every two years absent a showing of good cause.

13. The court shall not issue an order restricting the movement of the child if such restriction is solely for the purpose of allowing the grandparent or great-grandparent the opportunity to exercise the grandparent's or great-grandparent's visitation under this section.

Sec. 131. NEW SECTION. 514C.26 Autism spectrum disorders coverage.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a group plan established pursuant to chapter 509A for employees of the state providing for third-party payment or prepayment of health, medical, and surgical coverage benefits

shall provide coverage benefits to covered individuals under twenty-one years of age for the diagnostic assessment of autism spectrum disorders and for the treatment of autism spectrum disorders.

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

a. “*Applied behavioral analysis*” means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

b. “*Autism service provider*” means a person, or group providing treatment of autism spectrum disorders. An autism service provider that provides treatment of autism spectrum disorders that includes applied behavioral analysis shall be certified as a behavior analyst by the behavior analyst certification board or shall be a health professional licensed under chapter 147.

c. “*Autism spectrum disorders*” means any of the pervasive developmental disorders including autistic disorder, Asperger’s disorder, and pervasive developmental disorders not otherwise specified. The commissioner, by rule, shall define “*autism spectrum disorders*” consistent with definitions provided in the most recent edition of the American psychiatric association’s diagnostic and statistical manual of mental disorders, as such definitions may be amended from time to time. The commissioner may adopt the definitions provided in such manual by reference.

d. “*Diagnostic assessment of autism spectrum disorders*” means medically necessary assessment, evaluations, or tests performed by a licensed physician, licensed physician assistant, licensed psychologist, or licensed registered nurse practitioner to diagnose whether an individual has an autism spectrum disorder.

e. “*Pharmacy care*” means medications prescribed by a licensed physician, licensed physician assistant, or licensed registered nurse practitioner and any assessment, evaluation, or test prescribed or ordered by a licensed physician, licensed physician assistant, or licensed registered nurse practitioner to determine the need for or effectiveness of such medications.

f. “*Psychiatric care*” means direct or consultative services provided by a licensed physician who specializes in psychiatry.

g. “*Psychological care*” means direct or consultative services provided by a licensed psychologist.

h. “*Rehabilitative care*” means professional services and treatment programs, including applied behavioral analysis, provided by an autism service provider to produce socially significant improvement in human behavior or to prevent loss of attained skill or function.

i. “*Therapeutic care*” means services provided by a licensed speech pathologist, licensed occupational therapist, or licensed physical therapist.

j. “*Treatment of autism spectrum disorders*” means treatment that is identified in a treatment plan and includes medically necessary pharmacy care, psychiatric care, psychological care, rehabilitative care, and therapeutic care that is one of the following:

(1) Prescribed, ordered, or provided by a licensed physician, licensed physician assistant, licensed psychologist, licensed social worker, or licensed registered nurse practitioner.

(2) Provided by an autism service provider.

(3) Provided by a person, entity, or group that works under the direction of an autism service provider.

k. “*Treatment plan*” means a plan for the treatment of autism spectrum disorders developed by a licensed physician or licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in consultation with the patient and the patient’s representative.

3. Coverage is required pursuant to this section in a maximum benefit amount of not more than thirty-six thousand dollars per year but shall not be subject to any limits on the number of visits to an autism service provider for treatment of autism spectrum disorders. Beginning in 2014, the commissioner shall, on or before April 1 of each calendar year, publish an adjustment to the maximum benefit required equal to the percentage change in the United States department of labor consumer price index for all urban consumers in the preceding year, and the published adjusted maximum benefit shall be applicable to group policies, contracts, or plans subject to this section that are issued or renewed on or after

January 1 of the following calendar year. Payments made under a group plan subject to this section on behalf of a covered individual for treatment of a health condition unrelated to or distinguishable from the individual's autism spectrum disorder shall not be applied toward any maximum benefit established under this subsection.

4. Coverage required pursuant to this section shall be subject to copayment, deductible, and coinsurance provisions, and any other general exclusions or limitations of a group plan to the same extent as other medical or surgical services covered by the group plan.

5. Coverage required by this section shall be provided in coordination with coverage required for the treatment of autistic disorders pursuant to section 514C.22.

6. This section shall not be construed to limit benefits which are otherwise available to an individual under a group plan.

7. This section shall not be construed to require coverage by a group plan of any service solely based on inclusion of the service in an individualized education program. Consistent with federal or state law and upon consent of the parent or guardian of a covered individual, the treatment of autism spectrum disorders may be coordinated with any services included in an individualized education program. However, coverage for the treatment of autism spectrum disorders shall not be contingent upon coordination of services with an individualized education program.

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

9. A plan established pursuant to chapter 509A for employees of the state may manage the benefits provided through common methods including but not limited to providing payment of benefits or providing care and treatment under a capitated payment system, prospective reimbursement rate system, utilization control system, incentive system for the use of least restrictive and costly levels of care, a preferred provider contract limiting choice of specific providers, or any other system, method, or organization designed to assure services are medically necessary and clinically appropriate.

10. An insurer may review a treatment plan for treatment of autism spectrum disorders once every six months, subject to its utilization review requirements, including case management, concurrent review, and other managed care provisions. A more or less frequent review may be agreed upon by the insured and the licensed physician or licensed psychologist developing the treatment plan.

11. For the purposes of this section, the results of a diagnostic assessment of autism spectrum disorder shall be valid for a period of not less than twelve months, unless a licensed physician or licensed psychologist determines that a more frequent assessment is necessary.

12. The commissioner shall adopt rules pursuant to chapter 17A to implement and administer this section.

13. This section applies to plans established pursuant to chapter 509A for employees of the state that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2011.

Sec. 132. Section 729.6, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. 00b. "*Genetic services*" means the same as defined in 29 U.S.C. § 1191b(d)(8).

Sec. 133. Section 729.6, subsection 1, paragraph c, Code 2009, as amended by 2010 Iowa Acts, Senate File 2215,⁸⁷ if enacted, is amended to read as follows:

c. "*Genetic testing*" means the same as genetic test as defined in 29 U.S.C. § 1191b(d)(7). "*Genetic testing*" does not mean routine physical measurement, a routine chemical, blood,

⁸⁷ Chapter 1153, §3 herein

or urine analysis, a biopsy, an autopsy, or clinical specimen obtained solely for the purpose of conducting an immediate clinical or diagnostic test to detect an existing disease, illness, impairment, or disorder, or a test for drugs or for human immunodeficiency virus infections.

Sec. 134. 2010 Iowa Acts, House File 2526,⁸⁸ section 11, subsection 24, paragraph b, relating to the medical assistance waiver for the Iowa family planning network, if enacted, is amended to read as follows:

b. Implementation of this subsection is contingent upon approval of the medical assistance waiver for the Iowa family planning network by the centers for Medicare and Medicaid services of the United States department of health and human services ~~and upon availability of funding as determined by the director of the department of human services.~~

Sec. 135. 2010 Iowa Acts, Senate File 2378,⁸⁹ section 15, if enacted, is amended to read as follows:

SEC. 15. GAMING ENFORCEMENT. There is appropriated from the gaming enforcement revolving fund created in section 80.43 to the department of public safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct and indirect support costs for agents and officers of the division of criminal investigation’s excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	8,851,775
		<u>9,315,306</u>
.....	FTEs	115.00

However, for each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the period beginning July 1, 2009, through June 30, 2011, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2010, and ending June 30, 2011, an additional amount of not more than \$521,000 to be used for not more than 6.00 additional full-time equivalent positions.

Sec. 136. REPEAL. 2010 Iowa Acts, House File 2525,⁹⁰ section 6, is repealed.

Sec. 137. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The provision of this division of this Act amending section 155A.6A, subsection 3, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2010.

Sec. 138. EFFECTIVE UPON ENACTMENT. This provision of this division of this Act amending section 155A.6A, being deemed of immediate importance, takes effect upon enactment.

Sec. 139. EFFECTIVE UPON ENACTMENT. The provision of this division of this Act appropriating moneys from the general fund of the state to the department of management and to the department of revenue for fiscal year 2009-2010, being deemed of immediate importance, takes effect upon enactment.

Sec. 140. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The provision of this division of this Act amending section 123.30, subsection 3, paragraph “e”, subparagraph (1), being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to March 10, 2010.

⁸⁸ Chapter 1192 herein
⁸⁹ Chapter 1190 herein
⁹⁰ Chapter 1191 herein

Sec. 141. EFFECTIVE DATE. The provision of this division of this Act amending section 421.3,⁹¹ if enacted by 2010 Iowa Acts, Senate File 2383,⁹² takes effect on the effective date of section 421C.3.

Sec. 142. EFFECTIVE DATE AND APPLICABILITY. The section of this division of this Act enacting section 469.9, subsection 4A, being deemed of immediate importance, takes effect upon enactment, and applies to grants or loans approved on, before, and after the effective date of the section.

DIVISION VIII BICYCLES

Sec. 143. NEW SECTION. **321.281 Actions against bicyclists.**

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

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

3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “k”.

Sec. 144. Section 805.8A, subsection 14, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* Actions against a person on a bicycle. For violations under section 321.281 the scheduled fine is two hundred fifty dollars.

DIVISION IX RENEWABLE FUELS AND COPRODUCTS

Sec. 145. Section 159A.6, subsection 1, Code Supplement 2009, is amended to read as follows:

1. The office shall support education regarding, and promotion and advertising of, renewable fuels and coproducts. The office shall consult with the petroleum marketers and convenience stores of Iowa, the Iowa renewable fuels association, the Iowa corn growers association, and the Iowa soybean association.

DIVISION X IDENTIFICATION OF WORKER MISCLASSIFICATION

Sec. 146. Section 421.17, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 31. If the director has reason to believe, as a result of an investigation or audit, that a taxpayer may have misclassified workers, then to assist the department of workforce development, the director is authorized to provide to the department of workforce development the following confidential information with respect to such a taxpayer:

- a. Withholding and payroll tax information.
- b. The taxpayer’s identity, including taxpayer identification number and date of birth.
- c. The results or most recent status of the audit or investigation.

Sec. 147. Section 422.20, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, and 31, sections 252B.9, 321.120, 421.19, 421.28, 422.72, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

⁹¹ According to enrolled Act; the phrase “section 421C.3” probably intended

⁹² Chapter 1146 herein

Sec. 148. Section 422.72, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, and 31, sections 252B.9, 321.120, 421.19, 421.28, 422.20, and 452A.63, and this section, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 149. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XI
PUBLIC SAFETY ADVISORY BOARD

Sec. 150. DEPARTMENT OF HUMAN RIGHTS — DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund established in section 455G.3 to the department of human rights for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 455G.3, subsection 1:

For the division of criminal and juvenile justice planning, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the public safety advisory board established in section 216A.133A:
..... \$ 140,000
..... FTEs 2.00

Sec. 151. Section 216A.131, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. “Board” means the public safety advisory board.

Sec. 152. Section 216A.132, Code 2009, is amended to read as follows:

216A.132 Council established — terms — compensation.

1. A criminal and juvenile justice planning advisory council is established consisting of twenty-three members.

a. The governor shall appoint seven members each for a four-year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

(1) Three persons, each of whom is a county supervisor, county sheriff, mayor, city chief of police, or county attorney nonsupervisory police officer, or a chief of police of a department with less than eleven police officers.

~~(2) Two persons who represent the general public and are not employed in any law enforcement, judicial, or corrections capacity.~~

~~(3)~~ (2) Two persons who are knowledgeable about Iowa’s juvenile justice system.

~~(3) One person who represents the general public and is not employed in any law enforcement, judicial, or corrections capacity.~~

(4) One person who is either a crime victim, or who represents a crime victim organization.

b. ~~The departments of human services, corrections, and public safety, the division on the status of African-Americans, the Iowa department of public health, the chairperson of the board of parole, the attorney general, the state public defender, and the governor’s office of drug control policy, and the chief justice of the supreme court shall each designate a person to serve on the council. The person appointed by the Iowa department of public health shall be from the departmental staff who administer the comprehensive substance abuse program under chapter 125.~~

c. ~~The chief justice of the supreme court shall appoint two additional members currently serving as district judges designate one member who is a district judge and one member who is either a district associate judge or associate juvenile judge. Two members of the senate and two members of the house of representatives shall be ex officio members and shall be appointed by the majority and minority leaders of the senate and the speaker and minority leader of the house of representatives pursuant to section 69.16 and shall serve terms as~~

~~provided in section 69.16B. The chairperson and ranking member of the senate committee on judiciary shall be members. In alternating four-year intervals, the chairperson and ranking member of the house committee on judiciary or of the house committee on public safety shall be members, with the chairperson and ranking member of the house committee on public safety serving during the initial interval. Nonlegislative members appointed pursuant to this paragraph shall serve for four-year terms beginning and ending as provided in section 69.19 unless the member ceases to serve as a district court judge.~~

d. The Iowa county attorneys association shall designate a person to serve on the council.

2. Members of the council shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

Sec. 153. Section 216A.133, subsection 1, Code 2009, is amended to read as follows:

1. Identify issues and analyze the operation and impact of present criminal and juvenile justice policy and make recommendations for policy changes, ~~including recommendations pertaining to efforts to curtail criminal gang activity.~~

Sec. 154. Section 216A.133, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 8. Determine members of the public safety advisory board pursuant to section 216A.133A.

NEW SUBSECTION. 9. Coordinate with the administrator to develop and make recommendations to the department director pursuant to section 216A.2.

NEW SUBSECTION. 10. Serve as a liaison between the general public and the division.

NEW SUBSECTION. 11. Establish advisory committees to study special issues.

Sec. 155. **NEW SECTION. 216A.133A Public safety advisory board — duties.**

1. A public safety advisory board is established whose membership shall be determined by the criminal and juvenile justice planning advisory council and shall consist of current members of the council. Any actions taken by the board shall be considered separate and distinct from the council.

2. The purpose of the board is to provide the general assembly with an analysis of current and proposed criminal code provisions.

3. The duties of the board shall consist of the following:

a. Reviewing and making recommendations relating to current sentencing provisions. In reviewing such provisions the board shall consider the impact on all of the following:

(1) Potential disparity in sentencing.

(2) Truth in sentencing.

(3) Victims.

(4) The proportionality of specific sentences.

(5) Sentencing procedures.

(6) Costs associated with the implementation of criminal code provisions, including costs to the judicial branch, department of corrections, and judicial district departments of correctional services, costs for representing indigent defendants, and costs incurred by political subdivisions of the state.

(7) Best practices related to the department of corrections including recidivism rates, safety and efficient use of correctional staff, and compliance with correctional standards set by the federal government and other jurisdictions.

(8) Best practices related to the Iowa child death review team established in section 135.43 and the Iowa domestic abuse death review team established in section 135.109.

b. Reviewing and making recommendations relating to proposed legislation, in accordance with paragraph “a”, as set by rule by the general assembly or as requested by the executive or judicial branch proposing such legislation.

c. Providing expertise and advice to the legislative services agency, the department of corrections, the judicial branch, and others charged with formulating fiscal, correctional, or minority impact statements.

d. Reviewing data supplied by the division, the department of management, the legislative services agency, the Iowa supreme court, and other departments or agencies for the purpose of determining the effectiveness and efficiency of the collection of such data.

4. The board may call upon any department, agency, or office of the state, or any political subdivision of the state, for information or assistance as needed in the performance of its duties. The information or assistance shall be furnished to the extent that it is within the resources and authority of the department, agency, office, or political subdivision. This section does not require the production or opening of any records which are required by law to be kept private or confidential.

5. The board shall report to the legislative government oversight committee⁹³ all sources of funding by December 1 of each year.

6. Membership on the board shall be bipartisan as provided in section 69.16 and gender balanced as provided in section 69.16A.

7. Meetings of the board shall be open to the public as provided in chapter 21.

8. Members of the board shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

Sec. 156. Section 216A.135, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Beginning in 1989, and every five years thereafter, the division shall develop a twenty-year criminal and juvenile justice plan for the state which shall include ten-year, fifteen-year, and twenty-year goals and a comprehensive five-year plan for criminal and juvenile justice programs. The five-year plan shall be updated annually and each twenty-year plan and annual updates of the five-year plan shall be submitted to the governor and the general assembly by ~~February~~ December 1.

Sec. 157. APPOINTMENTS TO CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL. The applicable provisions of chapter 69 shall apply to vacant positions on the criminal and juvenile justice planning advisory council occurring on or after July 1, 2010.

DIVISION XII INCOME TAX CHECKOFFS

Sec. 158. Section 235A.2, subsection 1, Code 2009, is amended to read as follows:

1. A child abuse prevention program fund is created in the state treasury under the control of the department of human services. The fund is composed of moneys appropriated or available to and obtained or accepted by the treasurer of state for deposit in the fund. The fund shall include moneys transferred to the fund as provided in section ~~422.12K~~ 422.12F. All interest earned on moneys in the fund shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund.

Sec. 159. NEW SECTION. 422.12F **Income tax checkoff for child abuse prevention program fund.**

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate one dollar or more to be paid to the child abuse prevention program fund created in section 235A.2. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer to the child abuse prevention program fund, the amount designated shall be reduced to the remaining amount remitted with the return. The designation of a contribution to the child abuse prevention program fund under this section is irrevocable.

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the child abuse prevention program fund on the tax return. The department of revenue, on or before January 31, shall transfer the total amount designated on the tax return forms due in the preceding calendar year to the child abuse prevention program

⁹³ According to enrolled Act; the word "committees" probably intended

fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

3. The department of human services may authorize payment of moneys from the child abuse prevention program fund, in accordance with section 235A.2.

4. The department of revenue shall adopt rules to administer this section.

5. This section is subject to repeal under section 422.12E.

Sec. 160. NEW SECTION. 422.12G Joint income tax refund checkoff for veterans trust fund and volunteer fire fighter preparedness fund.

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate one dollar or more to be paid jointly to the veterans trust fund created in section 35A.13 and to the volunteer fire fighter preparedness fund created in section 100B.13. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer, the amount designated shall be reduced to the remaining amount of refund or the remaining amount remitted with the return. The designation of a contribution under this section is irrevocable.

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund and the remaining one-half to the volunteer fire fighter preparedness fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

3. The department of revenue shall adopt rules to administer this section.

4. This section is subject to repeal under section 422.12E.

Sec. 161. REPEAL. Section 422.12L, Code 2009, is repealed.

Sec. 162. REPEAL. Section 422.12K, Code Supplement 2009, is repealed.

Sec. 163. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2010, for tax years beginning on or after that date.

DIVISION XIII
WINE

Sec. 164. Section 123.183, Code 2009, is amended to read as follows:

123.183 Wine gallonage tax and related funds.

1. In addition to the annual permit fee to be paid by each class "A" wine permittee, a wine gallonage tax shall be levied and collected from each class "A" wine permittee on all wine manufactured for sale and sold in this state at wholesale and on all wine imported into this state for sale at wholesale and sold in this state at wholesale. A wine gallonage tax shall also be levied and collected on the direct shipment of wine pursuant to section 123.187. The rate of the wine gallonage tax is one dollar and seventy-five cents for each wine gallon. The same rate shall apply for the fractional parts of a wine gallon. The wine gallonage tax shall not be levied or collected on wine sold by one class "A" wine permittee to another class "A" wine permittee.

2. *a.* Revenue collected from the wine gallonage tax on wine manufactured for sale and sold in this state, and on wine subject to direct shipment as provided in section 123.187 by a wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state, shall be deposited in the wine gallonage tax fund as created in this section.

b. A wine gallonage tax fund is created in the office of the treasurer of state. Moneys deposited in the fund are appropriated to the department of economic development as provided in section 15E.117. Moneys in the fund are not subject to section 8.33.

3. The revenue collected from the wine gallonage tax on wine imported into this state for sale at wholesale and sold in this state at wholesale, and on wine subject to direct shipment as provided in section 123.187 by a wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in another state, shall be deposited in the beer and liquor control fund created in section 123.53.

Sec. 165. Section 123.187, subsection 4, as enacted by 2010 Iowa Acts, Senate File 2088,⁹⁴ section 100, is amended to read as follows:

4. *a.* In addition to the annual license fee, a wine direct shipper licensee shall remit to the division an amount equivalent to the wine gallonage tax on wine subject to direct shipment at the rate specified in section 123.183 for deposit as provided in section 123.183, subsections 2 and 3. The amount shall be remitted at the same time and in the same manner as provided in section 123.184, and the ten percent penalty specified therein shall be applicable.

b. Shipment of wine pursuant to this subsection does not require a refund value for beverage container control purposes under chapter 455C.

DIVISION XIV MEDICATION THERAPY MANAGEMENT

Sec. 166. MEDICATION THERAPY MANAGEMENT — PILOT — REPEAL.

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

a. “*Eligible employee*” means an employee of the state, with the exception of an employee of the state board of regents or institutions under the state board of regents, for whom group health plans are established pursuant to chapter 509A providing for third-party payment or prepayment for health or medical expenses.

b. “*Medication therapy management*” means a systematic process performed by a licensed pharmacist, designed to optimize therapeutic outcomes through improved medication use and reduced risk of adverse drug events, including all of the following services:

(1) A medication therapy review and in-person consultation relating to all medications, vitamins, and herbal supplements currently being taken by an eligible individual.

(2) A medication action plan, subject to the limitations specified in this section, communicated to the individual and the individual’s primary care physician or other appropriate prescriber to address safety issues, inconsistencies, duplicative therapy, omissions, and medication costs. The medication action plan may include recommendations to the prescriber for changes in drug therapy.

(3) Documentation and follow-up to ensure consistent levels of pharmacy services and positive outcomes.

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

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

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

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

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

c. The contract shall require the company to provide annual reports to the general assembly detailing the costs, savings, estimated cost avoidance and return on investment,

⁹⁴ Chapter 1031 herein

and patient outcomes related to the medication therapy management services provided. The company shall guarantee demonstrated annual savings, including any savings associated with cost avoidance at least equal to the program's costs with any shortfall amount refunded to the state. As a proof of concept in the program for the period beginning July 1, 2010, and ending June 30, 2011, the company shall offer a dollar-for-dollar guarantee for drug product costs savings alone. Prior to entering into a contract with a company, the department and the company shall agree on the terms, conditions, and applicable measurement standards associated with the demonstration of savings. The department shall verify the demonstrated savings reported by the company was performed in accordance with the agreed upon measurement standards. The company shall be prohibited from using the company's employees to provide the medication therapy management services and shall instead be required to contract with licensed pharmacies, pharmacists, or physicians.

d. The fees for pharmacist-delivered medication therapy management services shall be separate from the reimbursement for prescription drug product or dispensing services; shall be determined by each third-party payment provider contract, policy, or plan; and must be reasonable based on the resources and time required to provide the service.

e. A fee shall be established for physician reimbursement for services delivered for medication therapy management as determined by each third-party payment provider contract, policy, or plan, and must be reasonable based on the resources and time required to provide the service.

f. If any part of the medication therapy management plan developed by a pharmacist incorporates services which are outside the pharmacist's independent scope of practice including the initiation of therapy, modification of dosages, therapeutic interchange, or changes in drug therapy, the express authorization of the individual's physician or other appropriate prescriber is required.

3. This section is repealed December 31, 2011.

Sec. 167. DEPARTMENT OF ADMINISTRATIVE SERVICES — IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND. There is appropriated from the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3 to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes of this division, notwithstanding section 455G.3, subsection 1:

..... \$ 543,000

Sec. 168. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV
IOWA COMPREHENSIVE PETROLEUM
UNDERGROUND STORAGE TANK FUND

Sec. 169. Section 455B.474, subsection 1, paragraph d, subparagraph (2), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A site shall be classified as either high risk, low risk, or no action required, as determined by a certified groundwater professional.

Sec. 170. Section 455B.474, subsection 1, paragraph d, subparagraph (2), subparagraph division (a), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

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

Sec. 171. Section 455B.474, subsection 1, paragraph d, subparagraph (2), subparagraph division (b), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

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

Sec. 172. Section 455B.474, subsection 1, paragraph d, subparagraph (2), subparagraph divisions (c) and (e), Code Supplement 2009, are amended to read as follows:

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

(e) A site cleanup report which classifies a site as either high risk, low risk, or no action required shall be submitted by a groundwater professional to the department with a certification that the report complies with the provisions of this chapter and rules adopted by the department. The report shall be determinative of the appropriate classification of the site. However, if the report is found to be and the site shall be classified as indicated by the groundwater professional unless, within ninety days of receipt by the department, the department identifies material information in the report that is inaccurate or incomplete, and if based upon inaccurate or incomplete information in the report the risk classification of the site cannot be reasonably determined by the department based upon industry standards, the department shall. If the department determines that the site cleanup report is inaccurate or incomplete, the department shall notify the groundwater professional of the inaccurate or incomplete information within ninety days of receipt of the report and shall work with the groundwater professional to obtain the correct information or additional information necessary to appropriately classify the site. However, from July 1, 2010, through June 30, 2011, the department shall have one hundred twenty days to notify the certified groundwater professional when a report is not accepted based on material information that is found to be inaccurate or incomplete. A groundwater professional who knowingly or intentionally makes a false statement or misrepresentation which results in a mistaken classification of a site shall be guilty of a serious misdemeanor and shall have the groundwater professional's certification revoked under this section.

Sec. 173. Section 455B.474, subsection 1, paragraph f, subparagraphs (5), (6), and (7), Code Supplement 2009, are amended to read as follows:

(5) A corrective action design report submitted by a groundwater professional shall be accepted by the department and shall be primarily relied upon by the department to determine the corrective action response requirements of the site. However, if the corrective action design report is found to be within ninety days of receipt of a corrective action design report, the department identifies material information in the corrective action design report that is inaccurate or incomplete, and if based upon information in the report the appropriate corrective action response cannot be reasonably determined by the department based upon industry standards, the department shall notify the groundwater professional that the corrective action design report is not accepted, and the department shall work with the groundwater professional to correct the material information or to obtain the additional information necessary to appropriately determine the corrective action response requirements as soon as practicable. However, from July 1, 2010, through June 30, 2011, the department shall have one hundred twenty days to notify the certified groundwater professional when a corrective action design report is not accepted based on material information that is found to be inaccurate or incomplete. A groundwater professional who knowingly or intentionally makes a false statement or misrepresentation which results in an improper or incorrect corrective action response shall be guilty of a serious misdemeanor and shall have the groundwater professional's certification revoked under this section.

(6) Low risk sites shall be monitored as deemed necessary by the department consistent with industry standards. Monitoring shall not be required on a site which has received a no further action certificate. A site that has maintained less than the applicable target level for four consecutive sampling events shall be reclassified as a no action required site regardless of exit monitoring criteria and guidance.

(7) An owner or operator may elect to proceed with additional corrective action on the site. However, any action taken in addition to that required pursuant to this paragraph "f" shall be solely at the expense of the owner or operator and shall not be considered corrective action for purposes of section 455G.9, unless otherwise previously agreed to by the board and the owner or operator pursuant to section 455G.9, subsection 7. Corrective action taken by an

owner or operator due to the department's failure to meet the time requirements provided in subparagraph (5), shall be considered corrective action for purposes of section 455G.9.

Sec. 174. Section 455B.474, subsection 1, paragraph h, subparagraphs (1) and (3), Code Supplement 2009, are amended to read as follows:

(1) A no further action certificate shall be issued by the department for a site which has been classified as a no further action site or which has been reclassified pursuant to completion of a corrective action plan or monitoring plan to be a no further action site by a groundwater professional, unless within ninety days of receipt of the report submitted by the groundwater professional classifying the site, the department notifies the groundwater professional that the report and site classification are not accepted and the department identifies material information in the report that is inaccurate or incomplete which causes the department to be unable to accept the classification of the site. An owner or operator shall not be responsible for additional assessment, monitoring, or corrective action activities at a site that is issued a no further action certificate unless it is determined that the certificate was issued based upon false material statements that were knowingly or intentionally made by a groundwater professional and the false material statements resulted in the incorrect classification of the site.

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

Sec. 175. Section 455B.479, Code 2009, is amended to read as follows:

455B.479 Storage tank management fee.

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

Sec. 176. Section 455E.11, subsection 2, paragraph d, Code Supplement 2009, is amended to read as follows:

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

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

(2) ~~Twenty-three percent of the proceeds of the fees imposed pursuant to section 455B.473, subsection 5, and section 455B.479 shall be deposited in the account annually, up to a maximum of three hundred fifty thousand dollars. If twenty-three percent of the proceeds exceeds three hundred fifty thousand dollars, the excess shall be deposited into the fund created in section 455G.3. Three hundred fifty thousand dollars is~~ The moneys remaining in the account after the appropriation in subparagraph (1) are appropriated from the storage tank management account to the department of natural resources for the administration of a state storage tank program pursuant to chapter 455B, division IV, part 8, and for programs which reduce the potential for harm to the environment and the public health from storage tanks.

(3) ~~The remaining funds in the account are appropriated annually to the Iowa comprehensive petroleum underground storage tank fund. Each fiscal year, the department of natural resources shall enter into an agreement with the Iowa comprehensive petroleum~~

underground storage tank fund⁹⁵ for the completion of administrative tasks during the fiscal year directly related to the evaluation and modification of risk based corrective action rules as necessary and processes that affect the administration in subparagraph (2).

Sec. 177. Section 455G.3, Code 2009, is amended by adding the following new subsections:

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

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

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

NEW SUBSECTION. 9. Beginning September 1, 2010, the board shall administer safety training, hazardous material training, environmental training, and underground storage tank operator training in the state to be provided by an entity approved by the department of natural resources. The training provided pursuant to this subsection shall be available to any tank operator in the state at an equal and reasonable cost and shall not be conditioned upon any other requirements. Each fiscal year, the board shall not expend more than two hundred fifty thousand dollars from the Iowa comprehensive petroleum underground storage tank fund for purposes of administering this subsection.

Sec. 178. Section 455G.4, subsection 1, paragraph a, subparagraphs (3) and (5), Code Supplement 2009, are amended to read as follows:

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

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

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

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

Sec. 179. Section 455G.8, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 180. Section 455G.9, subsection 1, paragraphs d, k, and l, Code 2009, are amended to read as follows:

d. One hundred percent of the costs of corrective action and third-party liability for a release situated on property acquired by a county for delinquent taxes pursuant to chapters 445 through 448, for which a responsible owner or operator able to pay, other than the county, cannot be found. A county is not a "responsible party" for a release in connection

⁹⁵ According to enrolled Act; the word "board" probably intended

with property which it acquires in connection with delinquent taxes, and does not become a responsible party by sale or transfer of property so acquired. In such situations, the board may act as an agent for the county. Actual corrective action on the site shall be overseen by the department, the board, and a certified groundwater professional. Third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution. Reasonable acquisition costs do not include any taxes or costs related to the collection of taxes.

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

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

Sec. 181. Section 455G.9, subsection 4, Code 2009, is amended to read as follows:

4. *Minimum copayment schedule.*

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

b. If a site's actual expenses exceed eighty thousand dollars, the remedial account shall pay the remainder, as required by federal regulations, of the total costs of the corrective action for that release, not to exceed one million dollars, except that a county shall not be required to pay a copayment in connection with a release situated on property acquired in connection with delinquent taxes, as provided in subsection 1, paragraph "d", unless subsequent to acquisition the county actively operates a tank on the property for purposes other than risk assessment, risk management, or tank closure.

Sec. 182. Section 455G.9, subsection 7, Code 2009, is amended to read as follows:

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

Sec. 183. Section 455G.9, subsection 10, Code 2009, is amended to read as follows:

10. *Expenses incurred by governmental subdivisions and public works utilities.* The board ~~may shall~~ adopt rules for reimbursement for reasonable expenses incurred by a governmental subdivision or public works utility for sampling, treating, handling, or disposing, as required by the department, of petroleum-contaminated soil and groundwater encountered in a public right-of-way during installation, maintenance, or repair of a utility or public improvement. The board may seek full recovery from a responsible party liable for the release for such expenses and for all other costs and reasonable attorney fees and costs of litigation for which moneys are expended by the fund. Any expense described in this subsection incurred by

the fund constitutes a lien upon the property from which the release occurred. A lien shall be recorded and an expense shall be collected in the same manner as provided in section 424.11.

Sec. 184. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this division of this Act amending section 455G.9, subsection 4, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2010.

DIVISION XVI BONDING AUTHORITY

Sec. 185. Section 455G.2, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 186. Section 455G.2, subsection 3, Code 2009, is amended to read as follows:

3. “Bond” means a bond, note, or other obligation issued by the authority treasurer of state for the fund and the purposes of this chapter.

Sec. 187. Section 455G.3, subsection 2, Code 2009, is amended to read as follows:

2. The board shall assist Iowa’s owners and operators of petroleum underground storage tanks in complying with federal environmental protection agency technical and financial responsibility regulations by establishment of the Iowa comprehensive petroleum underground storage tank fund. The authority treasurer of state may issue its bonds, or series of bonds, to assist the board, as provided in this chapter.

Sec. 188. Section 455G.6, subsections 7 through 9, Code Supplement 2009, are amended to read as follows:

7. The board may contract with the authority treasurer of state for the authority treasurer of state to issue bonds and do all things necessary with respect to the purposes of the fund, as set out in the contract between the board and the authority treasurer of state. The board may delegate to the authority treasurer of state and the authority treasurer of state shall then have all of the powers of the board which are necessary to issue and secure bonds and carry out the purposes of the fund, to the extent provided in the contract between the board and the authority treasurer of state. The authority treasurer of state may issue the authority’s treasurer of state’s bonds in principal amounts which, in the opinion of the board, are necessary to provide sufficient funds for the fund, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the costs of issuance of the bonds, other expenditures of the authority treasurer of state incident to and necessary or convenient to carry out the bond issue for the fund, and all other expenditures of the board necessary or convenient to administer the fund. The bonds are investment securities and negotiable instruments within the meaning of and for purposes of the uniform commercial code, chapter 554.

8. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the fund, all of which may be deposited with trustees or depositories in accordance with bond or security documents and pledged by the board to the payment thereof, and are not an indebtedness of this state ~~or the authority~~, or a charge against the general credit or general fund of the state ~~or the authority~~, and the state shall not be liable for any financial undertakings with respect to the fund. Bonds issued under this chapter shall contain on their face a statement that the bonds do not constitute an indebtedness of the state ~~or the authority~~.

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

Sec. 189. Section 455G.6, subsection 10, paragraph b, Code Supplement 2009, is amended to read as follows:

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

Sec. 190. Section 455G.6, subsection 12, Code Supplement 2009, is amended to read as follows:

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

Sec. 191. Section 455G.7, Code Supplement 2009, is amended to read as follows:

455G.7 Security for bonds — capital reserve fund — irrevocable contracts.

1. a. For the purpose of securing one or more issues of bonds for the fund, the authority treasurer of state, with the approval of the board, may authorize the establishment of one or more special funds, called “*capital reserve funds*”. The authority treasurer of state may pay into the capital reserve funds the proceeds of the sale of its bonds and other money which may be made available to the authority treasurer of state from other sources for the purposes of the capital reserve funds. Except as provided in this section, money in a capital reserve fund shall be used only as required for any of the following:

~~a.~~ (1) The payment of the principal of and interest on bonds or of the sinking fund payments with respect to those bonds.

~~b.~~ (2) The purchase or redemption of the bonds.

~~c.~~ (3) The payment of a redemption premium required to be paid when the bonds are redeemed before maturity.

b. However, money in a capital reserve fund shall not be withdrawn if the withdrawal would reduce the amount in the capital reserve fund to less than the capital reserve fund requirement, except for the purpose of making payment, when due, of principal, interest, redemption premiums on the bonds, and making sinking fund payments when other money pledged to the payment of the bonds is not available for the payments. Income or interest earned by, or increment to, a capital reserve fund from the investment of all or part of the capital reserve fund may be transferred by the authority treasurer of state to other accounts of the fund if the transfer does not reduce the amount of the capital reserve fund below the capital reserve fund requirement.

2. If the authority treasurer of state decides to issue bonds secured by a capital reserve fund, the bonds shall not be issued if the amount in the capital reserve fund is less than the capital reserve fund requirement, unless at the time of issuance of the bonds the authority treasurer of state deposits in the capital reserve fund from the proceeds of the bonds to be issued or from other sources, an amount which, together with the amount then in the capital reserve fund, is not less than the capital reserve fund requirement.

3. In computing the amount of a capital reserve fund for the purpose of this section, securities in which all or a portion of the capital reserve fund is invested shall be valued by a reasonable method established by the authority treasurer of state. Valuation shall include the amount of interest earned or accrued as of the date of valuation.

4. In this section, “*capital reserve fund requirement*” means the amount required to be on deposit in the capital reserve fund as of the date of computation.

5. To assure maintenance of the capital reserve funds, the authority treasurer of state shall, on or before July 1 of each calendar year, make and deliver to the governor the authority’s treasurer of state’s certificate stating the sum, if any, required to restore each capital reserve fund to the capital reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including the sum, if any, required to restore each capital reserve fund to the capital reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to

the ~~authority treasurer of state~~ pursuant to this section shall be deposited in the applicable capital reserve fund.

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

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

Sec. 192. Section 455G.8, subsection 2, Code 2009, is amended to read as follows:

2. *Statutory allocations fund.* The moneys credited from the statutory allocations fund under section 321.145, subsection 2, paragraph “a”, shall be allocated, consistent with this chapter, among the fund’s accounts, for debt service and other fund expenses, according to the fund budget, resolution, trust agreement, or other instrument prepared or entered into by the board or ~~authority treasurer of state~~ under direction of the board.

Sec. 193. REPEAL. Section 16.151, Code 2009, is repealed.

Sec. 194. REPEAL. 1989 Iowa Acts, chapter 131, section 63, as amended by 2009 Iowa Acts, chapter 184, section 39, is repealed.

Sec. 195. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVII UNEMPLOYMENT INSURANCE BENEFITS

Sec. 196. CASH RESERVE APPROPRIATION — UNEMPLOYMENT TRUST FUND ACCOUNT.

1. On or before August 15, 2010, following the computation date required pursuant to section 96.7, subsection 2, paragraph “d”, subparagraph (1), unnumbered paragraph 1, as amended by this Act, and upon the approval of the director of the department of management, there is appropriated from the cash reserve fund created in section 8.56 to the unemployment trust fund account of the unemployment compensation fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, up to \$20 million. This loan is contingent upon being necessary to reach contribution rate table 3 rather than contribution rate table 2 for calendar year 2011. Any moneys appropriated pursuant to this subsection shall be considered a loan for the payment of unemployment insurance benefits and the repayment of such moneys to the cash reserve fund shall occur pursuant to subsection 2. If the amount necessary to prevent table 2 from being applied is more than \$20 million, this section is repealed. Section 8.56, subsections 3 and 4, shall not apply to the appropriation in this section.

2. Following the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of workforce development, in coordination with the department of management, shall develop a plan for the transfer of an amount equal to the amount appropriated pursuant to subsection 1 from the unemployment trust fund account of the unemployment compensation fund to the cash reserve fund without adversely impacting the solvency of the unemployment trust fund account.

3. By December 1, 2011, the director of the department of workforce development shall submit to the general assembly, with the report required under section 96.35, the director’s recommendations regarding the transfer of moneys as required under subsection 2.

Sec. 197. Section 96.7, subsection 2, paragraph d, subparagraph (1), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

The current reserve fund ratio is computed by dividing the total funds available for payment of benefits, on the computation date or on August 15 following the computation date if the total funds available for payment of benefits is a higher amount on August 15, by the total wages paid in covered employment excluding reimbursable employment wages during the first four calendar quarters of the five calendar quarters immediately preceding the computation date. However, in computing the current reserve fund ratio the following amounts shall be added to the total funds available for payment of benefits on the following computation dates:

DIVISION XVIII
TERRACE HILL

Sec. 198. TERRACE HILL OPERATIONS — CASH RESERVE FUND — DEPARTMENT OF ADMINISTRATIVE SERVICES. There is appropriated from the cash reserve fund created in section 8.56 to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes necessary for the operation of Terrace Hill:

..... \$ 168,494

Sec. 199. TERRACE HILL — GENERAL FUND — DEPARTMENT OF ADMINISTRATIVE SERVICES. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2009,⁹⁶ and ending June 30, 2010,⁹⁷ the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes necessary for the operation of Terrace Hill, and for not more than the following full-time equivalent positions:

..... \$ 263,329
..... FTEs 6.38

Sec. 200. TERRACE HILL QUARTERS. The amount appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for Terrace Hill quarters pursuant to 2010 Iowa Acts, Senate File 2367,⁹⁸ for the fiscal year beginning July 1, 2010, and ending June 30, 2011, is reduced by \$263,329. The number of full-time equivalent positions authorized pursuant to 2010 Iowa Acts, Senate File 2367,⁹⁹ for purposes of Terrace Hill quarters for the fiscal year beginning July 1, 2010, and ending June 30, 2011, is reduced by 8.12 full-time equivalent positions.

DIVISION XIX
HEALTH CARE PROGRAMS AND APPROPRIATIONS

Sec. 201. Section 249J.7, Code 2009, is amended to read as follows:

249J.7 Expansion population provider network.

1. a. Expansion population members shall only be eligible to receive expansion population services through a provider included in the expansion population provider network. Except as otherwise provided in this chapter, the expansion population provider network shall be limited to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand, the university of Iowa hospitals and clinics, ~~and the state hospitals for persons with mental illness designated pursuant to section 226.1 with the exception of the programs at such state hospitals for persons with mental illness that provide substance abuse treatment, serve geropsychiatric patients, or treat sexually violent predators~~ and a regional provider network utilizing the federally qualified health centers or federally qualified health center look-alikes in the state, to provide primary care to members.

⁹⁶ According to enrolled Act; the year "2010" probably intended

⁹⁷ According to enrolled Act; the year "2011" probably intended

⁹⁸ Chapter 1189 herein

⁹⁹ Chapter 1189 herein

b. (1) The department shall develop a plan to phase-in the regional provider network by determining the most highly underserved areas on a statewide and regional basis, and targeting these areas for prioritization in implementing the regional provider network. In developing the phase-in plan the department shall consult with the medical assistance projections and assessment council created in section 249J.20. Any plan developed shall be approved by the council prior to implementation. The phase-in of the regional provider network shall be implemented in a manner that ensures that program expenditures do not exceed budget neutrality limits and funded program capacity, and that ensures compliance with the eligibility maintenance of effort requirements of the federal American Recovery and Reinvestment Act of 2009.

(2) Payment shall only be made to designated participating primary care providers for eligible primary care services provided to a member.

(3) The department shall adopt rules pursuant to chapter 17A, in collaboration with the medical home advisory council established pursuant to section 135.159, specifying requirements for medical homes including certification, with which regional provider network participating providers shall comply, as appropriate.

(4) The department may also designate other private providers and hospitals to participate in the regional provider network, to provide primary and specialty care, subject to the availability of funds.

(5) Notwithstanding any provision to the contrary, the department shall develop a methodology to reimburse regional provider network participating providers designated under this subsection.

c. Tertiary care shall only be provided to eligible expansion population members residing in any county in the state at the university of Iowa hospitals and clinics.

d. Until such time as the publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand notifies the department that such hospital has reached service capacity, the hospital and the university of Iowa hospitals and clinics shall remain the only expansion population providers for the residents of such county.

2. Expansion population services provided to expansion population members by ~~providers included in the expansion population provider network~~ the publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand and the university of Iowa hospitals and clinics shall be payable at the full benefit recipient rates.

3. Providers included in the expansion population provider network shall submit clean claims within twenty days of the date of provision of an expansion population service to an expansion population member.

4. Unless otherwise prohibited by law, a provider under the expansion population provider network may deny care to an individual who refuses to apply for coverage under the expansion population.

5. Notwithstanding the provision of section 347.16, subsection 2, requiring the provision of free care and treatment to the persons described in that subsection, the publicly owned acute care teaching hospital described in subsection 1 may require any sick or injured person seeking care or treatment at that hospital to be subject to financial participation, including but not limited to copayments or premiums, and may deny nonemergent care or treatment to any person who refuses to be subject to such financial participation.

6. The department shall utilize up to seven million three hundred thousand dollars in certified public expenditures at the university of Iowa hospitals and clinics to maximize the availability of state funding to provide necessary access to both primary and specialty physician care to expansion population members. The resulting savings to the state shall be utilized to reimburse physician services provided to expansion population members at the university of Iowa hospitals and clinics and to reimburse providers designated to participate in the regional provider network for services provided to expansion population members.

7. The department shall adopt rules to establish clinical transfer and referral protocols to be used by providers included in the expansion population provider network.

Sec. 202. 2010 Iowa Acts, Senate File 2156,¹⁰⁰ section 5, if enacted, is repealed.

¹⁰⁰ Chapter 1141 herein

Sec. 203. 2010 Iowa Acts, Senate File 2356,¹⁰¹ section 2,¹⁰² amending section 249J.7, if enacted, is repealed.

Sec. 204. 2010 Iowa Acts, House File 2526,¹⁰³ section 11, subsection 13, if enacted, is amended to read as follows:

13. The university of Iowa hospitals and clinics shall either certify public expenditures or transfer to the medical assistance appropriation an amount equal to provide the nonfederal share for increased medical assistance payments for inpatient hospital services of \$7,500,000 up to \$9,900,000. The university of Iowa hospitals and clinics shall receive and retain 100 percent of the total increase in medical assistance payments.

Sec. 205. 2010 Iowa Acts, House File 2526,¹⁰⁴ section 41, subsection 3, unnumbered paragraph 2, if enacted, is amended to read as follows:

For salaries, support, maintenance, equipment, and miscellaneous purposes for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 12,000,000
14,000,000

Sec. 206. 2010 Iowa Acts, House File 2526,¹⁰⁵ section 41, subsection 6, if enacted, is amended to read as follows:

~~6. Contingent upon enactment of 2010 Iowa Acts, Senate File 2356, there is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary to be used for the purposes designated:~~

~~For payment to nonparticipating providers for covered services provided in accordance with section 249J.24A:~~

..... \$ ~~2,000,000~~

Sec. 207. HOSPITAL HEALTH CARE ACCESS TRUST FUND — APPROPRIATIONS. There is appropriated from the hospital health care access trust fund created in section 249M.4, if enacted by 2010 Iowa Acts, Senate File 2388,¹⁰⁶ to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For the medical assistance program:

..... \$ 39,406,000

Of the funds appropriated in this subsection, \$20,542,883 shall be used for reimbursement of hospitals under the medical assistance program in accordance with section 249M.4, if enacted by 2010 Iowa Acts, Senate File 2388.¹⁰⁷

2. For deposit in the nonparticipating provider reimbursement fund created in section 249J.24A for the purposes of the fund:

..... \$ 594,000

Sec. 208. NONPARTICIPATING PROVIDER REIMBURSEMENT FUND — APPROPRIATION. Contingent upon enactment of 2010 Iowa Acts, Senate File 2388,¹⁰⁸ there is appropriated from the nonparticipating provider reimbursement fund created in section 249J.24A to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, for the purposes designated:

To reimburse nonparticipating providers in accordance with section 249J.24A:

¹⁰¹ Chapter 1134 herein

¹⁰² According to enrolled Act; the phrase "section 1" probably intended

¹⁰³ Chapter 1192 herein

¹⁰⁴ Chapter 1192 herein

¹⁰⁵ Chapter 1192 herein

¹⁰⁶ Chapter 1135 herein

¹⁰⁷ Chapter 1135 herein

¹⁰⁸ Chapter 1135 herein

..... \$ 2,000,000

Sec. 209. MEDICAL ASSISTANCE PROGRAM — APPROPRIATION REDUCTION. Contingent upon enactment of 2010 Iowa Acts, Senate File 2388,¹⁰⁹ the appropriation from the general fund of the state to the department of human services for the medical assistance program for the fiscal year beginning July 1, 2010, and ending June 30, 2011, as specified in 2010 Iowa Acts, House File 2526,¹¹⁰ section 11, if enacted, is reduced by \$18,863,117.

Sec. 210. CONTINGENT IMPLEMENTATION. Implementation of the provisions of this division of this Act making appropriations from the hospital health care access trust fund and the nonparticipating provider reimbursement fund and reducing the medical assistance program appropriation are contingent upon the department of human services receiving approval of the requests relating to medical assistance waivers and state plan amendments necessary to implement the hospital health care access trust fund if enacted by 2010 Iowa Acts, Senate File 2388.¹¹¹

DIVISION XX WAIVER OF PENALTIES AND INTEREST

Sec. 211. WAIVER OF PENALTIES AND INTEREST — DISASTER-RELATED LOSSES — REFUNDS.

1. Notwithstanding sections 421.8, 421.27, and 422.25, if a taxpayer has filed a return for tax year 2008 relying in good faith on the expectation that the state of Iowa would conform to the federal treatment of disaster-related casualty losses under section 165(h) of the Internal Revenue Code, as modified by the Heartland Disaster Relief Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes, the director of revenue shall, for any taxpayer amending the return in the time permitted by statute, waive any penalty or interest due as a result of either a failure to timely pay the tax due or the filing of a defective or incorrect return.

2. If, prior to the effective date of this division of this Act, a taxpayer paid penalties or interest as a result of a good-faith reliance on the state conforming to section 165(h) of the Internal Revenue Code, the department of revenue shall refund such penalties and interest to the taxpayer.

Sec. 212. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

Approved April 29, 2010, with exceptions noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 2531, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions. House File 2531 is approved on this date, with the exceptions noted below, which I hereby disapprove.

¹⁰⁹ Chapter 1135 herein

¹¹⁰ Chapter 1192 herein

¹¹¹ Chapter 1135 herein

I am unable to approve Section 106 of this bill in its entirety. This section requires the Office of Energy Independence to collect and report data on all grants and loans provided under the Iowa Power Fund. I am disapproving this language because it is unnecessary and duplicative. The Office of Energy Independence already collects and provides information about the effectiveness of the Power Fund, which is helping our state become more energy independent and creating jobs.

I am unable to approve Section 112, subsection 3, paragraph a, of this bill in its entirety. Current law requires pharmacy technicians to obtain national certification by July 1, 2010. In addition, current law provides that new technicians who register beginning July 1, 2009, are to be granted one year from the date of their registrations with the Iowa Board of Pharmacy to show proof of having obtained national certification. This one year period is critical because new registrants use this time to obtain on-the-job experience working with licensed pharmacists, which enhances the technicians' readiness to take the national certification examination. This provision eliminates the one year period until December 31, 2012; this means technicians who have registered since July 1, 2009 now must show proof of having obtained national certification by July 1, 2010, but no longer have the year to prepare for the national certification examination. This will likely affect up to 600 individuals. In addition, new pharmacy technicians would now need to be nationally certified prior to even registering with the board, which will likely affect up to 1,000 new technicians per year.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2531 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*

CHAPTER 1194

BATTLESHIP IOWA RESTORATION AND PRESERVATION

S.J.R. 2007

A JOINT RESOLUTION supporting the preservation efforts for the Battleship Iowa, BB-61.

WHEREAS, BB-61, the USS Iowa, is the namesake for the most powerful class of warships ever made; and

WHEREAS, navy members recruited from Iowa have received preference for assignment to service on board the USS Iowa through most of its service life; and

WHEREAS, the USS Iowa would remain a continuing marketing display for the talented and well-educated workforce in the State of Iowa throughout a period of museum duty; and

WHEREAS, there is now a proposal to assign the USS Iowa to museum duty; and

WHEREAS, former Governors Robert D. Ray and Terry E. Branstad and former Governor and current United States Secretary of Agriculture Thomas J. Vilsack serve as honorary chairpersons of efforts to preserve the USS Iowa as a national museum and memorial, truly a source of pride for all Iowans; and

WHEREAS, those efforts include restoration of the USS Iowa and future service as an educational museum and tourist attraction, and perhaps, with her many facilities still intact, service as an emergency response center; and

WHEREAS, the restoration and preservation of the USS Iowa will honor all veterans of the State of Iowa, inspire youth, and educate the public; NOW THEREFORE,

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