

# House Amendment 1730

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1 1 Amend House File 830 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <DIVISION I  
1 5 MH/MR/DD SERVICES ALLOWED  
1 6 GROWTH FUNDING == FY 2010=2011  
1 7 Section 1. COUNTY MENTAL HEALTH, MENTAL  
1 8 RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED  
1 9 GROWTH APPROPRIATION AND ALLOCATIONS == FISCAL YEAR  
1 10 2010=2011.  
1 11 1. There is appropriated from the general fund of  
1 12 the state to the department of human services for the  
1 13 fiscal year beginning July 1, 2010, and ending June  
1 14 30, 2011, the following amount, or so much thereof as  
1 15 is necessary, to be used for the purpose designated:  
1 16 For distribution to counties of the county mental  
1 17 health, mental retardation, and developmental  
1 18 disabilities allowed growth factor adjustment for  
1 19 fiscal year 2010=2011:  
1 20 ..... \$ 62,157,491  
1 21 2. The amount appropriated in this section shall  
1 22 be allocated as provided in a later enactment of the  
1 23 general assembly.  
1 24 DIVISION II  
1 25 STANDING APPROPRIATIONS  
1 26 AND RELATED MATTERS  
1 27 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2010=2011.  
1 28 1. For the budget process applicable to the fiscal  
1 29 year beginning July 1, 2010, on or before October 1,  
1 30 2009, in lieu of the information specified in section  
1 31 8.23, subsection 1, unnumbered paragraph 1, and  
1 32 paragraph "a", all departments and establishments of  
1 33 the government shall transmit to the director of the  
1 34 department of management, on blanks to be furnished by  
1 35 the director, estimates of their expenditure  
1 36 requirements, including every proposed expenditure,  
1 37 for the ensuing fiscal year, together with supporting  
1 38 data and explanations as called for by the director of  
1 39 the department of management after consultation with  
1 40 the legislative services agency.  
1 41 2. The estimates of expenditure requirements shall  
1 42 be in a form specified by the director of the  
1 43 department of management, and the expenditure  
1 44 requirements shall include all proposed expenditures  
1 45 and shall be prioritized by program or the results to  
1 46 be achieved. The estimates shall be accompanied by  
1 47 performance measures for evaluating the effectiveness  
1 48 of the programs or results.  
1 49 Sec. 3. GENERAL ASSEMBLY.  
1 50 1. The appropriations made pursuant to section  
2 1 2.12 for the expenses of the general assembly and  
2 2 legislative agencies for the fiscal year beginning  
2 3 July 1, 2009, and ending June 30, 2010, are reduced by  
2 4 the following amount:  
2 5 ..... \$ 4,439,653  
2 6 2. The budgeted amounts for the general assembly  
2 7 for the fiscal year beginning July 1, 2009, may be  
2 8 adjusted to reflect unexpended budgeted amounts from  
2 9 the previous fiscal year.  
2 10 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.  
2 11 Notwithstanding the standing appropriations in the  
2 12 following designated sections for the fiscal year  
2 13 beginning July 1, 2009, and ending June 30, 2010, the  
2 14 amounts appropriated from the general fund of the  
2 15 state pursuant to these sections for the following  
2 16 designated purposes shall not exceed the following  
2 17 amounts:  
2 18 1. For payment for nonpublic school transportation  
2 19 under section 285.2:  
2 20 ..... \$ 7,845,479  
2 21 If total approved claims for reimbursement for  
2 22 nonpublic school pupil transportation exceed the  
2 23 amount appropriated in accordance with this  
2 24 subsection, the department of education shall prorate

2 25 the amount of each approved claim.

2 26 2. For the state's share of the cost of the peace

2 27 officers' retirement benefits under section 411.20:

2 28 ..... \$ 2,503,510

2 29 3. For operational support grants and community

2 30 cultural grants under section 99F.11, subsection 3,

2 31 paragraph "e", subparagraph (1):

2 32 ..... \$ 452,783

2 33 4. For regional tourism marketing under section

2 34 99F.11, subsection 3, paragraph "e", subparagraph (2):

2 35 ..... \$ 957,809

2 36 5. For the Iowa power fund under section 469.10,

2 37 subsection 1:

2 38 ..... \$ 20,000,000

2 39 6. For the enforcement of chapter 453D relating to

2 40 tobacco product manufacturers under section 453D.8:

2 41 ..... \$ 21,768

2 42 7. For the center for congenital and inherited

2 43 disorders central registry under section 144.13A,

2 44 subsection 4, paragraph "a":

2 45 ..... \$ 182,044

2 46 8. For primary and secondary child abuse

2 47 prevention programs under section 144.13A, subsection

2 48 4, paragraph "a":

2 49 ..... \$ 217,772

2 50 9. For programs for at-risk children under section

3 1 279.51:

3 2 ..... \$ 11,493,891

3 3 The amount of any reduction in this subsection

3 4 shall be prorated among the programs specified in

3 5 section 279.51, subsection 1, paragraphs "a", "b", and

3 6 "c".

3 7 Sec. 5. INSTRUCTIONAL SUPPORT STATE AID.

3 8 Notwithstanding the standing appropriation provided

3 9 under section 257.20, an appropriation from the

3 10 general fund of the state to the department of

3 11 education for the fiscal year beginning July 1, 2009,

3 12 and ending June 30, 2010, shall not be made for

3 13 purposes of paying instructional support state aid.

3 14 Sec. 6. VETERANS HOME MEDICAL CLINIC. Of moneys

3 15 received on or after July 1, 2008, by the Iowa

3 16 veterans home from the federal government relating to

3 17 the costs to improve and renovate a medical clinic at

3 18 the home in a previous fiscal year, the first \$727,000

3 19 shall be credited to the general fund of the state on

3 20 or after July 1, 2009.

3 21 Sec. 7. FEDERAL ECONOMIC STIMULUS AND JOBS HOLDING

3 22 ACCOUNT.

3 23 1. Any unobligated moneys in the federal economic

3 24 stimulus and jobs holding account on July 1, 2009,

3 25 shall be transferred to the general fund of the state

3 26 on July 1, 2009.

3 27 2. Unobligated moneys in the federal economic

3 28 stimulus and jobs holding account on the effective

3 29 date of this section shall not be obligated after the

3 30 effective date of this section.

3 31 3. This section shall not apply to moneys

3 32 appropriated from the federal economic stimulus and

3 33 jobs holding account in 2009 Iowa Acts, Senate File

3 34 469, if enacted.

3 35 Sec. 8. IOWA MATHEMATICS AND SCIENCE COALITION.

3 36 For the fiscal year beginning July 1, 2009, the

3 37 university of northern Iowa shall maintain the efforts

3 38 of the Iowa mathematics and science coalition that

3 39 were initiated pursuant to section 294A.25, subsection

3 40 11, Code 2009.

3 41 Sec. 9. PROPERTY TAX CREDIT FUND == PAYMENTS IN

3 42 LIEU OF GENERAL FUND REIMBURSEMENT.

3 43 1. a. A property tax credit fund shall be created

3 44 in the office of the treasurer of state to be used for

3 45 the purposes of this section.

3 46 b. There is appropriated from the general fund of

3 47 the state to the property tax credit fund created in

3 48 paragraph "a" for the fiscal year beginning July 1,

3 49 2009, and ending June 30, 2010, the sum of

3 50 \$101,395,597.

4 1 c. Notwithstanding the requirements in section

4 2 8.56, subsections 3 and 4, there is appropriated from

4 3 the cash reserve fund to the property tax credit fund

4 4 created in paragraph "a" for the fiscal year beginning

4 5 July 1, 2009, and ending June 30, 2010, the sum of

4 6 \$54,684,481.

4 7 d. Notwithstanding section 8.33, the surplus  
4 8 existing in the property tax credit fund created  
4 9 pursuant to 2008 Iowa Acts, chapter 1191, section 5,  
4 10 at the conclusion of the fiscal year beginning July 1,  
4 11 2008, and ending June 30, 2009, is transferred to the  
4 12 property tax credit fund created in paragraph "a".

4 13 2. There is appropriated from the property tax  
4 14 credit fund for the fiscal year beginning July 1,  
4 15 2009, and ending June 30, 2010, the following amounts  
4 16 for the following designated purposes:

4 17 a. For reimbursement for the homestead property  
4 18 tax credit under section 425.1:  
4 19 ..... \$100,658,781

4 20 b. For reimbursement for the family farm and  
4 21 agricultural land tax credits under sections 425A.1  
4 22 and 426.1:  
4 23 ..... \$ 34,610,183

4 24 c. For reimbursement for the military service tax  
4 25 credit under section 426A.1A:  
4 26 ..... \$ 2,400,000

4 27 d. For implementing the elderly and disabled tax  
4 28 credit and reimbursement pursuant to sections 425.16  
4 29 through 425.39:  
4 30 ..... \$ 22,200,000

4 31 If the director of revenue determines that the  
4 32 amount of claims for credit for property taxes due  
4 33 pursuant to paragraphs "a", "b", "c", and "d", plus  
4 34 the amount of claims for reimbursement for rent  
4 35 constituting property taxes paid which are to be paid  
4 36 during the fiscal year may exceed the total amount  
4 37 appropriated, the director shall estimate the  
4 38 percentage of the credits and reimbursements which  
4 39 will be funded by the appropriation. The county  
4 40 treasurer shall notify the director of the amount of  
4 41 property tax credits claimed by June 8, 2009. The  
4 42 director shall estimate the percentage of the property  
4 43 tax credits and rent reimbursement claims that will be  
4 44 funded by the appropriation and notify the county  
4 45 treasurer of the percentage estimate by June 15, 2009.  
4 46 The estimated percentage shall be used in computing  
4 47 for each claim the amount of property tax credit and  
4 48 reimbursement for rent constituting property taxes  
4 49 paid for that fiscal year. If the director  
4 50 overestimates the percentage of funding, claims for  
5 1 reimbursement for rent constituting property taxes  
5 2 paid shall be paid until they can no longer be paid at  
5 3 the estimated percentage of funding. Rent  
5 4 reimbursement claims filed after that point in time  
5 5 shall receive priority and shall be paid in the  
5 6 following fiscal year.

5 7 Sec. 10. PERFORMANCE OF DUTY. There is  
5 8 appropriated from the cash reserve fund created in  
5 9 section 8.56 to the executive council for the fiscal  
5 10 year beginning July 1, 2009, and ending June 30, 2010,  
5 11 the following amount, or so much thereof as is  
5 12 necessary, to be used for the purposes designated:  
5 13 For performance of duty by the executive council in  
5 14 sections 7D.29 and 29C.20:  
5 15 ..... \$ 25,600,000

5 16 The funding from the appropriation made in this  
5 17 section shall be utilized before any funding from the  
5 18 general fund of the state.

5 19 Sec. 11. GENERAL FUND. There is appropriated from  
5 20 the cash reserve fund created in section 8.56 to the  
5 21 general fund of the state for the fiscal year  
5 22 beginning July 1, 2009, and ending June 30, 2010, the  
5 23 following amount:  
5 24 ..... \$ 65,000,000

5 25 The moneys appropriated in this section shall not  
5 26 be considered new revenues under section 8.54 for  
5 27 purposes of the state general fund expenditure  
5 28 limitation.

5 29 Sec. 12. CASH RESERVE FUND APPROPRIATIONS.  
5 30 Section 8.56, subsections 3 and 4, shall not apply to  
5 31 any appropriation made in this division of this Act  
5 32 from the cash reserve fund created in section 8.56.

5 33 Sec. 13. CASH RESERVE FUND APPROPRIATION FOR  
5 34 FISCAL YEAR 2009=2010. For the fiscal year beginning  
5 35 July 1, 2009, and ending June 30, 2010, the  
5 36 appropriation to the cash reserve fund provided in

5 37 section 8.57, subsection 1, paragraph "a", shall not  
5 38 be made.  
5 39 Sec. 14. Section 331.660, Code 2009, is repealed.  
5 40 Sec. 15. EFFECTIVE DATES.  
5 41 1. The section of this division of this Act  
5 42 creating the property tax credit fund, being deemed of  
5 43 immediate importance, takes effect upon enactment.  
5 44 2. The section of this division of this Act  
5 45 transferring moneys from the federal economic stimulus  
5 46 and jobs holding account, being deemed of immediate  
5 47 importance, takes effect upon enactment.  
5 48 Sec. 16. EFFECTIVE DATE AND RETROACTIVE  
5 49 APPLICABILITY. The section of this division of this  
5 50 Act providing for crediting of certain moneys received  
6 1 by the Iowa veterans home to the general fund of the  
6 2 state, being deemed of immediate importance, takes  
6 3 effect upon enactment and is retroactively applicable  
6 4 to July 1, 2008, and is applicable on and after that  
6 5 date.

#### 6 6 DIVISION III

#### 6 7 SALARIES, COMPENSATION, AND RELATED MATTERS

#### 6 8 Sec. 17. APPOINTED STATE OFFICERS.

6 9 1. The governor shall establish a salary for  
6 10 appointed non-elected persons in the executive branch  
6 11 of state government holding a position enumerated in  
6 12 and within the salary ranges provided in 2008 Iowa  
6 13 Acts, chapter 1191, section 14, by considering, among  
6 14 other items, the experience of the individual in the  
6 15 position, changes in the duties of the position, the  
6 16 incumbent's performance of assigned duties, and  
6 17 subordinates' salaries. However, the attorney general  
6 18 shall establish the salary for the consumer advocate,  
6 19 the chief justice of the supreme court shall establish  
6 20 the salary for the state court administrator, the  
6 21 ethics and campaign disclosure board shall establish  
6 22 the salary of the executive director, and the Iowa  
6 23 public broadcasting board shall establish the salary  
6 24 of the administrator of the public broadcasting  
6 25 division of the department of education, each within  
6 26 the salary range provided in 2008 Iowa Acts, chapter  
6 27 1191, section 14.

6 28 2. The governor, in establishing salaries as  
6 29 provided in this section, shall take into  
6 30 consideration other employee benefits which may be  
6 31 provided for an individual including but not limited  
6 32 to housing.

6 33 3. A person whose salary is established pursuant  
6 34 to this section and who is a full-time, year-round  
6 35 employee of the state shall not receive any other  
6 36 remuneration from the state or from any other source  
6 37 for the performance of that person's duties unless the  
6 38 additional remuneration is first approved by the  
6 39 governor or authorized by law. However, this  
6 40 provision does not exclude the reimbursement for  
6 41 necessary travel and expenses incurred in the  
6 42 performance of duties or fringe benefits normally  
6 43 provided to employees of the state.

#### 6 44 Sec. 18. COLLECTIVE BARGAINING AGREEMENTS FUNDED.

6 45 The various state departments, boards, commissions,  
6 46 councils, and agencies, including the state board of  
6 47 regents, for the fiscal year beginning July 1, 2009,  
6 48 and ending June 30, 2010, shall provide from available  
6 49 sources pay adjustments, expense reimbursements, and  
6 50 related benefits to fully fund the following:

7 1 1. The collective bargaining agreement negotiated  
7 2 pursuant to chapter 20 for employees in the blue  
7 3 collar bargaining unit.

7 4 2. The collective bargaining agreement negotiated  
7 5 pursuant to chapter 20 for employees in the public  
7 6 safety bargaining unit.

7 7 3. The collective bargaining agreement negotiated  
7 8 pursuant to chapter 20 for employees in the security  
7 9 bargaining unit.

7 10 4. The collective bargaining agreement negotiated  
7 11 pursuant to chapter 20 for employees in the technical  
7 12 bargaining unit.

7 13 5. The collective bargaining agreement negotiated  
7 14 pursuant to chapter 20 for employees in the  
7 15 professional fiscal and staff bargaining unit.

7 16 6. The collective bargaining agreement negotiated  
7 17 pursuant to chapter 20 for employees in the clerical

7 18 bargaining unit.  
7 19 7. The collective bargaining agreement negotiated  
7 20 pursuant to chapter 20 for employees in the  
7 21 professional social services bargaining unit.  
7 22 8. The collective bargaining agreement negotiated  
7 23 pursuant to chapter 20 for employees in the  
7 24 community-based corrections bargaining unit.  
7 25 9. The collective bargaining agreements negotiated  
7 26 pursuant to chapter 20 for employees in the judicial  
7 27 branch of government bargaining units.  
7 28 10. The collective bargaining agreement negotiated  
7 29 pursuant to chapter 20 for employees in the patient  
7 30 care bargaining unit.  
7 31 11. The collective bargaining agreement negotiated  
7 32 pursuant to chapter 20 for employees in the science  
7 33 bargaining unit.  
7 34 12. The collective bargaining agreement negotiated  
7 35 pursuant to chapter 20 for employees in the university  
7 36 of northern Iowa faculty bargaining unit.  
7 37 13. The collective bargaining agreement negotiated  
7 38 pursuant to chapter 20 for employees in the state  
7 39 university of Iowa graduate student bargaining unit.  
7 40 14. The collective bargaining agreement negotiated  
7 41 pursuant to chapter 20 for employees in the state  
7 42 university of Iowa hospital and clinics tertiary  
7 43 health care bargaining unit.  
7 44 15. The annual pay adjustments, related benefits,  
7 45 and expense reimbursements referred to in the sections  
7 46 of this division of this Act addressing noncontract  
7 47 state and state board of regents employees who are not  
7 48 covered by a collective bargaining agreement.

7 49 Sec. 19. NONCONTRACT STATE EMPLOYEES == GENERAL.  
7 50 1. For the fiscal year beginning July 1, 2009:  
8 1 a. The maximum and minimum salary levels of all  
8 2 pay plans provided for in section 8A.413, subsection  
8 3 3, as they exist for the fiscal year ending June 30,  
8 4 2009, shall not increase.  
8 5 b. Employees may receive a step increase or the  
8 6 equivalent of a step increase.  
8 7 c. The pay plan for noncontract judicial branch  
8 8 employees shall not be increased.  
8 9 d. The pay plans for state employees who are  
8 10 exempt from chapter 8A, subchapter IV, and who are  
8 11 included in the department of administrative services'  
8 12 centralized payroll system shall not be increased, and  
8 13 any additional changes in any executive branch pay  
8 14 plans shall be approved by the governor.

8 15 2. This section does not apply to members of the  
8 16 general assembly, board members, commission members,  
8 17 persons whose salaries are set by the general assembly  
8 18 pursuant to this Act or are set by the governor, or  
8 19 other persons designated in the section of this  
8 20 division of this Act addressing appointed state  
8 21 officers, employees designated under section 8A.412,  
8 22 subsection 5, and employees covered by 11 IAC 53.6(3).  
8 23 3. The pay plans for the bargaining eligible  
8 24 employees of the state shall not be increased, and any  
8 25 additional changes in such executive branch pay plans  
8 26 shall be approved by the governor. As used in this  
8 27 section, "bargaining eligible employee" means an  
8 28 employee who is eligible to organize under chapter 20,  
8 29 but has not done so.  
8 30 4. The policies for implementation of this section  
8 31 shall be approved by the governor.

8 32 Sec. 20. STATE EMPLOYEES == STATE BOARD OF  
8 33 REGENTS. For the fiscal year beginning July 1, 2009,  
8 34 and ending June 30, 2010, funds shall be provided from  
8 35 available sources of the state board of regents for  
8 36 funding of collective bargaining agreements for state  
8 37 board of regents employees covered by such agreements  
8 38 and for the following state board of regents employees  
8 39 not covered by a collective bargaining agreement:  
8 40 1. Regents merit system employees and merit  
8 41 supervisory employees.  
8 42 2. Faculty members and professional and scientific  
8 43 employees.

8 44 Sec. 21. BONUS PAY. For the fiscal year beginning  
8 45 July 1, 2009, and ending June 30, 2010, employees of  
8 46 the executive branch, judicial branch, and legislative  
8 47 branch shall not receive bonus pay unless otherwise  
8 48 authorized by law, required pursuant to a contract of

8 49 employment entered into before July 1, 2009, or  
8 50 required pursuant to a collective bargaining  
9 1 agreement. This section does not apply to employees  
9 2 of the state board of regents. For purposes of this  
9 3 section, "bonus pay" means any additional remuneration  
9 4 provided an employee in the form of a bonus, including  
9 5 but not limited to a retention bonus, recruitment  
9 6 bonus, exceptional job performance pay, extraordinary  
9 7 job performance pay, exceptional performance pay,  
9 8 extraordinary duty pay, or extraordinary or special  
9 9 duty pay, and any extra benefit not otherwise provided  
9 10 to other similarly situated employees.

9 11 Sec. 22. SPECIAL FUNDS. For the fiscal year  
9 12 beginning July 1, 2009, and ending June 30, 2010,  
9 13 salary adjustments otherwise provided for in this  
9 14 division of this Act may be funded using departmental  
9 15 revolving, trust, or special funds for which the  
9 16 general assembly has established an operating budget,  
9 17 provided doing so does not exceed the operating budget  
9 18 established by the general assembly.

9 19 Sec. 23. FEDERAL FUNDS APPROPRIATED. For the  
9 20 fiscal year beginning July 1, 2009, all federal grants  
9 21 to and the federal receipts of the agencies affected  
9 22 by this division of this Act which are received and  
9 23 may be expended for purposes of this division of this  
9 24 Act are appropriated for those purposes and as set  
9 25 forth in the federal grants or receipts.

9 26 Sec. 24. STATE TROOPER MEAL ALLOWANCE. For the  
9 27 fiscal year beginning July 1, 2009, the sworn peace  
9 28 officers in the department of public safety who are  
9 29 not covered by a collective bargaining agreement  
9 30 negotiated pursuant to chapter 20 shall receive the  
9 31 same per diem meal allowance as the sworn peace  
9 32 officers in the department of public safety who are  
9 33 covered by a collective bargaining agreement  
9 34 negotiated pursuant to chapter 20.

9 35 Sec. 25. SALARY MODEL ADMINISTRATOR. The salary  
9 36 model administrator shall work in conjunction with the  
9 37 legislative services agency to maintain the state's  
9 38 salary model used for analyzing, comparing, and  
9 39 projecting state employee salary and benefit  
9 40 information, including information relating to  
9 41 employees of the state board of regents. The  
9 42 department of revenue, the department of  
9 43 administrative services, the five institutions under  
9 44 the jurisdiction of the state board of regents, the  
9 45 judicial district departments of correctional  
9 46 services, and the state department of transportation  
9 47 shall provide salary data to the department of  
9 48 management and the legislative services agency to  
9 49 operate the state's salary model. The format and  
9 50 frequency of provision of the salary data shall be  
10 1 determined by the department of management and the  
10 2 legislative services agency. The information shall be  
10 3 used in collective bargaining processes under chapter  
10 4 20 and in calculating the funding needs contained  
10 5 within the annual salary adjustment legislation. A  
10 6 state employee organization as defined in section  
10 7 20.3, subsection 4, may request information produced  
10 8 by the model, but the information provided shall not  
10 9 contain information attributable to individual  
10 10 employees.

10 11 Sec. 26. Section 8A.402, subsection 2, Code 2009,  
10 12 is amended by adding the following new paragraph:  
10 13 NEW PARAGRAPH. g. (1) (a) Consult with the  
10 14 department of management and discuss and collaborate  
10 15 with executive branch agencies to implement and  
10 16 maintain a policy for increasing the aggregate ratio  
10 17 in the number of employees per supervisor in executive  
10 18 branch agencies to be fourteen employees for one  
10 19 supervisor. For purposes of determining the effects  
10 20 of the policy on the state employee workforce, the  
10 21 base date of July 1, 2008, shall be used and the  
10 22 target date for full implementation shall be July 1,  
10 23 2011.

10 24 (b) The policy shall allow appropriation units  
10 25 with twenty-eight or fewer full-time equivalent  
10 26 employee positions to apply for an exception to the  
10 27 policy through the executive council.

10 28 (c) Before any reduction in supervisory layers is  
10 29 implemented as a result of this paragraph "g", the

10 30 department shall notify the legislative fiscal  
10 31 committee of the legislative council regarding the  
10 32 proposed reduction. The notification shall include a  
10 33 list of the positions and employment responsibilities  
10 34 to be eliminated or reduced, a list of activities to  
10 35 be eliminated or reduced, and an estimate of the  
10 36 savings expected to result from the elimination or  
10 37 reduction. The legislative fiscal committee shall  
10 38 report to the legislative council concerning the  
10 39 notifications received.

10 40 (d) The department shall present an interim report  
10 41 to the governor and general assembly on or before  
10 42 April 1, 2010, and a final report on or before April  
10 43 1, 2011, detailing the effects of the policy on the  
10 44 composition of the workforce, cost savings, government  
10 45 efficiency, and outcomes.

10 46 (e) The policy developed pursuant to this  
10 47 paragraph "g" shall not encompass employees under the  
10 48 state board of regents or a judicial district  
10 49 department of correctional services. However, the  
10 50 department of administrative services shall work with  
11 1 the state board of regents and the judicial district  
11 2 departments of correctional services to advance the  
11 3 policy as a goal for the supervisory staff of these  
11 4 units of state government.

11 5 (2) Evaluate the state's systems for job  
11 6 classification of executive branch employees in order  
11 7 to ensure the existence of technical skill-based  
11 8 career paths for such employees which do not depend  
11 9 upon an employee gaining supervisory responsibility  
11 10 for advancement, and which provide incentives for such  
11 11 employees to broaden their knowledge and skill base.  
11 12 The evaluation shall include but is not limited to  
11 13 options for eliminating obsolete, duplicative, or  
11 14 unnecessary job classifications. The department shall  
11 15 present interim reports to the general assembly on or  
11 16 before January 15, 2010, and January 14, 2011,  
11 17 concerning the department's progress in completing the  
11 18 evaluation and associated outcomes.

11 19 (3) In implementing this paragraph "g", give  
11 20 priority to elimination or reduction of middle  
11 21 management employee positions. In addition, prior to  
11 22 the elimination of employee positions other than  
11 23 middle management positions or positions eliminated  
11 24 due to early retirement, priority shall be given to  
11 25 elimination or deferral by executive branch agencies  
11 26 of purchases and out-of-state travel. The department  
11 27 of management shall report quarterly to the  
11 28 legislative fiscal committee of the legislative  
11 29 council and to the legislative services agency  
11 30 regarding out-of-state travel authorized by executive  
11 31 branch agencies including a listing by agency of  
11 32 personnel authorized to travel, and the cost and  
11 33 purpose of the travel authorized.

11 34 Sec. 27. 2009 Iowa Acts, Senate File 475, section  
11 35 21, if enacted, is amended to read as follows:

~~11 36 SEC. 21. SUPERVISOR AND EMPLOYEE RATIO. The  
11 37 department of administrative services and the  
11 38 executive branch agencies receiving appropriations in  
11 39 this Act shall pursue a goal of achieving a ratio of  
11 40 fourteen employees per supervisor in such agencies, by  
11 41 December 31, 2009.~~

#### 11 42 DIVISION IV

#### 11 43 CORRECTIVE PROVISIONS

11 44 Sec. 28. Section 8.57, subsection 6, paragraph e,  
11 45 subparagraphs (2) and (3), if enacted by 2009 Iowa  
11 46 Acts, Senate File 376, are amended by striking the  
11 47 subparagraphs and inserting in lieu thereof the  
11 48 following:

11 49 (2) If the total amount of moneys directed to be  
11 50 deposited in the general fund of the state under  
12 1 sections 99D.17 and 99F.11 in a fiscal year is less  
12 2 than the total amount of moneys directed to be  
12 3 deposited in the revenue bonds debt service fund in  
12 4 the fiscal year pursuant to this paragraph "e", the  
12 5 difference shall be paid from moneys deposited in the  
12 6 beer and liquor control fund created in section 123.53  
12 7 in the manner provided in section 123.53, subsection  
12 8 2A.

12 9 (2) (3) If After the deposit of moneys directed to  
12 10 be deposited in the general fund of the state and the

12 11 revenue bonds debt service fund as provided in  
12 12 subparagraph (1), subparagraph division (a), if the  
12 13 total amount of moneys directed to be deposited in the  
12 14 general fund of the state under sections 99D.17 and  
12 15 99F.11 in a fiscal year is less than the total amount  
12 16 of moneys directed to be deposited in the vision Iowa  
12 17 fund and the school infrastructure fund in the fiscal  
12 18 year pursuant to this paragraph "e", the difference  
12 19 shall be paid from lottery revenues in the manner  
12 20 provided in section 99G.39, subsection 3.  
12 21 Sec. 29. Section 12.90C, subsection 2, paragraph  
12 22 a, if enacted by 2009 Iowa Acts, Senate File 477, is  
12 23 amended to read as follows:  
12 24 3. The net proceeds of bonds issued pursuant to  
12 25 section 12.90A other than bonds issued for the purpose  
12 26 of refunding such bonds and investment earnings on the  
12 27 net proceeds.  
12 28 Sec. 30. Section 21.2, subsection 1, paragraph i,  
12 29 if enacted by 2009 Iowa Acts, Senate File 437, is  
12 30 amended to read as follows:  
12 31 i. The governing body of a drainage or ~~levy~~ levee  
12 32 district as provided in chapter 468, including a board  
12 33 as defined in section 468.3, regardless of how the  
12 34 district is organized.  
12 35 Sec. 31. Section 22.1, subsection 1, as amended by  
12 36 2009 Iowa Acts, Senate File 437, if enacted, is  
12 37 amended to read as follows:  
12 38 1. The term "government body" means this state, or  
12 39 any county, city, township, school corporation,  
12 40 political subdivision, tax-supported district,  
12 41 nonprofit corporation other than a fair conducting a  
12 42 fair event as provided in chapter 174, whose  
12 43 facilities or indebtedness are supported in whole or  
12 44 in part with property tax revenue and which is  
12 45 licensed to conduct pari-mutuel wagering pursuant to  
12 46 chapter 99D; the governing body of a drainage or ~~levy~~  
12 47 levee district as provided in chapter 468, including a  
12 48 board as defined in section 468.3, regardless of how  
12 49 the district is organized; or other entity of this  
12 50 state, or any branch, department, board, bureau,  
13 1 commission, council, committee, official, or officer  
13 2 of any of the foregoing or any employee delegated the  
13 3 responsibility for implementing the requirements of  
13 4 this chapter.  
13 5 Sec. 32. Section 80D.3, subsection 3, paragraph b,  
13 6 if enacted by 2009 Iowa Acts, House File 762, section  
13 7 1, is amended to read as follows:  
13 8 b. A person appointed to serve as a reserve peace  
13 9 officer who has met the one-hundred-fifty-hour  
13 10 training requirement ~~obtained by obtaining training at~~  
13 11 a community college or other facility selected by the  
13 12 individual and approved by the law enforcement agency  
13 13 prior to July 1, 2007, shall be exempted from  
13 14 completing the minimum training course at the  
13 15 discretion of the appointing authority and shall  
13 16 continue to hold certification with the appointing  
13 17 authority.  
13 18 Sec. 33. Section 89.3, subsection 5, paragraph a,  
13 19 subparagraph (4), if enacted by 2009 Iowa Acts, House  
13 20 File 720, section 2, is amended to read as follows:  
13 21 (4) The owner or user is a participant in good  
13 22 standing in the Iowa occupational safety and health  
13 23 voluntary protection program and ~~have~~ has achieved  
13 24 star status within the program, which is administered  
13 25 by the division of labor in the department of  
13 26 workforce development.  
13 27 Sec. 34. Section 216A.132A, subsection 5,  
13 28 paragraph i, as enacted by 2009 Iowa Acts, House File  
13 29 315, section 1, is amended to read as follows:  
13 30 i. Iowa cooperative extension service in  
13 31 agriculture and home economics.  
13 32 Sec. 35. Section 321A.1, subsection 3, Code 2009,  
13 33 is amended to read as follows:  
13 34 3. JUDGMENT. A judgment which has become final by  
13 35 expiration without appeal during the time within which  
13 36 an appeal might have been perfected, or a judgment if  
13 37 an appeal from the judgment has been perfected, which  
13 38 has not been stayed by the execution, filing and  
13 39 approval of a bond as provided in rule of appellate  
13 40 procedure ~~6-7(1)~~ 6.601(1), or a judgment which has  
13 41 become final by affirmation on appeal, rendered by a



13 42 court of competent jurisdiction of a state or of the  
13 43 United States, upon a cause of action arising out of  
13 44 the ownership, maintenance, or use of a motor vehicle,  
13 45 as defined in this section, for damages, including  
13 46 damages for care and loss of services, because of  
13 47 bodily injury to or death of a person, or for damages  
13 48 because of injury to or destruction of property,  
13 49 including the loss of use of property, or upon a cause  
13 50 of action on an agreement of settlement for such  
14 1 damages.

14 2 Sec. 36. Section 321A.3, subsection 8, paragraph  
14 3 a, subparagraph (1), if enacted by 2009 Iowa Acts,  
14 4 Senate File 374, section 1, is amended to read as  
14 5 follows:

14 6 (1) A person who purchases a certified abstract of  
14 7 an operating record directly from the department under  
14 8 this section shall only use, sell, disclose, or  
14 9 distribute the abstract or any portion of the abstract  
14 10 one time, for one purpose, and the person shall not  
14 11 supply that abstract or any portion of that abstract  
14 12 to more than one other person. The person shall make  
14 13 a subsequent request for the ~~record or~~ abstract and  
14 14 pay an additional fee for the request in the same  
14 15 manner as provided for the initial request for any  
14 16 subsequent use, sale, disclosure, or distribution of  
14 17 the same certified abstract or any portion of the  
14 18 abstract or to supply the same certified abstract or  
14 19 any portion of the abstract to another person, except  
14 20 as provided in subparagraph (2).

14 21 Sec. 37. Section 347.7, subsection 4, paragraph a,  
14 22 if enacted by 2009 Iowa Acts, House File 260, section  
14 23 5, is amended to read as follows:

14 24 a. The tax levy authorized by this section for  
14 25 operation and maintenance of the hospital may be  
14 26 available in whole or in part to any county with or  
14 27 without a county hospital organized under this  
14 28 chapter, to be used to enhance rural health services  
14 29 in the county. However, the tax levied may be  
14 30 expended for enhancement of rural health care services  
14 31 only following a local planning process. The Iowa  
14 32 department of public health shall establish guidelines  
14 33 to be followed by counties in implementing the local  
14 34 planning process which shall require legal notice,  
14 35 public hearings, and a referendum in accordance with  
14 36 this subsection prior to the authorization of any new  
14 37 levy or a change in the use of a levy. The notice  
14 38 shall describe the new levy or the change in the use  
14 39 of the levy, indicate the date and location of the  
14 40 hearing, and shall be published ~~as~~ at least once each  
14 41 week for two consecutive weeks in a newspaper having  
14 42 general circulation in the county. The hearing shall  
14 43 not take place prior to two weeks after the second  
14 44 publication.

14 45 Sec. 38. Section 423.4, subsection 5, paragraph f,  
14 46 Code 2009, as amended by 2009 Iowa Acts, Senate File  
14 47 322, section 7, is amended to read as follows:

14 48 f. Notwithstanding the state sales tax imposed in  
14 49 section 423.2, a rebate issued pursuant to this  
14 50 ~~section subsection~~ shall not exceed an amount equal to  
15 1 five percent of the sales price of the tangible  
15 2 personal property or services furnished to purchasers  
15 3 at the automobile racetrack facility. Any local  
15 4 option taxes paid and collected shall not be subject  
15 5 to rebate under this subsection.

15 6 Sec. 39. Section 533.329, subsection 2, paragraph  
15 7 m, Code 2009, is amended to read as follows:

15 8 m. The moneys and credits tax imposed under this  
15 9 section shall be reduced by a redevelopment tax credit  
15 10 allowed under chapter 15, subchapter II, part 9.

15 11 Sec. 40. Section 533A.2, subsection 2, paragraph  
15 12 h, if enacted by 2009 Iowa Acts, Senate File 311,  
15 13 section 2, is amended to read as follows:

15 14 h. A person licensed under chapter 533C, including  
15 15 that person's authorized delegates as defined in  
15 16 section 533C.102, or a person exempt from licensing  
15 17 under section 533C.103, when engaging in money  
15 18 transmission or currency exchange as defined in  
15 19 ~~chapter section~~ 533C.102.

15 20 Sec. 41. Section 535D.4A, subsection 1, if enacted  
15 21 by 2009 Iowa Acts, Senate File 355, section 5, is  
15 22 amended to read as follows:

15 23 1. A registered mortgage loan originator when  
15 24 acting for an employer described in section 535D.3,  
15 25 subsection ~~11~~ 12.  
15 26 Sec. 42. Section 535B.7A, as enacted by 2009 Iowa  
15 27 Acts, Senate File 355, section 30, is amended to read  
15 28 as follows:  
15 29 535B.7A PROHIBITED ACTS.  
15 30 It is a violation of this chapter for a licensee to  
15 31 engage in any of the prohibited acts or practices in  
15 32 section ~~535D.16~~ 535D.17.  
15 33 Sec. 43. Section 598.21, subsection 2, Code 2009,  
15 34 as amended by 2009 Iowa Acts, Senate File 288, section  
15 35 36, is amended to read as follows:  
15 36 2. DUTIES OF COUNTY RECORDER. The county recorder  
15 37 shall record each quitclaim deed or change of title  
15 38 and shall collect the ~~fees~~ fee specified in section  
15 39 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees  
15 40 specified in section 331.604.  
15 41 Sec. 44. Section 633A.5107, subsection 5, if  
15 42 enacted by 2009 Iowa Acts, Senate File 320, section 1,  
15 43 is amended to read as follows:  
15 44 5. For a charitable trust described in subsection  
15 45 1, created prior to the effective date of this Act and  
15 46 still in existence, the trustee shall register the  
15 47 trust with and submit a current copy of the trust  
15 48 instrument and financial report to the attorney  
15 49 general not later than one hundred thirty-five days  
15 50 after the close of the trust's next fiscal year  
16 1 following the effective date of this Act. The trustee  
16 2 shall comply with the remainder of this ~~Act~~ section as  
16 3 if the charitable trust were created on or after the  
16 4 effective date of this Act.  
16 5 Sec. 45. Section 637.421, subsection 6, as enacted  
16 6 by 2009 Iowa Acts, Senate File 365, section 12, is  
16 7 amended to read as follows:  
16 8 6. A trustee shall determine the internal income  
16 9 of each separate fund for the accounting period as if  
16 10 the separate fund were a trust subject to this  
16 11 chapter. Upon request of the surviving spouse, the  
16 12 trustee shall demand that the person administering the  
16 13 separate fund ~~to~~ distribute such internal income to  
16 14 the trust. The trustee shall allocate a payment from  
16 15 the separate fund to income to the extent of the  
16 16 internal income of the separate fund and distribute  
16 17 that amount to the surviving spouse. The trustee  
16 18 shall allocate the balance to principal. Upon request  
16 19 of the surviving spouse, the trustee shall allocate  
16 20 principal to income to the extent the internal income  
16 21 of the separate fund exceeds payments made from the  
16 22 separate fund to the trust during the accounting  
16 23 period.  
16 24 Sec. 46. Section 915.86, subsections 8 and 12,  
16 25 Code 2009, are amended to read as follows:  
16 26 8. In the event of a victim's death, reasonable  
16 27 charges incurred for counseling the victim's spouse,  
16 28 children, parents, siblings, or persons cohabiting  
16 29 with or related by blood or affinity to the victim if  
16 30 the counseling services are provided by a psychologist  
16 31 licensed under chapter 154B, a victim counselor as  
16 32 defined in section 915.20A, subsection 1, or an  
16 33 individual holding at least a master's degree in  
16 34 social work or counseling and guidance, and reasonable  
16 35 charges incurred by such persons for medical care  
16 36 counseling provided by a psychiatrist licensed under  
16 37 chapter ~~147 or 150A~~ 148. The allowable charges under  
16 38 this subsection shall not exceed five thousand dollars  
16 39 per person.  
16 40 12. Reasonable charges incurred for mental health  
16 41 care for secondary victims which include the services  
16 42 provided by a psychologist licensed under chapter  
16 43 154B, a person holding at least a master's degree in  
16 44 social work, counseling, or a related field, a victim  
16 45 counselor as defined in section 915.20A, or a  
16 46 psychiatrist licensed under chapter ~~147, 148, or 150A~~.  
16 47 The allowable charges under this subsection shall not  
16 48 exceed two thousand dollars per secondary victim.  
16 49 Sec. 47. 2009 Iowa Acts, Senate File 197, section  
16 50 9, is amended to read as follows:  
17 1 SEC. 9. APPLICABILITY AND EFFECTIVE DATES. The  
17 2 section of this Act amending section 96.3, subsection  
17 3 5, applies to any week of unemployment benefits

17 4 beginning on or after July 5, 2009. The section of  
17 5 this Act amending section 96.4 applies to any new  
17 6 claim of unemployment benefits with an effective date  
17 7 on or after July 5, 2009.

17 8 Sec. 48. 2009 Iowa Acts, Senate File 364, section  
17 9 17, subsection 5, is amended to read as follows:

17 10 5. The section of this Act enacting section  
17 11 654.4B, subsection 1, and the sections of this Act  
17 12 amending sections 626.81, 654.5, and 654.17 apply to  
17 13 judgments entered on or after the effective date of  
17 14 this Act.

17 15 Sec. 49. 2009 Iowa Acts, Senate File 445, section  
17 16 10, amending section 294A.9, subsection 9, if enacted,  
17 17 being deemed of immediate importance, takes effect  
17 18 upon enactment.

17 19 Sec. 50. 2009 Iowa Acts, Senate File 446, section  
17 20 82, is repealed.

17 21 Sec. 51. CONTINGENT REPEAL. If 2009 Iowa Acts,  
17 22 Senate File 438, is enacted and amends section 235B.2,  
17 23 subsection 5, paragraph "a", subparagraph (3), 2009  
17 24 Iowa Acts, Senate File 446, sections 95 and 96, are  
17 25 repealed.

17 26 Sec. 52. EFFECTIVE DATES AND RETROACTIVITY. The  
17 27 section of this division of this Act relating to 2009  
17 28 Iowa Acts, Senate File 445, section 10, and amending  
17 29 section 294A.9, subsection 9, being deemed of  
17 30 immediate importance, takes effect upon enactment.

17 31 DIVISION V

17 32 JUDICIAL BRANCH FEES == APPROPRIATIONS

17 33 Sec. 53. Section 602.8105, subsection 1, paragraph  
17 34 a, Code 2009, is amended to read as follows:

17 35 a. For Except as otherwise provided in this  
17 36 subsection, for filing and docketing a petition, other  
17 37 than a modification of a dissolution decree to which a  
17 38 written stipulation is attached at the time of filing  
17 39 containing the agreement of the parties to the terms  
17 40 of modification, one hundred ~~eighty=~~five dollars. In  
17 41 counties having a population of ninety=eight thousand  
17 42 or over, an additional five dollars shall be charged  
17 43 and collected to be known as the journal publication  
17 44 fee and used for the purposes provided for in section  
17 45 618.13. ~~For multiple adoption petitions filed at the~~  
17 46 ~~same time by the same petitioner under section 600.3,~~  
17 47 ~~the filing fee and any court costs for any petition~~  
17 48 ~~filed in addition to the first petition filed are~~  
17 49 ~~waived.~~

17 50 Sec. 54. Section 602.8105, subsection 1, Code  
18 1 2009, is amended by adding the following new  
18 2 paragraph:

18 3 NEW PARAGRAPH. aa. For filing and docketing a  
18 4 petition pursuant to chapter 598 other than a  
18 5 dissolution of marriage petition, one hundred dollars.

18 6 Sec. 55. Section 602.8105, subsection 1, paragraph  
18 7 b, Code 2009, is amended to read as follows:

18 8 b. For filing and docketing an application for  
18 9 modification of a dissolution decree to which a  
18 10 written stipulation is attached at the time of filing  
18 11 containing the agreement of the parties to the terms  
18 12 of modification, fifty one hundred dollars.

18 13 Sec. 56. Section 602.8105, subsection 1, Code  
18 14 2009, is amended by adding the following new  
18 15 paragraph:

18 16 NEW PARAGRAPH. cc. For filing and docketing a  
18 17 petition for adoption pursuant to chapter 600, one  
18 18 hundred dollars. For multiple adoption petitions  
18 19 filed at the same time by the same petitioner under  
18 20 section 600.3, the filing fee and any court costs for  
18 21 any petition filed in addition to the first petition  
18 22 filed are waived.

18 23 Sec. 57. Section 602.8105, subsection 1, paragraph  
18 24 e, Code 2009, is amended to read as follows:

18 25 e. For an appeal from a judgment in small claims  
18 26 or for filing and docketing a writ of error,  
18 27 ~~seventy=~~one hundred ~~eighty=~~five dollars.

18 28 Sec. 58. Section 602.8105, subsection 2,  
18 29 paragraphs a, b, c, and d, Code 2009, are amended to  
18 30 read as follows:

18 31 a. For filing, entering, and endorsing a  
18 32 mechanic's lien, twenty fifty dollars, and if a suit  
18 33 is brought, the fee is taxable as other costs in the  
18 34 action.

18 35 b. For filing and entering any other statutory  
18 36 lien, ~~twenty~~ fifty dollars.  
18 37 c. For a certificate and seal, ~~ten~~ twenty dollars.  
18 38 However, there shall be no charge for a certificate  
18 39 and seal to an application to procure a pension,  
18 40 bounty, or back pay for a member of the armed services  
18 41 or other person.

18 42 d. For certifying a change in title of real  
18 43 estate, ~~twenty~~ fifty dollars.  
18 44 Sec. 59. Section 602.8105, subsection 2, Code  
18 45 2009, is amended by adding the following new  
18 46 paragraph:

18 47 NEW PARAGRAPH. gg. For filing a lis pendens,  
18 48 fifty dollars.  
18 49 Sec. 60. Section 602.8106, subsection 1,  
18 50 paragraphs b, d, e, and f, Code 2009, are amended to  
19 1 read as follows:

19 2 b. For filing and docketing of a complaint or  
19 3 information for a simple misdemeanor and a complaint  
19 4 or information for a nonscheduled simple misdemeanor  
19 5 under chapter 321, ~~fifty~~ sixty dollars.

19 6 d. The court costs in scheduled violation cases  
19 7 where a court appearance is required, ~~fifty~~ sixty  
19 8 dollars.

19 9 e. For court costs in scheduled violation cases  
19 10 where a court appearance is not required, ~~fifty~~ sixty  
19 11 dollars.

19 12 f. For an appeal of a simple misdemeanor to the  
19 13 district court, ~~fifty~~ seventy-five dollars.

19 14 Sec. 61. Section 625.8, subsection 2, Code 2009,  
19 15 is amended to read as follows:

19 16 2. The clerk of the district court shall tax as a  
19 17 court cost a fee of ~~fifteen~~ forty dollars per day for  
19 18 the services of a court reporter.

19 19 Sec. 62. Section 631.6, subsection 1, paragraph a,  
19 20 Code 2009, is amended to read as follows:

19 21 a. Fees for filing and docketing shall be ~~fifty~~  
19 22 eighty-five dollars.

19 23 Sec. 63. Section 633.31, subsection 2, paragraph  
19 24 k, unnumbered paragraph 8, Code 2009, is amended to  
19 25 read as follows:

19 26 For each additional \$25,000.00 or major  
19 27 fraction thereof ..... ~~25.00~~  
19 28 50.00

19 29 Sec. 64. Section 911.1, subsection 1, Code 2009,  
19 30 is amended to read as follows:

19 31 1. A criminal penalty surcharge shall be levied  
19 32 against law violators as provided in this section.  
19 33 When a court imposes a fine or forfeiture for a  
19 34 violation of state law, or a city or county ordinance,  
19 35 except an ordinance regulating the parking of motor  
19 36 vehicles, the court or the clerk of the district court  
19 37 shall assess an additional penalty in the form of a  
19 38 criminal penalty surcharge equal to ~~thirty-two~~  
19 39 thirty-five percent of the fine or forfeiture imposed.

19 40 Sec. 65. 2009 Iowa Acts, Senate File 472, section  
19 41 1, subsection 1, unnumbered paragraph 2, if enacted,  
19 42 is amended to read as follows:

19 43 For salaries of supreme court justices, appellate  
19 44 court judges, district court judges, district  
19 45 associate judges, judicial magistrates and staff,  
19 46 state court administrator, clerk of the supreme court,  
19 47 district court administrators, clerks of the district  
19 48 court, juvenile court officers, board of law examiners  
19 49 and board of examiners of shorthand reporters and  
19 50 judicial qualifications commission; receipt and  
20 1 disbursement of child support payments; reimbursement  
20 2 of the auditor of state for expenses incurred in  
20 3 completing audits of the offices of the clerks of the  
20 4 district court during the fiscal year beginning July  
20 5 1, 2009; and maintenance, equipment, and miscellaneous  
20 6 purposes:

20 7 ..... ~~\$149,184,957~~  
20 8 160,184,957

20 9 As a condition of receiving an increase to the  
20 10 appropriation made in this section, the judicial  
20 11 branch shall allocate the first \$5,400,000 of the  
20 12 increased amount as follows: \$4,800,000 for the  
20 13 state's required contribution under section 602.9104  
20 14 to the judicial retirement fund, \$350,000 for court  
20 15 debt collection, and \$250,000 for judicial officer and

20 16 court employee travel reimbursement for civil trials.

20 17 Sec. 66. JUDICIAL BRANCH. There is appropriated  
20 18 from the general fund of the state to the judicial  
20 19 branch for the fiscal year beginning July 1, 2008, and  
20 20 ending June 30, 2009, the following amount, or so much  
20 21 thereof as is necessary, to be used for the purposes  
20 22 designated:

20 23 For the operations and duties of the judicial  
20 24 branch, and maintenance, equipment, and miscellaneous  
20 25 purposes:

20 26 ..... \$ 760,000

20 27 Sec. 67. DRUG COURT PROGRAMS. In addition to the  
20 28 appropriations in 2009 Iowa Acts, Senate File 475,  
20 29 section 5, if enacted, and any other appropriations,  
20 30 there is appropriated from the general fund of the  
20 31 state to the department of corrections for the fiscal  
20 32 year beginning July 1, 2009, and ending June 30, 2010,  
20 33 the following amounts, or so much thereof as is  
20 34 necessary, for maintaining drug court programs in each  
20 35 county in which such a program exists as of April 1,  
20 36 2009, within a judicial district department of  
20 37 correctional services, to be allocated as follows:

20 38 1. For the first judicial district department of  
20 39 correctional services:

20 40 ..... \$ 359,895

20 41 2. For the second judicial district department of  
20 42 correctional services:

20 43 ..... \$ 252,799

20 44 3. For the third judicial district department of  
20 45 correctional services:

20 46 ..... \$ 220,856

20 47 4. For the fourth judicial district department of  
20 48 correctional services:

20 49 ..... \$ 318,752

20 50 5. For the fifth judicial district department of  
21 1 correctional services:

21 2 ..... \$ 319,582

21 3 6. For the sixth judicial district department of  
21 4 correctional services:

21 5 ..... \$ 369,486

21 6 7. For the seventh judicial district department of  
21 7 correctional services:

21 8 ..... \$ 157,173

21 9 8. For the eighth judicial district department of  
21 10 correctional services:

21 11 ..... \$ 182,066

21 12 It is the intent of the general assembly that each  
21 13 judicial district department of correctional services  
21 14 shall cooperate with and utilize local community-based  
21 15 treatment providers licensed under chapter 125. Each  
21 16 judicial district department of correctional services  
21 17 shall submit a report to the general assembly and to  
21 18 the co-chairpersons and ranking members of the joint  
21 19 appropriations subcommittee on the justice system, and  
21 20 the legislative services agency by December 15, 2009,  
21 21 detailing the utilization of drug court funds  
21 22 allocated in this section.

21 23 Sec. 68. ADDITIONAL APPROPRIATION == DEPARTMENT OF  
21 24 PUBLIC SAFETY. In addition to the appropriations in  
21 25 2009 Iowa Acts, Senate File 475, section 14, if  
21 26 enacted, and any other appropriations, there is  
21 27 appropriated from the general fund of the state to the  
21 28 department of public safety for the fiscal year  
21 29 beginning July 1, 2009, and ending June 30, 2010, the  
21 30 following amount, or so much thereof as is necessary,  
21 31 to be used for the purpose designated:

21 32 For performing the duties of the department:

21 33 ..... \$ 1,576,987

21 34 Sec. 69. VICTIM ASSISTANCE GRANTS. In addition to  
21 35 the appropriation in 2009 Iowa Acts, Senate File 475,  
21 36 section 1, if enacted, and any other appropriations,  
21 37 there is appropriated from the general fund of the  
21 38 state to the department of justice for the fiscal year  
21 39 beginning July 1, 2009, and ending June 30, 2010, the  
21 40 following amount, or so much thereof as is necessary,  
21 41 to be used for the purposes designated:

21 42 For victim assistance grants:

21 43 ..... \$ 1,000,000

21 44 Sec. 70. FAMILY LAW MEDIATION. Each judicial  
21 45 district is encouraged to implement a family law  
21 46 mediation program pursuant to section 598.7, to

21 47 encourage the resolution of domestic relations  
21 48 disputes through facilitation of communication and  
21 49 negotiation between parties in reaching voluntary  
21 50 agreements, rather than prolonged judicial,  
22 1 administrative, arbitral, or other adjudicative  
22 2 processes or proceedings. Each judicial district  
22 3 shall report to the supreme court by January 15, 2010,  
22 4 its decision regarding such implementation.

22 5 Sec. 71. EFFECTIVE DATES.

22 6 1. This division of this Act, being deemed of  
22 7 immediate importance, takes effect upon enactment.

22 8 2. Notwithstanding subsection 1, the sections of  
22 9 this division of this Act amending 2009 Iowa Acts,  
22 10 Senate File 472, section 1, subsection 1, unnumbered  
22 11 paragraph 2, appropriating moneys to the department of  
22 12 corrections for drug court programs, supplementing  
22 13 appropriations to the department of public safety for  
22 14 duties of the department, and supplementing  
22 15 appropriations to the department of justice for victim  
22 16 assistance grants, take effect July 1, 2009.

22 17 DIVISION VI

22 18 TRANSPORTATION PROVISIONS

22 19 Sec. 72. DEPARTMENT OF TRANSPORTATION.

22 20 1. There is appropriated from the primary road  
22 21 fund to the department of transportation for the  
22 22 fiscal year beginning July 1, 2008, and ending June  
22 23 30, 2009, the following amount, or so much thereof as  
22 24 is necessary, to be used for the purposes designated:

22 25 For the purchase of salt:  
22 26 ..... \$ 2,271,600

22 27 2. Notwithstanding section 8.33, moneys  
22 28 appropriated in this section that remain unencumbered  
22 29 or unobligated at the close of the fiscal year shall  
22 30 not revert but shall remain available for expenditure  
22 31 for the designated purpose until the close of the  
22 32 succeeding fiscal year.

22 33 Sec. 73. Section 321H.3, subsection 2, Code 2009,  
22 34 as amended by 2009 Acts, Senate File 419, if enacted,  
22 35 is amended to read as follows:

22 36 2. Dismantling, scrapping, recycling, or  
22 37 ~~salvaging, or obtaining a junking certificate for~~ more  
22 38 than six vehicles subject to registration in a  
22 39 twelve-month period.

22 40 Sec. 74. REIMBURSEMENT TO CITY OF MUSCATINE.

22 41 There is appropriated from the road use tax fund to  
22 42 the department of transportation for the fiscal year  
22 43 beginning July 1, 2009, and ending June 30, 2010, the  
22 44 following amount, or so much thereof as is necessary,  
22 45 to be used for the purposes designated:

22 46 To reimburse the city of Muscatine for costs  
22 47 associated with implementation of section 314.29:  
22 48 ..... \$ 1,072

22 49 Sec. 75. PAYMENT OF CEDAR FALLS ASSESSMENT. There

22 50 is appropriated from the road use tax fund to the  
23 1 department of transportation for the fiscal year  
23 2 beginning July 1, 2009, and ending June 30, 2010, the  
23 3 following amount, or so much thereof as is necessary,  
23 4 to be used for the purpose designated:

23 5 For payment pursuant to section 307.45, to the city  
23 6 of Cedar Falls for improvements to west twenty-third  
23 7 street adjoining university of northern Iowa property:  
23 8 ..... \$ 317,906

23 9 Sec. 76. Section 307.45, unnumbered paragraph 4,  
23 10 Code 2009, is amended by striking the unnumbered  
23 11 paragraph.

23 12 Sec. 77. EFFECTIVE DATE. The section of this  
23 13 division of this Act relating to the appropriation  
23 14 from the primary road fund to the department of  
23 15 transportation for the purchase of salt, being deemed  
23 16 of immediate importance, takes effect upon enactment.

23 17 DIVISION VII

23 18 MISCELLANEOUS APPROPRIATIONS

23 19 Sec. 78. RACING AND GAMING COMMISSION. There is

23 20 appropriated from the general fund of the state to the  
23 21 racing and gaming commission for the fiscal year  
23 22 beginning July 1, 2009, and ending June 30, 2010, the  
23 23 following amount, or so much thereof as is necessary,  
23 24 to be used for the purposes designated:

23 25 1. RACETRACK REGULATION

23 26 For salaries, support, maintenance, and  
23 27 miscellaneous purposes and for the regulation of

23 28 pari-mutuel racetracks:  
23 29 ..... \$ 277,374  
23 30 2. EXCURSION BOAT AND GAMBLING STRUCTURE  
23 31 REGULATION  
23 32 For salaries, support, maintenance, and  
23 33 miscellaneous purposes and for administration and  
23 34 enforcement of the excursion boat gambling and  
23 35 gambling structure laws:  
23 36 ..... \$ 321,316  
23 37 Sec. 79. 2009 Iowa Acts, Senate File 470, section  
23 38 10, subsection 2, paragraph b, if enacted, is amended  
23 39 to read as follows:  
23 40 ~~b. Center for disabilities and development~~  
23 41 ~~For salaries, support, maintenance, miscellaneous~~  
23 42 ~~purposes, and for not more than the following~~  
23 43 ~~full-time equivalent positions:~~  
23 44 ..... \$ 6,335,993  
23 45 ..... FTEs 130.37  
23 46 ~~From the moneys appropriated in this lettered~~  
23 47 ~~paragraph, \$182,140 shall be allocated for purposes of~~  
23 48 ~~the employment policy group.~~  
23 49 Sec. 80. 2009 Iowa Acts, House File 811, section  
23 50 9, unnumbered paragraph 2, if enacted, is amended to  
24 1 read as follows:  
24 2 For medical assistance reimbursement and associated  
24 3 costs as specifically provided in the reimbursement  
24 4 methodologies in effect on June 30, 2009, except as  
24 5 otherwise expressly authorized by law, including  
24 6 reimbursement for abortion services which shall be  
24 7 available under the medical assistance program only  
24 8 for those abortions which are medically necessary:  
24 9 ..... \$677,613,847  
24 10 ..... 681,949,840  
24 11 Sec. 81. 2009 Iowa Acts, House File 811, section  
24 12 9, subsection 12, if enacted, is amended to read as  
24 13 follows:  
24 14 12. a. Of the funds appropriated in this section,  
24 15 ~~\$2,687,889~~ \$7,023,882 is allocated for state match for  
24 16 disproportionate share hospital payment of ~~\$7,321,954~~  
24 17 ~~\$19,133,430~~ to hospitals that meet both of the  
24 18 following conditions:  
24 19 (1) The hospital qualifies for disproportionate  
24 20 share and graduate medical education payments.  
24 21 (2) The hospital is an Iowa state-owned hospital  
24 22 with more than 500 beds and eight or more distinct  
24 23 residency specialty or subspecialty programs  
24 24 recognized by the American college of graduate medical  
24 25 education.  
24 26 b. Distribution of the disproportionate share  
24 27 payment shall be made on a monthly basis. The total  
24 28 amount of disproportionate share payments including  
24 29 graduate medical education, enhanced disproportionate  
24 30 share, and Iowa state-owned teaching hospital payments  
24 31 shall not exceed the amount of the state's allotment  
24 32 under Pub. L. No. 102=234. In addition, the total  
24 33 amount of all disproportionate share payments shall  
24 34 not exceed the hospital-specific disproportionate  
24 35 share limits under Pub. L. No. 103=66.  
24 36 ~~c. The department shall amend the medical~~  
24 37 ~~assistance state plan as necessary to implement the~~  
24 38 ~~provisions of this subsection. If the state plan~~  
24 39 ~~amendment is not approved as submitted or there are~~  
24 40 ~~changes in federal policies or application of federal~~  
24 41 ~~policies that impact the distribution of~~  
24 42 ~~disproportionate share hospital payments, the~~  
24 43 ~~department shall immediately notify the governor and~~  
24 44 ~~the general assembly.~~  
24 45 Sec. 82. TUITION GRANTS == APPROPRIATION. There  
24 46 is appropriated from the general fund of the state to  
24 47 the college student aid commission for the fiscal year  
24 48 beginning July 1, 2009, and ending June 30, 2010, the  
24 49 following amount, or so much thereof as is necessary,  
24 50 to be used for the purposes designated:  
25 1 For tuition grants as provided under section  
25 2 261.25, subsection 1:  
25 3 ..... \$ 2,000,000  
25 4 Sec. 83. 2009 Iowa Acts, Senate File 467, section  
25 5 1, if enacted, is amended by adding the following new  
25 6 subsection:  
25 7 NEW SUBSECTION. 3. Of the amount appropriated in  
25 8 this section, \$238,000 is transferred to Iowa state

25 9 university of science and technology, to be used for  
25 10 the university's midwest grape and wine industry  
25 11 institute.

25 12 DIVISION VIII

25 13 MISCELLANEOUS STATUTORY CHANGES

25 14 Sec. 84. COUNTY LAND RECORD INFORMATION SYSTEM ==  
25 15 PROJECT MANAGER. If Senate File 465, relating to the  
25 16 duties of county recorders, fees collected by the  
25 17 county recorders, and the county land record  
25 18 information system, is enacted by the Eighty-third  
25 19 General Assembly and signed into law by the governor,  
25 20 the governing board of the county land record  
25 21 information system shall immediately terminate any  
25 22 existing contract with a project manager if such  
25 23 termination prior to the end of the contract term is  
25 24 permitted under the contract. Following such  
25 25 termination the governing board of the county land  
25 26 record information system shall initiate a new request  
25 27 for proposals for a project manager.

25 28 Sec. 85. GLENWOOD STATE PRESERVE. Portions of the  
25 29 property of the Glenwood state resource center that  
25 30 are not necessary to the operation of the center and  
25 31 that have been determined to be archaeologically and  
25 32 environmentally significant by the state  
25 33 archaeologist, shall be transferred to the  
25 34 jurisdiction of the department of natural resources.  
25 35 The director of the department of human services shall  
25 36 execute such real estate transfer documents as are  
25 37 necessary to transfer such real property of the  
25 38 Glenwood state resource center, as identified in  
25 39 contract completion report No. 1553 (2007) of the  
25 40 state archaeologist, to the department of natural  
25 41 resources. The state advisory board for preserves  
25 42 shall assess the natural condition, character, and  
25 43 features of the transferred property and make  
25 44 recommendations for the establishment of a state  
25 45 preserve on the property. The department of natural  
25 46 resources may establish agreements with governmental  
25 47 bodies and independent nonprofit agencies to construct  
25 48 recreational and educational facilities on the  
25 49 transferred property, such as, but not limited to,  
25 50 event facilities and interpretive centers.

26 1 Sec. 86. DISASTER-IMPACTED EXEMPTION.  
26 2 Notwithstanding the requirement for the filing of a  
26 3 claim for property tax exemption by February 1, and  
26 4 notwithstanding any other provisions to the contrary,  
26 5 a society or organization claiming an exemption under  
26 6 section 427.1, subsection 14, may file for an  
26 7 exemption with the local assessor by May 1, 2009, for  
26 8 property that is located in a county declared a  
26 9 disaster area in calendar year 2008, if the society or  
26 10 organization was unable to file for the exemption as a  
26 11 result of the inability or failure to file for the  
26 12 exemption caused by the need to respond to a natural  
26 13 disaster occurring in calendar year 2008.

26 14 Sec. 87. NEW SECTION. 7D.16 ALCOHOLIC BEVERAGES  
26 15 IN STATE CAPITOL OR ON COMPLEX GROUNDS.  
26 16 Notwithstanding any contrary provision of law  
26 17 prohibiting the use and consumption of alcoholic  
26 18 beverages in a public place, the executive council may  
26 19 authorize, by resolution, the temporary use and  
26 20 consumption of alcoholic beverages, as defined in  
26 21 section 123.3, in the state capitol or on the state  
26 22 capitol complex grounds, as if the state capitol or  
26 23 state capitol complex grounds were a private place.  
26 24 The authorization by resolution shall be limited to  
26 25 the use and consumption of alcoholic beverages as an  
26 26 accompaniment to food at a single award ceremony,  
26 27 social event, or other occasion deemed appropriate by  
26 28 the executive council. The authorization shall  
26 29 require that the person providing the food and  
26 30 alcoholic beverages possess an appropriate liquor  
26 31 control license in accordance with section 123.95.  
26 32 The secretary of the executive council shall inform  
26 33 the secretary of the legislative council and the  
26 34 director of the department of administrative services  
26 35 of the approval of any such resolution.

26 36 Sec. 88. Section 15.335, Code 2009, is amended by  
26 37 adding the following new subsection:  
26 38 NEW SUBSECTION. 6. Notwithstanding any provision  
26 39 to the contrary, the amount of tax credit claimed



26 40 under this section and the identity of the taxpayer  
26 41 making the claim shall be a public record. The  
26 42 department of revenue shall issue a quarterly report  
26 43 containing the name of each taxpayer claiming the  
26 44 credit, the dollar amount of the claim, and the  
26 45 portion of the claim issued as a refund to the  
26 46 taxpayer, for each claim processed during the previous  
26 47 calendar quarter, beginning with claims filed on or  
26 48 after July 1, 2009.

26 49 Sec. 89. Section 15.335, subsection 4, paragraph  
26 50 b, Code 2009, is amended to read as follows:

27 1 b. For purposes of this section, "Internal Revenue  
27 2 Code" means the Internal Revenue Code in effect on  
27 3 January 1, ~~2008~~ 2009.

27 4 Sec. 90. Section 15A.9, subsection 8, paragraph e,  
27 5 subparagraph (2), Code 2009, is amended to read as  
27 6 follows:

27 7 (2) For purposes of this subsection, "Internal  
27 8 Revenue Code" means the Internal Revenue Code in  
27 9 effect on January 1, ~~2008~~ 2009.

27 10 Sec. 91. Section 15E.196, subsection 1, paragraph  
27 11 b, Code 2009, is amended by striking the paragraph.

27 12 Sec. 92. Section 15E.305, subsection 1, Code 2009,  
27 13 is amended to read as follows:

27 14 1. For tax years beginning on or after January 1,  
27 15 2003, a tax credit shall be allowed against the taxes  
27 16 imposed in chapter 422, divisions II, III, and V, and  
27 17 in chapter 432, and against the moneys and credits tax  
27 18 imposed in section 533.329 equal to ~~twenty~~ twenty-five  
27 19 percent of a taxpayer's endowment gift to an endow  
27 20 Iowa qualified community foundation. An individual  
27 21 may claim a tax credit under this section of a  
27 22 partnership, limited liability company, S corporation,  
27 23 estate, or trust electing to have income taxed  
27 24 directly to the individual. The amount claimed by the  
27 25 individual shall be based upon the pro rata share of  
27 26 the individual's earnings from the partnership,  
27 27 limited liability company, S corporation, estate, or  
27 28 trust. A tax credit shall be allowed only for an  
27 29 endowment gift made to an endow Iowa qualified  
27 30 community foundation for a permanent endowment fund  
27 31 established to benefit a charitable cause in this  
27 32 state. The amount of the endowment gift for which the  
27 33 tax credit is claimed shall not be deductible in

27 34 determining taxable income for state income tax  
27 35 purposes. Any tax credit in excess of the taxpayer's  
27 36 tax liability for the tax year may be credited to the  
27 37 tax liability for the following five years or until  
27 38 depleted, whichever occurs first. A tax credit shall  
27 39 not be carried back to a tax year prior to the tax  
27 40 year in which the taxpayer claims the tax credit.

27 41 Sec. 93. Section 15E.305, subsection 2, unnumbered  
27 42 paragraph 1, Code 2009, is amended to read as follows:

27 43 The aggregate amount of tax credits authorized  
27 44 pursuant to this section shall not exceed a total of  
27 45 ~~two~~ three million dollars plus such additional credit  
27 46 amount as provided by this section annually. The  
27 47 maximum amount of tax credits granted to a taxpayer  
27 48 shall not exceed five percent of the aggregate amount  
27 49 of tax credits authorized.

27 50 Sec. 94. Section 26.3, subsection 2, Code 2009, is  
28 1 amended to read as follows:

28 2 2. A governmental entity shall have an engineer  
28 3 licensed under chapter 542B, a landscape architect  
28 4 licensed under chapter 544B, or an architect  
28 5 registered under chapter 544A prepare plans and  
28 6 specifications, and calculate the estimated total cost  
28 7 of a proposed public improvement. A governmental  
28 8 entity shall ensure that sufficient paper copies of  
28 9 the plans, specifications, and estimated total costs  
28 10 of the proposed public improvement are available for  
28 11 prospective bidders.

28 12 Sec. 95. Section 26.7, subsection 3, Code 2009, is  
28 13 amended to read as follows:

28 14 3. On public improvements to be financed wholly or  
28 15 partially by special assessments against benefited  
28 16 property, the governmental entity, in the notice to  
28 17 bidders, may request aggregate bids for all projects  
28 18 included in any resolution of necessity,  
28 19 notwithstanding variations in the sizes of the  
28 20 improvements and notwithstanding that some parts of

28 21 the improvements are assessable and some  
28 22 nonassessable, and may award the contract to the  
28 23 lowest ~~responsive~~, responsible bidder submitting the  
28 24 lowest aggregate bid.

28 25 Sec. 96. Section 26.9, Code 2009, is amended to  
28 26 read as follows:

28 27 26.9 AWARD OF CONTRACT.

28 28 The contract for the public improvement must be  
28 29 awarded to the lowest ~~responsive~~, responsible bidder.  
28 30 The designation of contractors and subcontractors as a  
28 31 responsible bidder is an independent function and  
28 32 involves an analysis separate from the price of the  
28 33 bid. Factors used to determine a responsible bidder  
28 34 shall include, but shall not be limited to financial  
28 35 responsibility, compliance with applicable laws, and  
28 36 ability and experience in the performance of similar  
28 37 contracts. A public entity may use a prequalification  
28 38 questionnaire as a means for predefining acceptable,  
28 39 responsible bidders. However, contracts relating to

28 40 public utilities or extensions or improvements  
28 41 thereof, as described in sections 384.80 through  
28 42 384.94, may be awarded by the city as it deems to be  
28 43 in the best interests of the city. This section shall  
28 44 not be construed to prohibit a governmental entity in  
28 45 the award of a contract for a public improvement or a  
28 46 governing body of a city utility from providing, in  
28 47 the award of a contract for a public improvement, an  
28 48 enhancement of payments upon early completion of the  
28 49 public improvement if the availability of the  
28 50 enhancement payments is included in the notice to  
29 1 bidders, the enhancement payments are competitively  
29 2 neutral to potential bidders, the enhancement payments  
29 3 are considered as a separate item in the public  
29 4 hearing on the award of contract, and the total value  
29 5 of the enhancement payments does not exceed ten  
29 6 percent of the value of the contract.

29 7 Sec. 97. Section 26.10, subsection 1, Code 2009,  
29 8 is amended to read as follows:

29 9 1. The date and time that each bid is received by  
29 10 the governmental entity, together with the name of the  
29 11 person receiving the bid, shall be recorded on the  
29 12 envelope containing the bid. All bids received after  
29 13 the deadlines for submission of bids as stated in the  
29 14 project specifications shall not be considered and  
29 15 shall be returned to the late bidder unopened. The  
29 16 governmental entity shall open, announce the amount of  
29 17 the bids, and file all proposals received, at the time  
29 18 and place specified in the notice to bidders. The  
29 19 governmental entity may, by resolution, award the  
29 20 contract for the public improvement to the bidder  
29 21 submitting the lowest ~~responsive~~, responsible bid,  
29 22 determined as provided in section 26.9, or the  
29 23 governmental entity may reject all bids received, fix  
29 24 a new date for receiving bids, and order publication  
29 25 of a new notice to bidders. The governmental entity  
29 26 shall retain the bid security furnished by the  
29 27 successful bidder until the approved contract form has  
29 28 been executed, a bond has been filed by the bidder  
29 29 guaranteeing the performance of the contract, and the  
29 30 contract and bond have been approved by the  
29 31 governmental entity. The provisions of chapter 573,  
29 32 where applicable, apply to contracts awarded under  
29 33 this chapter.

29 34 Sec. 98. Section 26.14, subsection 3, paragraphs b  
29 35 and c, Code 2009, are amended to read as follows:

29 36 b. The governmental entity shall designate the  
29 37 time, place, and manner for filing quotations, which  
29 38 may be received by mail, facsimile, or electronic  
29 39 mail. The governmental entity shall award the  
29 40 contract to the contractor submitting the lowest  
29 41 ~~responsive~~, responsible quotation subject to section  
29 42 26.9, or the governmental entity may reject all of the  
29 43 quotations. The unconditional acceptance and approval  
29 44 of the lowest ~~responsive~~, responsible quotation shall  
29 45 constitute the award of a contract. The governmental  
29 46 entity shall record the approved quotation in its  
29 47 meeting minutes. The contractor awarded the contract  
29 48 shall not commence work until the contractor's  
29 49 performance and payment bond has been approved by the  
29 50 governmental entity. A governmental entity may  
30 1 delegate the authority to award a contract, to execute

30 2 a contract, to authorize work to proceed under a  
30 3 contract, or to approve the contractor's performance  
30 4 and payment bond to an officer or employee of the  
30 5 governmental entity. A quotation approved outside a  
30 6 meeting of the governing body of a governmental entity  
30 7 shall be included in the minutes of the next regular  
30 8 or special meeting of the governing body.

30 9 c. If a public improvement may be performed by an  
30 10 employee of the governmental entity, the amount of  
30 11 estimated sales and fuel tax and the premium cost for  
30 12 the performance and payment bond which a contractor  
30 13 identifies in its quotation shall be deducted from the  
30 14 contractor's price for determining the lowest  
30 15 responsible quotation. If no quotations are received  
30 16 to perform the work, or if the governmental entity's  
30 17 estimated cost to do the work with its employee is  
30 18 less than the lowest ~~responsive~~, responsible quotation  
30 19 received, the governmental entity may authorize its  
30 20 employee or employees to perform the work.

30 21 Sec. 99. Section 35C.1, subsection 1, Code 2009,  
30 22 as amended by 2009 Iowa Acts, Senate File 186, section  
30 23 1, if enacted, is amended by striking the subsection  
30 24 and inserting in lieu thereof the following:

30 25 1. In every public department and upon all public  
30 26 works in the state, and of the counties, cities, and  
30 27 school corporations of the state, veterans who are  
30 28 citizens and residents of the United States are  
30 29 entitled to preference in appointment and employment  
30 30 over other applicants of no greater qualifications.  
30 31 The preference in appointment and employment for  
30 32 employees of cities under a municipal civil service is  
30 33 the same as provided in section 400.10. For purposes  
30 34 of this section, "veteran" means as defined in section  
30 35 35.1 except that the requirement that the person be a  
30 36 resident of this state shall not apply.

30 37 Sec. 100. Section 85.61, Code 2009, is amended by  
30 38 adding the following new subsection:

30 39 NEW SUBSECTION. 7A. "Reasonable or probable cause  
30 40 or excuse" means an excuse supported on the basis of  
30 41 facts determined reasonable by the workers'  
30 42 compensation commissioner and does not mean an excuse  
30 43 supported on the basis of facts fairly debatable as a  
30 44 matter of law as recognized in the common law with  
30 45 respect to a bad-faith tort.

30 46 Sec. 101. Section 85.71, subsection 1, paragraph  
30 47 a, Code 2009, is amended to read as follows:

30 48 a. The employer has a place of business in this  
30 49 state and the employee regularly works at or from that  
30 50 place of business, ~~or the employer has a place of~~  
31 1 ~~business in this state and the employee is domiciled~~  
31 2 ~~in this state.~~

31 3 Sec. 102. Section 86.13, Code 2009, is amended to  
31 4 read as follows:

31 5 86.13 COMPENSATION PAYMENTS.

31 6 1. If an employer or insurance carrier pays weekly  
31 7 compensation benefits to an employee, the employer or  
31 8 insurance carrier shall file with the workers'  
31 9 compensation commissioner in the form and manner  
31 10 required by the workers' compensation commissioner a  
31 11 notice of the commencement of the payments. The  
31 12 payments establish conclusively that the employer and  
31 13 insurance carrier have notice of the injury for which  
31 14 benefits are claimed but the payments do not  
31 15 constitute an admission of liability under this  
31 16 chapter or chapter 85, 85A, or 85B.

31 17 2. If an employer or insurance carrier fails to  
31 18 file the notice required by this section, the failure  
31 19 stops the running of the time periods in section 85.26  
31 20 as of the date of the first payment. If commenced,  
31 21 the payments shall be terminated only when the  
31 22 employee has returned to work, or upon thirty days'  
31 23 notice stating the reason for the termination and  
31 24 advising the employee of the right to file a claim  
31 25 with the workers' compensation commissioner.

31 26 3. This section does not prevent the parties from  
31 27 reaching an agreement for settlement regarding  
31 28 compensation. However, the agreement is valid only if  
31 29 signed by all parties and approved by the workers'  
31 30 compensation commissioner.

31 31 4. a. If a denial, a delay in ~~commencement~~  
31 32 payment, or a termination of benefits occurs without

31 33 reasonable or probable cause or excuse known to the  
31 34 employer or insurance carrier at the time of the  
31 35 denial, delay in payment, or termination of benefits,  
31 36 the workers' compensation commissioner shall award  
31 37 benefits in addition to those benefits payable under  
31 38 this chapter, or chapter 85, 85A, or 85B, up to fifty  
31 39 percent of the amount of benefits that were  
31 40 ~~unreasonably denied, delayed, or denied terminated~~  
31 41 ~~without reasonable or probable cause or excuse.~~

31 42 b. The workers' compensation commissioner shall  
31 43 award benefits under this subsection if the  
31 44 commissioner finds both of the following facts:

31 45 (1) The employee has demonstrated a denial, delay  
31 46 in payment, or termination of benefits.

31 47 (2) The employer has failed to prove a reasonable  
31 48 or probable cause or excuse for the denial, delay in  
31 49 payment, or termination of benefits.

31 50 c. In order to be considered a reasonable or  
32 1 probable cause or excuse under paragraph "b", an

32 2 excuse shall satisfy all of the following criteria:

32 3 (1) The excuse was preceded by a reasonable  
32 4 investigation and evaluation by the employer or  
32 5 insurance carrier into whether benefits were owed to  
32 6 the employee.

32 7 (2) The results of the reasonable investigation  
32 8 and evaluation were the actual basis upon which the  
32 9 employer or insurance carrier contemporaneously relied  
32 10 to deny, delay payment of, or terminate benefits.

32 11 (3) The employer or insurance carrier  
32 12 contemporaneously conveyed the basis for the denial,  
32 13 delay in payment, or termination of benefits to the  
32 14 employee at the time of the denial, delay, or  
32 15 termination of benefits.

32 16 Sec. 103. Section 96.40, subsection 2, paragraph  
32 17 i, Code 2009, is amended to read as follows:

32 18 i. The duration of the shared work plan will not  
32 19 exceed ~~twenty-six~~ fifty-two weeks. An employing unit  
32 20 is eligible for approval of only one plan during a  
32 21 ~~twenty-four-month~~ period.

32 22 Sec. 104. Section 96.40, subsection 8, Code 2009,  
32 23 is amended to read as follows:

32 24 8. An individual shall not be entitled to receive  
32 25 shared work benefits and regular unemployment  
32 26 compensation benefits in an aggregate amount which  
32 27 exceeds the maximum total amount of benefits payable  
32 28 to that individual in a benefit year as provided under  
32 29 section 96.3, subsection 5. ~~Notwithstanding any other~~  
32 30 ~~provisions of this chapter, an individual shall not be~~  
32 31 ~~eligible to receive shared work benefits for more than~~  
32 32 ~~twenty-six calendar weeks during the individual's~~  
32 33 ~~benefit year.~~

32 34 Sec. 105. Section 99B.10, subsection 1, paragraph  
32 35 a, Code 2009, is amended to read as follows:

32 36 a. A prize of merchandise exceeding ~~five~~ fifty  
32 37 dollars in value shall not be awarded for use of the  
32 38 device. However, a mechanical or amusement device may  
32 39 be designed or adapted to award a prize or one or more  
32 40 free games or portions of games without payment of  
32 41 additional consideration by the participant.

32 42 Sec. 106. Section 103.1, Code 2009, is amended by  
32 43 adding the following new subsection:

32 44 NEW SUBSECTION. 7A. "Farm" means land, buildings  
32 45 and structures used for agricultural purposes  
32 46 including but not limited to the storage, handling,  
32 47 and drying of grain and the care, feeding, and housing  
32 48 of livestock.

32 49 Sec. 107. Section 103.22, subsection 2, Code 2009,  
32 50 is amended to read as follows:

33 1 2. Require employees of municipal utilities,  
33 2 electric membership or cooperative associations,  
33 3 investor-owned utilities, rural water associations or  
33 4 districts, railroads, telecommunications companies,  
33 5 franchised cable television operators, farms, or  
33 6 commercial or industrial companies performing  
33 7 manufacturing, installation, and repair work for such  
33 8 employer to hold licenses while acting within the  
33 9 scope of their employment. An employee of a farm does  
33 10 not include a person who is employed for the primary  
33 11 purpose of installing a new electrical installation.

33 12 Sec. 108. Section 103.29, Code 2009, is amended by  
33 13 adding the following new subsection:

33 14 NEW SUBSECTION. 7. A county shall not perform  
33 15 electrical inspections on a farm or farm residence.  
33 16 Sec. 109. Section 103.32, Code 2009, is amended by  
33 17 adding the following new subsection:  
33 18 NEW SUBSECTION. 5. A state electrical inspection  
33 19 fee shall not be assessed for an event benefiting a  
33 20 nonprofit association representing volunteer service  
33 21 providers. An electrical inspection fee shall not be  
33 22 assessed by a political subdivision for an annual  
33 23 event benefiting a nonprofit association representing  
33 24 volunteer service providers.  
33 25 Sec. 110. Section 214A.2, subsection 5, Code 2009,  
33 26 is amended to read as follows:  
33 27 5. Ethanol blended gasoline shall be designated  
33 28 E=xx where "xx" is the volume percent of ethanol in  
33 29 the ethanol blended gasoline and biodiesel fuel shall  
33 30 be designated B=xx where "xx" is the volume percent of  
33 31 biodiesel.  
33 32 Sec. 111. Section 214A.3, subsection 2, paragraph  
33 33 b, subparagraph (2), Code 2009, is amended to read as  
33 34 follows:  
33 35 (2) ~~Biodiesel fuel shall be designated according~~  
33 36 ~~to its classification as provided in section 214A.2.~~  
33 37 A person shall not knowingly falsely advertise  
33 38 biodiesel ~~blended~~ fuel by using an inaccurate  
33 39 designation in violation of this subparagraph as  
33 40 provided in section 214A.2.  
33 41 Sec. 112. Section 214A.5, Code 2009, is amended to  
33 42 read as follows:  
33 43 214A.5 SALES SLIP ON DEMAND DOCUMENTATION.  
33 44 1. A wholesale dealer or retail dealer shall, when  
33 45 making a sale of motor fuel, give to a purchaser upon  
33 46 demand a sales slip.  
33 47 2. A wholesale dealer selling ethanol blended  
33 48 gasoline or biodiesel blended fuel to a purchaser  
33 49 shall provide the purchaser with a statement  
33 50 indicating its designation as provided in section  
34 1 214A.2. The statement may be on the sales slip  
34 2 provided in this section or a similar document,  
34 3 including but not limited to a bill of lading or  
34 4 invoice.  
34 5 Sec. 113. Section 214A.16, subsection 1, Code  
34 6 2009, is amended to read as follows:  
34 7 1. a. ~~If motor fuel containing a renewable fuel~~  
34 8 ~~ethanol blended gasoline~~ is sold from a motor fuel  
34 9 pump, the motor fuel pump shall have affixed a decal  
34 10 identifying the name of the ~~renewable fuel~~ ethanol  
34 11 blended gasoline. ~~The decal shall be different based~~  
34 12 ~~on the type of renewable fuel dispensed.~~ If the motor  
34 13 fuel pump dispenses ethanol blended gasoline  
34 14 classified as higher than standard ethanol blended  
34 15 gasoline pursuant to section 214A.2, the decal shall  
34 16 contain the following notice: "FOR FLEXIBLE FUEL  
34 17 VEHICLES ONLY".  
34 18 b. If biodiesel fuel is sold from a motor fuel  
34 19 pump, the motor fuel pump shall have affixed a decal  
34 20 identifying the biodiesel fuel as provided in 16  
34 21 C.F.R. pt. 306.  
34 22 Sec. 114. Section 321.105A, subsection 2,  
34 23 paragraph c, subparagraph (25), unnumbered paragraph  
34 24 1, Code 2009, is amended to read as follows:  
34 25 Vehicles subject to registration under this chapter  
34 26 with a gross vehicle weight rating of less than  
34 27 sixteen thousand pounds, ~~excluding motorcycles and~~  
34 28 ~~motorized bicycles,~~ when purchased for lease and  
34 29 titled by the lessor licensed pursuant to chapter 321F  
34 30 and actually leased for a period of twelve months or  
34 31 more if the lease of the vehicle is subject to the fee  
34 32 for new registration under subsection 3.  
34 33 Sec. 115. Section 321.105A, subsection 3,  
34 34 paragraph a, Code 2009, is amended to read as follows:  
34 35 a. A fee for new registration is imposed in an  
34 36 amount equal to five percent of the leased price for  
34 37 each vehicle subject to registration with a gross  
34 38 vehicle weight rating of less than sixteen thousand  
34 39 pounds, ~~excluding motorcycles and motorized bicycles,~~  
34 40 which is leased by a lessor licensed pursuant to  
34 41 chapter 321F for a period of twelve months or more.  
34 42 The fee for new registration shall be paid by the  
34 43 owner of the vehicle to the county treasurer from whom  
34 44 the registration receipt or certificate of title is

34 45 obtained. A registration receipt for a vehicle  
34 46 subject to registration or issuance of a certificate  
34 47 of title shall not be issued until the fee for new  
34 48 registration is paid in the initial instance.

34 49 Sec. 116. Section 321.105A, subsection 5,  
34 50 paragraph a, Code 2009, is amended by striking the  
35 1 paragraph.

35 2 Sec. 117. Section 321I.10, subsection 2, Code  
35 3 2009, is amended to read as follows:

35 4 2. A registered all-terrain vehicle may be  
35 5 operated on the roadways of that portion of county  
35 6 highways designated by the county board of supervisors  
35 7 for such use during a specified period. The county  
35 8 board of supervisors shall evaluate the traffic  
35 9 conditions on all county highways and designate  
35 10 roadways on which all-terrain vehicles may be operated  
35 11 for the specified period without unduly interfering  
35 12 with or constituting an undue hazard to conventional  
35 13 motor vehicle traffic. ~~Signs warning of the operation  
35 14 of all-terrain vehicles on the roadway shall be placed  
35 15 and maintained on the portions of highway thus  
35 16 designated during the period specified for the  
35 17 operation.~~

35 18 Sec. 118. Section 331.325, subsection 1, Code  
35 19 2009, is amended to read as follows:

35 20 1. As used in this section, "pioneer cemetery"  
35 21 means a cemetery where there have been ~~six~~ twelve or  
35 22 fewer burials in the preceding fifty years.

35 23 Sec. 119. Section 331.907, subsection 2, Code  
35 24 2009, is amended to read as follows:

35 25 2. At the public hearing held on the county budget  
35 26 as provided in section 331.434, the county  
35 27 compensation board shall submit its recommended  
35 28 compensation schedule for the next fiscal year to the  
35 29 board of supervisors for inclusion in the county  
35 30 budget. The board of supervisors shall review the  
35 31 recommended compensation schedule for the elected  
35 32 county officers and determine the final compensation  
35 33 schedule which shall not exceed the compensation  
35 34 schedule recommended by the county compensation board.  
35 35 In determining the final compensation schedule if the  
35 36 board of supervisors wishes to reduce the amount of  
35 37 the recommended compensation schedule, the amount of  
35 38 salary increase proposed for each elected county  
35 39 officer, except as provided in subsection 2A, shall be  
35 40 reduced an equal percentage. A copy of the final  
35 41 compensation schedule shall be filed with the county  
35 42 budget at the office of the director of the department  
35 43 of management. The final compensation schedule takes  
35 44 effect on July 1 following its adoption by the board  
35 45 of supervisors.

35 46 Sec. 120. Section 331.907, Code 2009, is amended  
35 47 by adding the following new subsection:

35 48 NEW SUBSECTION. 2A. The board of supervisors may  
35 49 adopt a decrease in compensation paid to supervisors  
35 50 irrespective of the county compensation board's  
36 1 recommended compensation schedule or other approved  
36 2 changes in compensation paid to other elected county  
36 3 officers. A decrease in compensation paid to  
36 4 supervisors shall be adopted by the board of  
36 5 supervisors no less than thirty days before the county  
36 6 budget is certified under section 24.17.

36 7 Sec. 121. Section 400.10, Code 2009, as amended by  
36 8 2009 Iowa Acts, Senate File 186, section 2, if  
36 9 enacted, is amended by striking the section and  
36 10 inserting in lieu thereof the following:

36 11 400.10 PREFERENCES.

36 12 In all examinations and appointments under this  
36 13 chapter, other than promotions and appointments of  
36 14 chief of the police department and chief of the fire  
36 15 department, veterans who are citizens and residents of  
36 16 the United States, shall have five percentage points  
36 17 added to the veteran's grade or score attained in  
36 18 qualifying examinations for appointment to positions  
36 19 and five additional percentage points added to the  
36 20 grade or score if the veteran has a service-connected  
36 21 disability or is receiving compensation, disability  
36 22 benefits or pension under laws administered by the  
36 23 veterans administration. An honorably discharged  
36 24 veteran who has been awarded the Purple Heart incurred  
36 25 in action shall be considered to have a

36 26 service-connected disability. However, the percentage  
36 27 points shall be given only upon passing the exam and  
36 28 shall not be the determining factor in passing.  
36 29 Veteran's preference percentage points shall be  
36 30 applied once to the final scores used to rank  
36 31 applicants for selection for an interview. For  
36 32 purposes of this section, "veteran" means as defined  
36 33 in section 35.1 except that the requirement that the  
36 34 person be a resident of this state shall not apply.

36 35 Sec. 122. Section 412.2, subsection 1, Code 2009,  
36 36 is amended to read as follows:

36 37 1. From the proceeds of the assessments on the  
36 38 wages and salaries of employees, of any such  
36 39 waterworks system, or other municipally owned and  
36 40 operated public utility, eligible to receive the  
36 41 benefits thereof. Notwithstanding any provisions of  
36 42 section 20.9 to the contrary, a council, board of  
36 43 waterworks, or other board or commission which  
36 44 establishes a pension and annuity retirement system  
36 45 pursuant to this chapter, shall negotiate in good  
36 46 faith with a certified employee organization as  
36 47 defined in section 20.3, which is the collective  
36 48 bargaining representative of the employees, with  
36 49 respect to the amount or rate of the assessment on the  
36 50 wages and salaries of employees and the method or  
37 1 methods for payment of the assessment by the  
37 2 employees.

37 3 Sec. 123. Section 412.3, Code 2009, is amended to  
37 4 read as follows:

37 5 412.3 RULES.

37 6 The council, board of waterworks trustees, or other  
37 7 board or commission, whichever is authorized by law to  
37 8 manage and operate such waterworks, or other  
37 9 municipally owned and operated public utility, may  
37 10 formulate and establish such pension and annuity  
37 11 retirement system, and may make and establish such  
37 12 rules for the operation thereof as may be deemed  
37 13 necessary or appropriate, subject to the provision of  
37 14 section 412.2, subsection 1.

37 15 Sec. 124. Section 422.10, subsection 3, unnumbered  
37 16 paragraph 2, Code 2009, is amended to read as follows:

37 17 For purposes of this section, "Internal Revenue  
37 18 Code" means the Internal Revenue Code in effect on  
37 19 January 1, ~~2008~~ 2009.

37 20 Sec. 125. Section 422.10, Code 2009, is amended by  
37 21 adding the following new subsection:

37 22 NEW SUBSECTION. 6. Notwithstanding any provision  
37 23 to the contrary, the amount of tax credit claimed  
37 24 under this section and the identity of the taxpayer  
37 25 making the claim shall be a public record. The  
37 26 department shall issue a quarterly report containing  
37 27 the name of each taxpayer claiming the credit, the  
37 28 dollar amount of the claim, and the portion of the  
37 29 claim issued as a refund to the taxpayer, for each  
37 30 claim processed during the previous calendar quarter,  
37 31 beginning with claims filed on or after July 1, 2009.

37 32 Sec. 126. Section 422.13, subsection 5, Code 2009,  
37 33 is amended to read as follows:

37 34 5. a. Notwithstanding subsections 1 through 4 and  
37 35 sections 422.15 and 422.36, a partnership, a limited  
37 36 liability company whose members are taxed on the  
37 37 company's income under provisions of the Internal  
37 38 Revenue Code, trust, or corporation whose stockholders  
37 39 are taxed on the corporation's income under the  
37 40 provisions of the Internal Revenue Code may, not later  
37 41 than the due date for filing its return for the  
37 42 taxable year, including any extension thereof, elect  
37 43 to file a composite return for the nonresident  
37 44 partners, members, beneficiaries, or shareholders.  
37 45 Nonresident trusts or estates which are partners,  
37 46 members, beneficiaries, or shareholders in  
37 47 partnerships, limited liability companies, trusts, or  
37 48 S corporations may also be included on a composite  
37 49 return. The director may require that a composite  
37 50 return be filed under the conditions deemed  
38 1 appropriate by the director. A partnership, limited  
38 2 liability company, trust, or corporation filing a  
38 3 composite return is liable for tax required to be  
38 4 shown due on the return.

38 5 b. Notwithstanding subsection 1 through 4 and  
38 6 sections 422.15 and 422.36, if the director determines

38 7 that it is necessary for the efficient administration  
38 8 of this chapter, the director may require that a  
38 9 composite return be filed for nonresidents other than  
38 10 nonresident partners, members, beneficiaries or  
38 11 shareholders in partnerships, limited liability  
38 12 companies, trusts, or S corporations.

38 13 c. All powers of the director and requirements of  
38 14 the director apply to returns filed under this  
38 15 subsection including, but not limited to, the  
38 16 provisions of this division and division VI of this  
38 17 chapter.

38 18 Sec. 127. Section 422.33, subsection 5, paragraph  
38 19 d, unnumbered paragraph 2, Code 2009, is amended to  
38 20 read as follows:

38 21 For purposes of this subsection, "Internal Revenue  
38 22 Code" means the Internal Revenue Code in effect on  
38 23 January 1, ~~2008~~ 2009.

38 24 Sec. 128. Section 422.33, subsection 5, Code 2009,  
38 25 is amended by adding the following new paragraph:

38 26 NEW PARAGRAPH. h. Notwithstanding any provision  
38 27 to the contrary, the amount of tax credit claimed  
38 28 under this subsection and the identity of the taxpayer  
38 29 making the claim shall be a public record. The  
38 30 department shall issue a quarterly report containing  
38 31 the name of each taxpayer claiming the credit, the  
38 32 dollar amount of the claim, and the portion of the  
38 33 claim issued as a refund to the taxpayer, for each  
38 34 claim processed during the previous calendar quarter,  
38 35 beginning with claims filed on or after July 1, 2009.

38 36 Sec. 129. Section 422.33, subsection 9, Code 2009,  
38 37 is amended by striking the subsection.

38 38 Sec. 130. Section 422.88, subsections 2 and 3,  
38 39 Code 2009, are amended to read as follows:

38 40 2. The amount of the underpayment shall be the  
38 41 excess of the amount of the installment which would be  
38 42 required to be paid if the estimated tax was equal to  
38 43 ~~ninety one hundred~~ percent of the tax shown on the  
38 44 return of the taxpayer for the taxable year over the  
38 45 amount of installments paid on or before the date  
38 46 prescribed for payment.

38 47 3. If the taxpayer did not file a return during  
38 48 the taxable year, the amount of the underpayment shall  
38 49 be equal to ~~ninety one hundred~~ percent of the  
38 50 taxpayer's tax liability for the taxable year over the  
39 1 amount of installments paid on or before the date  
39 2 prescribed for payment.

39 3 Sec. 131. Section 423.3, subsection 39, Code 2009,  
39 4 is amended to read as follows:

39 5 39. The sales price from "casual sales".

39 6 a. "Casual sales" means:

39 7 ~~a-~~ (1) Sales of tangible personal property, or the  
39 8 furnishing of services, of a nonrecurring nature, by  
39 9 the owner, if the seller, at the time of the sale, is  
39 10 not engaged for profit in the business of selling  
39 11 tangible personal property or services taxed under  
39 12 section 423.2.

39 13 ~~b-~~ (2) The sale of all or substantially all of the  
39 14 tangible personal property or services held or used by  
39 15 a seller in the course of the seller's trade or  
39 16 business for which the seller is required to hold a  
39 17 sales tax permit when the seller sells or otherwise  
39 18 transfers the trade or business to another person who  
39 19 shall engage in a similar trade or business.

39 20 ~~c-~~ (3) Notwithstanding ~~paragraph "a"~~ subparagraph  
39 21 (1), the sale, furnishing, or performance of a service  
39 22 that is of a recurring nature by the owner if, at the  
39 23 time of the sale, all of the following apply:

39 24 ~~(1)~~ (a) The seller is not engaged for profit in  
39 25 the business of the selling, furnishing, or  
39 26 performance of services taxed under section 423.2.  
39 27 For purposes of this subparagraph, the fact of the  
39 28 recurring nature of selling, furnishing, or  
39 29 performance of services does not constitute by itself  
39 30 engaging for profit in the business of selling,  
39 31 furnishing, or performance of services.

39 32 ~~(2)~~ (b) The owner of the business is the only  
39 33 person performing the service.

39 34 ~~(3)~~ (c) The owner of the business is a full-time  
39 35 student.

39 36 ~~(4)~~ (d) The total gross receipts from the sales,  
39 37 furnishing, or performance of services during the



39 38 calendar year does not exceed five thousand dollars.  
39 39 b. The exemption under this subsection does not  
39 40 apply to vehicles subject to registration, all=terrain  
39 41 vehicles, snowmobiles, off=road motorcycles, off=road  
39 42 utility vehicles, aircraft, or commercial or pleasure  
39 43 watercraft or water vessels.  
39 44 Sec. 132. Section 423A.5, subsection 1, paragraph  
39 45 c, Code 2009, is amended by striking the paragraph.  
39 46 Sec. 133. Section 423A.5, subsection 2, paragraph  
39 47 c, Code 2009, is amended by striking the paragraph.  
39 48 Sec. 134. Section 452A.12, subsection 2, Code  
39 49 2009, is amended to read as follows:  
39 50 2. A person while transporting motor fuel or  
40 1 undyed special fuel from a refinery or marine or  
40 2 pipeline terminal in this state or from a point  
40 3 outside this state over the highways of this state in  
40 4 service other than that under subsection 1 shall carry  
40 5 in the vehicle a loading invoice showing the name and  
40 6 address of the seller or consignor, the date and place  
40 7 of loading, and the kind and quantity of motor fuel or  
40 8 special fuel loaded, together with invoices showing  
40 9 the kind and quantity of each delivery and the name  
40 10 and address of each purchaser or consignee. An  
40 11 invoice carried pursuant to this subsection for  
40 12 ethanol blended gasoline or biodiesel blended fuel  
40 13 shall state its designation as provided in section  
40 14 214A.2.  
40 15 Sec. 135. Section 452A.74A, subsections 1, 2, and  
40 16 5, Code 2009, are amended to read as follows:  
40 17 1. ILLEGAL USE OF DYED FUEL. The illegal use of  
40 18 dyed fuel in the supply tank of a motor vehicle shall  
40 19 result in a civil penalty assessed against the owner  
40 20 or operator of the motor vehicle as follows:  
40 21 a. A two five hundred dollar fine penalty for the  
40 22 first violation.  
40 23 b. A five hundred one thousand dollar fine penalty  
40 24 for a second violation within three years of the first  
40 25 violation.  
40 26 c. A one two thousand dollar fine penalty for  
40 27 third and subsequent violations within three years of  
40 28 the first violation.  
40 29 2. ILLEGAL IMPORTATION OF UNTAXED FUEL. A person  
40 30 who imports motor fuel or undyed special fuel without  
40 31 a valid importer's license or supplier's license shall  
40 32 be assessed a civil penalty as provided in this  
40 33 subsection. However, the owner or operator of the  
40 34 importing vehicle shall not be guilty of violating  
40 35 this subsection if it is shown by the owner or  
40 36 operator that the owner or operator reasonably did not  
40 37 know or reasonably should not have known of the  
40 38 illegal importation.  
40 39 a. For a first violation, the importing vehicle  
40 40 shall be detained and a fine penalty of two four  
40 41 thousand dollars shall be paid before the vehicle will  
40 42 be released. The owner or operator of the importing  
40 43 vehicle or the owner of the fuel may be held liable  
40 44 for payment of the fine penalty.  
40 45 b. For a second violation, the importing vehicle  
40 46 shall be detained and a fine penalty of five ten  
40 47 thousand dollars shall be paid before the vehicle will  
40 48 be released. The owner or operator of the importing  
40 49 vehicle or the owner of the fuel may be held liable to  
40 50 pay the fine penalty.  
41 1 c. For third and subsequent violations, the  
41 2 importing vehicle and the fuel shall be seized and a  
41 3 fine penalty of ten twenty thousand dollars shall be  
41 4 paid before the vehicle will be released. The owner  
41 5 or operator of the importing vehicle or the owner of  
41 6 the fuel may be held liable to pay the fine penalty.  
41 7 d. If the owner or operator of the importing  
41 8 vehicle or the owner of the fuel fails to pay the tax  
41 9 and fine penalty for a first or second offense, the  
41 10 importing vehicle and the fuel may be seized. The  
41 11 department of revenue, the state department of  
41 12 transportation, or any peace officer, at the request  
41 13 of either department, may seize the vehicle and the  
41 14 fuel.  
41 15 e. If the operator or owner of the importing  
41 16 vehicle or the owner of the fuel move moves the  
41 17 vehicle or the fuel after the vehicle has been  
41 18 detained and a sticker has been placed on the vehicle

41 19 stating that "This vehicle cannot be moved until the  
41 20 tax, penalty, and interest have been paid to the  
41 21 Department of Revenue", an additional penalty of ~~five~~  
41 22 ten thousand dollars shall be assessed against the  
41 23 operator or owner of the importing vehicle or the  
41 24 owner of the fuel.

41 25 f. For purposes of this subsection, "vehicle"  
41 26 means as defined in section 321.1.

41 27 5. PREVENTION OF INSPECTION. The department of  
41 28 revenue or the state department of transportation may  
41 29 conduct inspections for coloration, markers, and  
41 30 shipping papers at any place where taxable fuel is or  
41 31 may be loaded into transport vehicles, produced, or  
41 32 stored. Any attempts by a person to prevent, stop, or  
41 33 delay an inspection of fuel or shipping papers by  
41 34 authorized personnel shall be subject to a civil  
41 35 penalty of not more than ~~one~~ two thousand dollars per  
41 36 occurrence. Any law enforcement officer or department  
41 37 of revenue or state department of transportation  
41 38 employee may physically inspect, examine, or otherwise  
41 39 search any tank, reservoir, or other container that  
41 40 can or may be used for the production, storage, or  
41 41 transportation of any type of fuel.

41 42 Sec. 136. Section 466A.4, subsection 1, Code 2009,  
41 43 is amended to read as follows:

41 44 1. Public water supply utilities, counties, county  
41 45 conservation boards, and cities may also be eligible  
41 46 and apply for and receive local watershed improvement  
41 47 grants for water quality improvement projects. An  
41 48 applicant shall coordinate with a local watershed  
41 49 improvement committee or a soil and water conservation  
41 50 district and shall include in the application a  
42 1 description of existing projects and any potential  
42 2 impact the proposed project may have on existing or  
42 3 planned water quality improvement projects.

42 4 Sec. 137. NEW SECTION. 476B.6A ALTERNATIVE TAX  
42 5 CREDIT QUALIFICATION == PILOT PROJECT.

42 6 Notwithstanding any other provision of this chapter  
42 7 to the contrary, the board shall establish a pilot  
42 8 project which will allow for a wind energy production  
42 9 tax credit of one and one-half cents multiplied by the  
42 10 number of kilowatt-hours of qualified electricity sold  
42 11 or used for on-site consumption by up to two qualified  
42 12 facilities selected for participation in the project.  
42 13 To be eligible for the project, a qualified facility  
42 14 shall meet all eligibility requirements otherwise  
42 15 applicable pursuant to this chapter, and in addition  
42 16 shall be located in a county in this state with a  
42 17 population of between forty-four thousand one hundred  
42 18 fifty and forty-four thousand five hundred based on  
42 19 the 2006 census, and with a combined nameplate  
42 20 generating capacity of at least one megawatt per  
42 21 applicant. For purposes of the pilot project, the two  
42 22 megawatt minimum requirement for qualification  
42 23 pursuant to section 476B.1, subsection 4, paragraph  
42 24 "d", shall not be applicable. The board shall reduce  
42 25 the remaining credits available under this chapter by  
42 26 a dollar amount equal to the amount of credits awarded  
42 27 pursuant to the project.

42 28 Sec. 138. Section 523I.102, subsection 39, Code  
42 29 2009, is amended to read as follows:

42 30 39. "Pioneer cemetery" means a cemetery where  
42 31 there were ~~six~~ twelve or fewer burials in the  
42 32 preceding fifty years.

42 33 Sec. 139. Section 523I.316, Code 2009, is amended  
42 34 by adding the following new subsection:

42 35 NEW SUBSECTION. 7. ADVERSE POSSESSION. A  
42 36 cemetery or a pioneer cemetery is exempt from seizure,  
42 37 appropriation, or acquisition of title under any claim  
42 38 of adverse possession, unless it is shown that all  
42 39 remains in the cemetery or pioneer cemetery have been  
42 40 disinterred and removed to another location.

42 41 Sec. 140. Section 602.6404, subsection 3, Code  
42 42 2009, is amended by striking the subsection and  
42 43 inserting in lieu thereof the following:

42 44 3. A magistrate shall be an attorney licensed to  
42 45 practice law in this state. However, a magistrate not  
42 46 admitted to the practice of law in this state and who  
42 47 is holding office on April 1, 2009, shall be eligible  
42 48 to be reappointed as a magistrate in the same county  
42 49 for a term commencing August 1, 2009, and subsequent

42 50 successive terms.

43 1 Sec. 141. EFFECTIVE DATE. Section 483A.1,  
43 2 subsection 2, paragraph "ee", as enacted by 2009 Iowa  
43 3 Acts, House File 722, section 33, if enacted, and  
43 4 section 483A.7, subsection 3, as amended by 2009 Iowa  
43 5 Acts, House File 722, section 37, if enacted, and this  
43 6 section, being deemed of immediate importance, take  
43 7 effect immediately upon enactment of this Act.

43 8 Sec. 142. 2009 Iowa Acts, Senate File 415, section  
43 9 1, if enacted, is amended by striking the section and  
43 10 inserting in lieu thereof the following:

43 11 SECTION 1. PROPERTY RIGHTS DEFENSE ACCOUNT.

43 12 1. A city may establish a property rights defense  
43 13 account within the city's general fund. If a property  
43 14 rights defense account is established under this  
43 15 section, moneys which remain unclaimed under section  
43 16 2, subsection 11, paragraph "d", of this Act, may be  
43 17 deposited in the account. Interest or earnings on  
43 18 moneys in the property rights defense account shall be  
43 19 credited to the account. Moneys in the property  
43 20 rights defense account are not subject to transfer,  
43 21 appropriation, or reversion to any other account or  
43 22 fund, or any other use except as provided in this  
43 23 section.

43 24 2. Moneys in the account shall be used for the  
43 25 reimbursement of reasonable attorney fees and  
43 26 reasonable costs incurred by a property owner as the  
43 27 result of proceedings initiated under this Act,  
43 28 chapters 6A and 6B, and section 657A.10A.

43 29 3. Property owners shall apply to the city council  
43 30 on a form prescribed by the city council. If  
43 31 sufficient funds exist in the account, the city  
43 32 council shall reimburse each property owner who  
43 33 applies for all reasonable attorney fees and  
43 34 reasonable costs incurred. If insufficient funds  
43 35 exist in the account to reimburse a property owner for  
43 36 all reasonable attorney fees and reasonable costs  
43 37 incurred, the city council shall reimburse the  
43 38 property owner for the fees and costs in an amount  
43 39 equal to the remaining balance in account.

43 40 Sec. 143. 2007 Iowa Acts, chapter 186, section 29,  
43 41 is amended to read as follows:

43 42 SEC. 29. REFUND OF PROPERTY TAXES.

43 43 Notwithstanding the deadline for filing a claim for  
43 44 property tax exemption for property described in  
43 45 section 427.1, subsection 8 or 9, and notwithstanding  
43 46 any other provision to the contrary, the board of  
43 47 supervisors of a county having a population based upon  
43 48 the latest federal decennial census of more than  
43 49 eighty-eight thousand but not more than ninety-five  
43 50 thousand shall refund the property taxes paid, with  
44 1 all interest, penalties, fees, and costs which were  
44 2 due and payable in the fiscal year beginning July 1,  
44 3 2002, and in the fiscal year beginning July 1, ~~2005~~  
44 4 2006, on the land and buildings of an institution that  
44 5 purchased property and that did not receive a property  
44 6 tax exemption for the property due to the inability or  
44 7 failure to file for the exemption. To receive the  
44 8 refund provided for in this section, the institution  
44 9 shall apply to the county board of supervisors by  
44 10 October 1, ~~2007~~ 2009, and provide appropriate  
44 11 information establishing that the land and buildings  
44 12 for which the refund is sought were used by the  
44 13 institution for its appropriate objectives during the  
44 14 fiscal year beginning July 1, 2002, and during the  
44 15 fiscal year beginning July 1, ~~2005~~ 2006. The refund  
44 16 allowed under this section only applies to property  
44 17 taxes, with all interest, penalties, fees, and costs,  
44 18 due and payable in the fiscal year beginning July 1,  
44 19 2002, and in the fiscal year beginning July 1, ~~2005~~  
44 20 2006.

44 21 Sec. 144. 2007 Iowa Acts, chapter 186, section 30,  
44 22 is amended to read as follows:

44 23 SEC. 30. IMMEDIATE EFFECTIVE DATE. ~~The section~~  
44 24 Section 29 of this division of this Act, ~~amending~~  
44 25 ~~section 427.3~~, being deemed of immediate importance,  
44 26 takes effect upon enactment and applies retroactively  
44 27 to property taxes due and payable in the fiscal year  
44 28 beginning July 1, 2002, and in the fiscal year  
44 29 beginning July 1, ~~2005~~ 2006.

44 30 Sec. 145. Section 422.11E, Code 2009, is repealed.

44 31 Sec. 146. Sections 422.120 through 422.122, Code  
44 32 2009, are repealed.

44 33 Sec. 147. EFFECTIVE AND RETROACTIVE APPLICABILITY  
44 34 DATES.

44 35 1. The section of this division of this Act  
44 36 concerning the county land record information system,  
44 37 being deemed of immediate importance, takes effect  
44 38 upon enactment.

44 39 2. The section of this division of this Act  
44 40 amending 2009 Iowa Acts, Senate File 415, being deemed  
44 41 of immediate importance, takes effect upon enactment.

44 42 3. The section of this division of this Act  
44 43 repealing sections 422.120 through 422.122, being  
44 44 deemed of immediate importance, takes effect upon  
44 45 enactment and applies retroactively to November 1,  
44 46 2008, for refund claims filed on or after that date.

44 47 4. The section of this division of this Act  
44 48 relating to property tax exemption filings for  
44 49 disaster-impacted property, being deemed of immediate  
44 50 importance, takes effect upon enactment.

45 1 5. The section of this division of this Act  
45 2 amending section 15E.305, takes effect January 1,  
45 3 2010, and applies to the tax years beginning on or  
45 4 after that date.

45 5 6. The section of this division of this Act  
45 6 amending section 422.88, subsections 2 and 3, applies  
45 7 retroactively to January 1, 2009, for tax years  
45 8 beginning on or after that date.

45 9 7. The sections of this division of this Act  
45 10 amending 2007 Iowa Acts, chapter 186, sections 29 and  
45 11 30, being deemed of immediate importance, take effect  
45 12 upon enactment.

45 13 8. The sections of this division of this Act  
45 14 amending section 15.335, subsection 4, paragraph "b",  
45 15 section 15A.9, subsection 8, paragraph "e",  
45 16 subparagraph (2), section 422.10, subsection 3,  
45 17 unnumbered paragraph 2, section 422.33, subsection 5,  
45 18 paragraph "d", unnumbered paragraph 2, being deemed of  
45 19 immediate importance, take effect upon enactment and  
45 20 apply retroactively to January 1, 2008, for tax years  
45 21 beginning on or after that date.

45 22 DIVISION IX

45 23 EDUCATION

45 24 Sec. 148. REGENTS == APPROPRIATIONS. There is  
45 25 appropriated from the general fund of the state to the  
45 26 state board of regents for the fiscal year beginning  
45 27 July 1, 2009, and ending June 30, 2010, the following  
45 28 amounts, or so much thereof as may be necessary, to be  
45 29 used for the purposes designated:

45 30 1. STATE SCHOOL FOR THE DEAF

45 31 For salaries, support, maintenance, miscellaneous  
45 32 purposes:

45 33 ..... \$ 398,980

45 34 2. IOWA BRAILLE AND SIGHT SAVING SCHOOL

45 35 For salaries, support, maintenance, miscellaneous  
45 36 purposes:

45 37 ..... \$ 624,582

45 38 Sec. 149. DEPARTMENT OF EDUCATION ==  
45 39 APPROPRIATION. There is appropriated from the general  
45 40 fund of the state to the department of education for  
45 41 the fiscal year beginning July 1, 2009, and ending  
45 42 June 30, 2010, the following amount, or so much  
45 43 thereof as may be necessary, to be used for general  
45 44 administration:

45 45 ..... \$ 167,096

45 46 Sec. 150. EDUCATIONAL EXCELLENCE PROGRAM=RELATED

45 47 APPROPRIATIONS. There is appropriated from the  
45 48 general fund of the state to the indicated departments  
45 49 and agencies for the fiscal year beginning July 1,  
45 50 2009, and ending June 30, 2010, the following amounts,  
46 1 or so much thereof as is necessary, to be used for the  
46 2 purposes designated:

46 3 1. To the department of human services for  
46 4 distribution to its licensed classroom teachers at  
46 5 institutions under the control of the department of  
46 6 human services based upon the average student yearly  
46 7 enrollment at each institution as determined by the  
46 8 department of human services:

46 9 ..... \$ 115,500

46 10 2. To the state board of regents:

46 11 a. For distribution to licensed classroom teachers

46 12 at the Iowa braille and sight saving school and the  
46 13 Iowa school for the deaf based upon the average yearly  
46 14 enrollment at each school as determined by the state  
46 15 board of regents:

46 16 ..... \$ 94,600  
46 17 b. For the Iowa braille and sight saving school:  
46 18 ..... \$ 68,000  
46 19 c. For the state school for the deaf:  
46 20 ..... \$ 102,000

46 21 3. To the department of education:  
46 22 a. For distribution to the tribal council of the  
46 23 Sac and Fox Indian settlement located on land held in  
46 24 trust by the secretary of the interior of the United  
46 25 States. Moneys allocated under this lettered  
46 26 paragraph shall be used for the purposes specified in  
46 27 section 256.30:  
46 28 ..... \$ 100,000  
46 29 b. For the kindergarten to grade twelve management  
46 30 information system:  
46 31 ..... \$ 230,000

46 32 Sec. 151. INTERPRETERS FOR THE DEAF. There is  
46 33 appropriated from the general fund of the state to the  
46 34 department of education for the fiscal year beginning  
46 35 July 1, 2009, and ending June 30, 2010, the following  
46 36 amount, or so much thereof as is necessary, to be used  
46 37 for the purpose designated:  
46 38 For allocation for deaf interpreters for  
46 39 arrangements made between the state school for the  
46 40 deaf and Iowa western community college due to the  
46 41 high numbers of articulation agreements between the  
46 42 state school for the deaf and the community college:  
46 43 ..... \$ 200,000

46 44 Sec. 152. CENTER FOR INDEPENDENT LIVING. There is  
46 45 appropriated from the general fund of the state to the  
46 46 department of education, vocational rehabilitation  
46 47 services division, for the fiscal year beginning July  
46 48 1, 2009, and ending June 30, 2010, the following  
46 49 amount, or so much thereof as is necessary, to be used  
46 50 for the purposes designated:  
47 1 For costs associated with centers for independent  
47 2 living:  
47 3 ..... \$ 50,000

47 4 Sec. 153. 2006 Iowa Acts, chapter 1182, section 1,  
47 5 unnumbered paragraph 2, as amended by 2007 Iowa Acts,  
47 6 chapter 108, section 59, is amended to read as  
47 7 follows:  
47 8 For purposes, as provided in law, of the student  
47 9 achievement and teacher quality program established  
47 10 pursuant to chapter 284:  
47 11 FY 2006=2007..... \$104,343,894  
47 12 FY 2007=2008..... \$173,943,894  
47 13 FY 2008=2009..... ~~\$248,943,894~~  
47 14 249,502,894

47 15 Sec. 154. Section 273.3, Code 2009, is amended by  
47 16 adding the following new subsection:  
47 17 NEW SUBSECTION. 23. By October 1 of each year,  
47 18 submit to the department of education the following  
47 19 information:  
47 20 a. The contracted salary including bonus wages and  
47 21 benefits, annuity payments, or any other benefit for  
47 22 the administrators of the area education agency.  
47 23 b. The contracted salary and benefits and any  
47 24 other expenses related to support for governmental  
47 25 affairs efforts, including expenditures for lobbyists  
47 26 and lobbying activities for the area education agency.

47 27 Sec. 155. DES MOINES UNIVERSITY == OSTEOPATHIC  
47 28 MEDICAL CENTER. For the fiscal year beginning July 1,  
47 29 2009, and ending June 30, 2010, the college student  
47 30 aid commission shall pay a fee to Des Moines  
47 31 university == osteopathic medical center for the  
47 32 administration of the initiative in primary health  
47 33 care to direct primary care physicians to shortage  
47 34 areas in the state. A portion of the fee paid shall  
47 35 be based upon the number of physicians recruited in  
47 36 accordance with section 261.19, subsection 4.  
47 37 However, the fee amount paid shall not exceed \$41,862  
47 38 for the fiscal year. Such amount shall be subject to  
47 39 any budgetary reductions ordered by the governor or  
47 40 enacted by the general assembly.

47 41 Sec. 156. EFFECTIVE DATE. The section of this  
47 42 division of this Act amending 2006 Iowa Acts, chapter

47 43 1182, being deemed of immediate importance, takes  
47 44 effect upon enactment.

47 45 DIVISION X

47 46 JUDICIAL BRANCH == COMMISSION ELECTIONS

47 47 Sec. 157. Section 46.5, unnumbered paragraph 5,  
47 48 Code 2009, is amended to read as follows:

47 49 When a vacancy in an office of an elective judicial  
47 50 nominating commissioner occurs, the ~~clerk of the~~  
~~48 1 supreme court state court administrator~~ shall cause to  
48 2 be mailed to each member of the bar whose name appears  
48 3 on the certified list prepared pursuant to section  
48 4 46.8 for the district or districts affected, a notice  
48 5 stating the existence of the vacancy, the requirements  
48 6 for eligibility, and the manner in which the vacancy  
48 7 will be filled. Other items may be included in the  
48 8 same mailing if they are on sheets separate from the  
48 9 notice. The election of a district judicial  
48 10 nominating commissioner or the close of nominations  
48 11 for a state judicial nominating commissioner shall not  
48 12 occur until thirty days after the mailing of the  
48 13 notice.

48 14 Sec. 158. Section 46.7, Code 2009, is amended to  
48 15 read as follows:

48 16 46.7 ELIGIBILITY TO VOTE.

48 17 To be eligible to vote in elections of judicial  
48 18 nominating commissioners, a member of the bar must be  
48 19 eligible to practice and must be a resident of the  
48 20 state of Iowa and of the appropriate congressional  
48 21 district or judicial election district as shown by the  
48 22 member's most recent filing with the supreme court for  
48 23 the purposes of showing compliance with the court's  
48 24 continuing legal education requirements, or for  
48 25 members of the bar eligible to practice who are not  
48 26 required to file such compliance, any paper on file by  
48 27 July 1 with the ~~clerk of the supreme court state court~~  
~~48 28 administrator~~, for the purpose of establishing  
48 29 eligibility to vote under this section, which the  
48 30 court determines to show the requisite residency  
48 31 requirements. A judge who has been admitted to the  
48 32 bar of the state of Iowa shall be considered a member  
48 33 of the bar.

48 34 Sec. 159. Section 46.8, Code 2009, is amended to  
48 35 read as follows:

48 36 46.8 CERTIFIED LIST.

48 37 ~~On July 15 of each~~ Each year the ~~clerk of the~~  
~~48 38 supreme court state court administrator~~ shall certify  
48 39 a list of the names, addresses, and years of admission  
48 40 of members of the bar who are eligible to vote for  
48 41 state and district judicial nominating commissioners.  
48 42 ~~The clerk of the supreme court shall provide a copy of~~  
~~48 43 the list of the members for a county to the clerk of~~  
~~48 44 the district court for that county.~~

48 45 Sec. 160. Section 46.9, Code 2009, is amended by  
48 46 striking the section and inserting in lieu thereof the  
48 47 following:

48 48 46.9 CONDUCT OF ELECTIONS.

48 49 When an election of judicial nominating  
48 50 commissioners is to be held, the state court  
49 1 administrator shall administer the voting. The state  
49 2 court administrator may administer the voting by  
49 3 electronic notification and voting or by paper ballot  
49 4 mailed to each eligible attorney. The state court  
49 5 administrator shall mail paper ballots to eligible  
49 6 attorneys or electronically notify and enable eligible  
49 7 attorneys to vote. The elector receiving the most  
49 8 votes shall be elected. When more than one  
49 9 commissioner is to be elected, the electors receiving  
49 10 the most votes shall be elected, in the same number as  
49 11 the offices to be filled.

49 12 Sec. 161. Section 46.9A, Code 2009, is amended to  
49 13 read as follows:

49 14 46.9A NOTICE PRECEDING NOMINATION OF ELECTIVE  
49 15 NOMINATING COMMISSIONERS.

49 16 At least sixty days prior to the expiration of the  
49 17 term of an elective state or district judicial  
49 18 nominating commissioner, the ~~clerk of the supreme~~  
~~49 19 court state court administrator~~ shall ~~cause to be~~  
~~49 20 mailed to each member of the bar whose name appears on~~  
~~49 21 the certified list prepared pursuant to section 46.8~~  
~~49 22 for the district or districts affected, a notice~~  
~~49 23 stating the date the term of office will expire, the~~

~~49 24 requirements for eligibility to the office for the~~  
~~49 25 succeeding term, and the procedure for filing~~  
~~49 26 nominating petitions, including the last date for~~  
~~49 27 filing mail paper ballots to eligible attorneys or~~  
~~49 28 electronically notify and enable eligible attorneys to~~  
~~49 29 vote. An eligible attorney is a member of the bar~~  
~~49 30 whose name appears on the certified list prepared~~  
~~49 31 pursuant to section 46.8 for the district or districts~~  
~~49 32 affected. Other items may be included in the same~~  
~~49 33 mailing if they are on sheets separate from the~~  
~~49 34 notice.~~

49 35 Sec. 162. Section 46.10, Code 2009, is amended to  
49 36 read as follows:

49 37 46.10 NOMINATION OF ELECTIVE NOMINATING  
49 38 COMMISSIONERS.

49 39 In order to have an eligible elector's name printed  
49 40 on the ballot for state or district judicial  
49 41 nominating commissioner, the eligible elector must  
49 42 file in the office of the ~~clerk of the supreme court~~  
49 43 state court administrator at least thirty days prior  
49 44 to expiration of the period within which the election  
49 45 must be held a nominating petition signed by at least  
49 46 fifty resident members of the bar of the congressional  
49 47 district in case of a candidate for state judicial  
49 48 nominating commissioner, or at least ten resident  
49 49 members of the bar of the judicial district in case of  
49 50 a candidate for district judicial nominating  
50 1 commissioner. No member of the bar may sign more  
50 2 nominating petitions for state or district judicial  
50 3 nominating commissioner than there are such  
50 4 commissioners to be elected.

50 5 Ballots or electronic voting forms for state and  
50 6 district judicial nominating commissioners shall  
50 7 contain blank lines equal to the number of such  
50 8 commissioners to be elected, where names may be  
50 9 written in.

50 10 Sec. 163. Section 46.11, Code 2009, is amended to  
50 11 read as follows:

50 12 46.11 CERTIFICATION OF COMMISSIONERS.

50 13 The governor and the ~~clerk of the supreme court~~  
50 14 state court administrator respectively shall promptly  
50 15 certify the names and addresses of appointive and  
50 16 elective judicial nominating commissioners to the  
50 17 state commissioner of elections and the chairperson of  
50 18 the respective nominating commissions.

50 19 Sec. 164. Section 602.6501, subsections 2 and 3,  
50 20 Code 2009, are amended to read as follows:

50 21 2. The ~~clerk of the district court state court~~  
50 22 administrator shall maintain a permanent record of the  
50 23 name, address, and term of office of each  
50 24 commissioner.

50 25 3. A member of a magistrate appointing commission  
50 26 shall be reimbursed for actual and necessary expenses  
50 27 reasonably incurred in the performance of official  
50 28 duties. Reimbursements are payable by the county in  
50 29 which the member serves, upon certification of the  
50 30 expenses to the county auditor by the ~~clerk of the~~  
50 31 district court chairperson of the commission. The  
50 32 district judges of each judicial district may  
50 33 prescribe rules for the administration of this  
50 34 subsection.

50 35 Sec. 165. Section 602.6503, subsection 3, Code  
50 36 2009, is amended to read as follows:

50 37 3. The county auditor shall certify to the ~~clerk~~  
50 38 of the district court state court administrator the  
50 39 name, address, and expiration date of term for all  
50 40 appointees of the board of supervisors.

50 41 Sec. 166. Section 602.6504, subsections 4 and 5,  
50 42 Code 2009, are amended to read as follows:

50 43 4. In order to be placed on the ballot for county  
50 44 magistrate appointing commission, an eligible attorney  
50 45 elector shall file a nomination petition in the office  
50 46 of the ~~clerk of court on or before November 30 of the~~  
50 47 year in which the election for attorney positions is  
50 48 to occur state court administrator at least thirty  
50 49 days prior to the expiration of the period within  
50 50 which the election must be held. This subsection does

51 1 not preclude write-in votes at the time of the  
51 2 election.

51 3 5. When an election of magistrate appointing  
51 4 commissioners is to be held, the ~~clerk of the district~~

~~51 5 court for each county shall cause to be mailed to each~~  
~~51 6 eligible attorney a ballot that is in substantially~~  
~~51 7 the following form: state court administrator shall~~  
~~51 8 administer the election. The state court~~  
~~51 9 administrator may administer the election by~~  
~~51 10 electronic notification and voting or by paper ballot~~  
~~51 11 mailed to each eligible attorney. The state court~~  
~~51 12 administrator shall mail paper ballots to eligible~~  
~~51 13 attorneys or electronically notify and enable eligible~~  
~~51 14 attorneys to vote on or before December 15.~~

BALLOT

~~51 16 County Magistrate Appointing Commission~~  
~~51 17 To be cast by the resident members of the bar of~~  
~~51 18 ..... county.~~  
~~51 19 Vote for (state number) for ..... county judicial~~  
~~51 20 magistrate appointing commissioner(s) for term~~  
~~51 21 commencing .....~~

51 22 .....  
51 23 .....

~~51 24 To be counted, this ballot must be completed and~~  
~~51 25 mailed or delivered to clerk of the district court,~~  
~~51 26 ....., no later than December 31, ... (year) (or~~  
~~51 27 the appropriate date in case of an election to fill a~~  
~~51 28 vacancy).~~

51 29 Sec. 167. EFFECTIVE DATE. This division of this  
51 30 Act takes effect February 10, 2010.

DIVISION XI

JUDICIAL OFFICER VACANCIES

51 33 Sec. 168. 2009 Iowa Acts, House File 414, section  
51 34 54, is amended to read as follows:

51 35 SEC. 54. JUDICIAL APPOINTMENT == DELAY.

51 36 1. Notwithstanding section 46.12, the chief  
51 37 justice may order the state commissioner of elections  
51 38 to delay, for up to one hundred eighty days for  
51 39 budgetary reasons, the sending of a notification to  
51 40 the proper judicial nominating commission that a  
51 41 vacancy in the supreme court, court of appeals, or  
51 42 district court has occurred or will occur.

51 43 2. Notwithstanding sections 602.6304, 602.7103B,  
51 44 and 633.20B, the chief justice may order any county  
51 45 magistrate appointing commission to delay, for up to  
51 46 one hundred eighty days for budgetary reasons, the  
51 47 certification of nominees to the chief judge of the  
51 48 judicial district for a district associate judgeship,  
51 49 associate juvenile judgeship, or associate probate  
51 50 judgeship.

52 1 3. Notwithstanding section 602.6403, subsection 3,  
52 2 the chief justice may order any county magistrate  
52 3 appointing commission to delay, for up to one hundred  
52 4 eighty days for budgetary reasons, the appointment of  
52 5 a magistrate to serve the remainder of an unexpired  
52 6 term.

52 7 4. ~~The section Subsection 3, relating to~~  
52 8 ~~magistrate vacancies, is applicable for the period~~  
52 9 ~~beginning on the effective date of this section and~~  
52 10 ~~ending June 30, 2009. Subsections 1 and 2 are~~  
52 11 ~~applicable for the period beginning on the effective~~  
52 12 ~~date of this section and ending on June 30, 2010.~~

52 13 Sec. 169. EFFECTIVE AND RETROACTIVE APPLICABILITY  
52 14 DATES. The section of this division of this Act  
52 15 amending 2009 Iowa Acts, House File 414, section 54,  
52 16 being deemed of immediate importance, takes effect  
52 17 upon enactment and is retroactively applicable to  
52 18 March 16, 2009.

DIVISION XII

CARE OF ANIMALS IN COMMERCIAL  
ESTABLISHMENTS == APPROPRIATION

52 22 Sec. 170. DEPARTMENT OF AGRICULTURE AND LAND  
52 23 STEWARDSHIP. There is appropriated from the general  
52 24 fund of the state to the department of agriculture and  
52 25 land stewardship for the fiscal year beginning July 1,  
52 26 2009, and ending June 30, 2010, the following amount,  
52 27 or so much thereof as is necessary, to be used for the  
52 28 purposes designated:

52 29 For purposes of an inspector for the enforcement of  
52 30 chapter 162, including salaries, support, maintenance,  
52 31 miscellaneous purposes and for not more than the  
52 32 following full-time equivalent position:

52 33 ..... \$ 100,000  
52 34 ..... FTEs 1.00

52 35 Sec. 171. Section 162.2, Code 2009, is amended by



52 36 adding the following new subsection:

52 37 NEW SUBSECTION. 8A. "Department" means the  
52 38 department of agriculture and land stewardship.  
52 39 Sec. 172. Section 162.6, Code 2009, is amended to  
52 40 read as follows:  
52 41 162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.  
52 42 A person shall not operate a commercial kennel or  
52 43 public auction unless the person has obtained a  
52 44 license to operate a commercial kennel or a public  
52 45 auction issued by the secretary or unless the person  
52 46 has obtained a certificate of registration issued by  
52 47 the secretary if the kennel is federally licensed.  
52 48 Application for the license or the certificate shall  
52 49 be made in the manner provided by the secretary. The  
52 50 license and the certificate expire one year from date  
53 1 of issue unless revoked. The license fee is forty  
53 2 dollars per year and the certification fee is ~~twenty~~  
53 3 one hundred dollars annually. If the person has  
53 4 obtained a federal license, the person need only  
53 5 obtain a certificate. The license may be renewed upon  
53 6 application and payment of the prescribed fee in the  
53 7 manner provided by the secretary if the licensee has  
53 8 conformed to all statutory and regulatory  
53 9 requirements. The certificate may be renewed upon  
53 10 application and payment of the prescribed fee in the  
53 11 manner provided by the secretary. A person regulated  
53 12 under section 99D.22 is exempt from paying the  
53 13 certification fee.

53 14 Sec. 173. Section 162.7, Code 2009, is amended to  
53 15 read as follows:  
53 16 162.7 DEALER LICENSE.  
53 17 A person shall not operate as a dealer unless the  
53 18 person has obtained a license issued by the secretary  
53 19 or unless the person has obtained a certificate of  
53 20 registration issued by the secretary if the kennel is  
53 21 federally licensed. Application for the license or  
53 22 the certificate shall be made in the manner provided  
53 23 by the secretary. The license and certificate expire  
53 24 one year from date of issue unless revoked. The  
53 25 license fee is one hundred dollars per year and the  
53 26 certification fee is ~~twenty~~ one hundred dollars per  
53 27 year. The license may be renewed upon application and  
53 28 payment of the fee in the manner provided by the  
53 29 secretary if the licensee has conformed to all  
53 30 statutory and regulatory requirements. The  
53 31 certificate may be renewed upon application and  
53 32 payment of the fee in the manner provided by the  
53 33 secretary. A person regulated under section 99D.22 is  
53 34 exempt from paying the certification fee.

53 35 Sec. 174. Section 162.8, Code 2009, is amended to  
53 36 read as follows:  
53 37 162.8 COMMERCIAL BREEDER'S LICENSE.  
53 38 A person shall not operate as a commercial breeder  
53 39 unless the person has obtained a license issued by the  
53 40 secretary or unless the person has obtained a  
53 41 certificate of registration issued by the secretary if  
53 42 the kennel is federally licensed. Application for the  
53 43 license or the certificate shall be made in the manner  
53 44 provided by the secretary. The annual license or the  
53 45 certification period expires one year from date of  
53 46 issue. The license fee is forty dollars per year and  
53 47 the certificate fee is ~~twenty~~ one hundred dollars per  
53 48 year. The license may be renewed upon application and  
53 49 payment of the prescribed fee in the manner provided  
53 50 by the secretary if the licensee has conformed to all  
54 1 statutory and regulatory requirements. The  
54 2 certificate may be renewed upon application and  
54 3 payment of the prescribed fee in the manner provided  
54 4 by the secretary. A person regulated under section  
54 5 99D.22 is exempt from paying the certification fee.

54 6 Sec. 175. Section 162.11, subsection 2, Code 2009,  
54 7 is amended by striking the subsection and inserting in  
54 8 lieu thereof the following:

54 9 2. The department shall regulate a person who  
54 10 applies for or has been issued a certificate of  
54 11 registration as a dealer, commercial breeder,  
54 12 commercial kennel, or public auction.

54 13 DIVISION XIII  
54 14 DISASTER ASSISTANCE

54 15 Sec. 176. 2009 Iowa Acts, House File 64, section  
54 16 1, subsection 2, paragraph b, is amended to read as

54 17 follows:

54 18 b. Forgivable loans awarded after the effective  
54 19 date of this division of this Act shall be awarded  
54 20 pursuant to the following priorities:

54 21 (1) First priority shall be given to eligible  
54 22 residents who have not received any moneys under the  
54 23 jumpstart housing assistance program ~~prior to the~~  
~~54 24 effective date of this division of this Act.~~

54 25 (2) Second priority shall be given to eligible  
54 26 residents who have received less than twenty-four  
54 27 thousand nine hundred ninety-nine dollars under the  
54 28 jumpstart housing assistance program ~~prior to the~~  
~~54 29 effective date of this division of this Act.~~

54 30 (3) Third priority shall be given to eligible  
54 31 residents who have received twenty-four thousand nine  
54 32 hundred ninety-nine dollars under the jumpstart  
54 33 housing assistance program ~~prior to the effective date~~  
~~54 34 of this division of this Act~~ and who continue to have  
54 35 unmet needs for down payment assistance, emergency  
54 36 housing repair or rehabilitation, interim mortgage  
54 37 assistance, or energy efficiency assistance. An  
54 38 eligible resident shall not receive more than an  
54 39 additional twenty-four thousand nine hundred  
54 40 ninety-nine dollars under this subparagraph.

54 41 Sec. 177. 2009 Iowa Acts, House File 64, section  
54 42 4, subsection 1, is amended to read as follows:

54 43 1. There is appropriated from the Iowa economic  
54 44 emergency fund created in section 8.55 to the  
54 45 department of human services for the fiscal year  
54 46 beginning July 1, 2008, and ending June 30, 2009, the  
54 47 following amount, or so much thereof as is necessary,  
54 48 to be used for the purposes designated:

54 49 For providing individual disaster grants for unmet  
54 50 needs pursuant to the requirements in this section:

55 1 ..... \$ ~~10,000,000~~  
55 2 6,600,000

55 3 Sec. 178. 2009 Iowa Acts, House File 64, section  
55 4 4, subsection 6, is amended to read as follows:

55 5 6. An area long-term disaster committee shall be  
55 6 reimbursed for ~~administrative expenses incurred in an~~  
~~55 7 amount not to exceed three percent of the grant moneys~~  
~~55 8 awarded for the area pursuant to an intergovernmental~~  
~~55 9 agreement to be established between the department of~~  
~~55 10 human services and the agency of record responsible~~  
~~55 11 for the long-term disaster committee in each area~~  
55 12 unreimbursed grants made to persons for eligible  
55 13 expenses authorized in subsection 5, not to exceed two  
55 14 thousand five hundred dollars per household, made by a  
55 15 committee since September 1, 2008. The department of

55 16 human services shall not be reimbursed for using  
55 17 moneys appropriated in this section for administrative  
55 18 costs associated with administering the Iowa unmet  
55 19 needs disaster grant program.

55 20 Sec. 179. HOMELAND SECURITY AND EMERGENCY  
55 21 MANAGEMENT DIVISION == APPROPRIATION.

55 22 1. There is appropriated from the Iowa economic  
55 23 emergency fund created in section 8.55 to the  
55 24 department of public defense for the homeland security  
55 25 and emergency management division for the fiscal year  
55 26 beginning July 1, 2008, and ending June 30, 2009, the  
55 27 following amount, or so much thereof as is necessary,  
55 28 to be used for the purposes designated:

55 29 For distribution to political subdivisions and  
55 30 private nonprofit organizations pursuant to this  
55 31 section:

55 32 ..... \$ 2,400,000

55 33 2. The homeland security and emergency management  
55 34 division of the department of public defense shall  
55 35 distribute moneys appropriated under subsection 1 to  
55 36 political subdivisions and private nonprofit  
55 37 organizations based on donated resources amounts  
55 38 reported by the recipient to the division and the  
55 39 federal emergency management agency under the public  
55 40 assistance disaster relief program. The division  
55 41 shall make distributions equal in amount to forty  
55 42 percent of the donated resources amounts reported.

55 43 3. Notwithstanding section 8.33 and section 8.55,  
55 44 subsection 3, paragraph "a", moneys appropriated in  
55 45 this section that remain unencumbered or unobligated  
55 46 at the close of the fiscal year shall not revert but  
55 47 shall remain available for expenditure for the

55 48 purposes designated until the close of the succeeding  
55 49 fiscal year.

55 50 Sec. 180. REBUILD IOWA OFFICE == APPROPRIATION.

56 1 1. There is appropriated from the Iowa economic  
56 2 emergency fund created in section 8.55 to the rebuild  
56 3 Iowa office for the fiscal year beginning July 1,  
56 4 2008, and ending June 30, 2009, the following amount,  
56 5 or so much thereof as is necessary, to be used for the  
56 6 purposes designated:

56 7 For distribution to community recovery centers  
56 8 pursuant to this section:

56 9 ..... \$ 1,000,000

56 10 2. The rebuild Iowa office shall distribute the  
56 11 moneys appropriated under this section in the form of  
56 12 grants to area long-term recovery committees with a  
56 13 signed memorandum of understanding with the department  
56 14 of human services.

56 15 3. Notwithstanding section 8.33 and section 8.55,  
56 16 subsection 3, paragraph "a", moneys appropriated in  
56 17 this section that remain unencumbered or unobligated  
56 18 at the close of the fiscal year shall not revert but  
56 19 shall remain available for expenditure for the  
56 20 purposes designated until the close of the succeeding  
56 21 fiscal year.

56 22 Sec. 181. EFFECTIVE DATE. This division of this  
56 23 Act, being deemed of immediate importance, takes  
56 24 effect upon enactment.

56 25 DIVISION XIV  
56 26 HEALTH AND HUMAN SERVICES

56 27 Sec. 182. MEDICAID ENTERPRISE STUDY. By July 1,  
56 28 2009, the department of human services shall explore  
56 29 procuring services incorporating data mining,  
56 30 predictive modeling, and data analytics which may  
56 31 include automated claims review to address provider  
56 32 overpayments, underpayments, and fraud within the Iowa  
56 33 Medicaid enterprise for the fiscal period beginning  
56 34 July 1, 2006, and ending June 30, 2009. The review  
56 35 shall be completed by June 30, 2009, and shall use  
56 36 only Iowa specific models, patterns, or trend data.  
56 37 The department shall issue a request for proposals to  
56 38 competitively procure such services not later than  
56 39 July 1, 2009, and shall complete the request for  
56 40 proposals process by August 31, 2009.

56 41 Sec. 183. Section 135H.3, Code 2009, is amended by  
56 42 adding the following new unnumbered paragraph:

56 43 NEW UNNUMBERED PARAGRAPH. If a child is diagnosed  
56 44 with a biologically based mental illness as defined in  
56 45 section 514C.22 and meets the medical assistance  
56 46 program criteria for admission to a psychiatric  
56 47 medical institution for children, the child shall be  
56 48 deemed to meet the acuity criteria for inpatient  
56 49 benefits under a group policy, contract, or plan  
56 50 providing for third-party payment or prepayment of  
57 1 health, medical, and surgical coverage benefits issued  
57 2 by a carrier, as defined in section 513B.2, or by an  
57 3 organized delivery system authorized under 1993 Iowa  
57 4 Acts, chapter 158, that is subject to section 514C.22.  
57 5 Such benefits shall not be excluded or denied as care  
57 6 that is substantially custodial in nature under  
57 7 section 514C.22, subsection 8, paragraph "b".

57 8 Sec. 184. NEW SECTION. 514C.24 CANCER TREATMENT  
57 9 == COVERAGE.

57 10 1. Notwithstanding the uniformity of treatment  
57 11 requirements of section 514C.6, a contract, policy, or  
57 12 plan providing for third-party payment or prepayment  
57 13 for cancer treatment shall not discriminate between  
57 14 coverage benefits for prescribed, orally-administered  
57 15 anticancer medication used to kill or slow the growth  
57 16 of cancerous cells and intravenously administered or  
57 17 injected cancer medications that are covered,  
57 18 regardless of formulation or benefit category  
57 19 determination by the contract, policy, or plan.

57 20 2. The provisions of this section shall apply to  
57 21 all of the following classes of third-party payment  
57 22 provider contracts, policies, or plans delivered,  
57 23 issued for delivery, continued, or renewed in this  
57 24 state on or after July 1, 2009:

57 25 a. Individual or group accident and sickness  
57 26 insurance providing coverage on an expense-incurred  
57 27 basis.

57 28 b. An individual or group hospital or medical

57 29 service contract issued pursuant to chapter 509, 514,  
57 30 or 514A.  
57 31 c. An individual or group health maintenance  
57 32 organization contract regulated under chapter 514B.  
57 33 d. An individual or group Medicare supplemental  
57 34 policy, unless coverage pursuant to such policy is  
57 35 preempted by federal law.  
57 36 e. A plan established pursuant to chapter 509A for  
57 37 public employees.  
57 38 3. This section shall not apply to accident=only,  
57 39 specified disease, short=term hospital or medical,  
57 40 hospital confinement indemnity, credit, dental,  
57 41 vision, long=term care, basic hospital, and  
57 42 medical=surgical expense coverage as defined by the  
57 43 commissioner, disability income insurance coverage,  
57 44 coverage issued as a supplement to liability  
57 45 insurance, workers' compensation or similar insurance,  
57 46 or automobile medical payment insurance.  
57 47 4. The commissioner of insurance shall adopt rules  
57 48 pursuant to chapter 17A as necessary to administer  
57 49 this section.

57 50 Sec. 185. 2008 Iowa Acts, chapter 1187, section  
58 1 29, is amended by adding the following new unnumbered  
58 2 paragraph:  
58 3 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
58 4 8.33, moneys appropriated in this section that remain  
58 5 unencumbered or unobligated at the close of the fiscal  
58 6 year shall not revert but shall remain available for  
58 7 expenditure for the purpose designated until the close  
58 8 of the fiscal year beginning July 1, 2010.

58 9 Sec. 186. 2009 Iowa Acts, House File 811, section  
58 10 40, subsection 2, if enacted, is amended to read as  
58 11 follows:

58 12 2. The study committee shall consist of members of  
58 13 the general assembly, and representatives of the  
58 14 department of public health, the Iowa pharmacy  
58 15 association, the Iowa medical society, the Iowa nurses  
58 16 association, ~~wellmark blue cross blue shield, the~~  
~~58 17 principal financial group, the federation of Iowa~~  
~~58 18 insurers,~~ the university of Iowa college of public  
58 19 health, the Iowa retail federation, the prevention and  
58 20 chronic care management advisory council established  
58 21 in section 135.161, the medical home system advisory  
58 22 council established in section 135.159, the Iowa  
58 23 healthcare collaborative, as defined in section  
58 24 135.40, the health policy corporation of Iowa, and the  
58 25 Iowa foundation for medical care.

58 26 Sec. 187. EFFECTIVE DATE.  
58 27 1. The section of this division of this Act  
58 28 relating to a Medicaid enterprise study, being deemed  
58 29 of immediate importance, takes effect upon enactment.  
58 30 2. The section of this division of this Act  
58 31 amending 2008 Iowa Acts, chapter 1187, section 29,  
58 32 being deemed of immediate importance, takes effect  
58 33 upon enactment.

#### DIVISION XV

58 35 ECONOMIC DEVELOPMENT == WORKFORCE DEVELOPMENT

58 36 Sec. 188. DISASTER ASSISTANCE LOAN AND CREDIT  
58 37 GUARANTEE PROGRAM.

58 38 1. The department of economic development shall  
58 39 establish and administer a disaster assistance loan  
58 40 and credit guarantee program by investing the assets  
58 41 of the disaster assistance loan and credit guarantee  
58 42 fund in order to provide loan and credit guarantees to  
58 43 all of the following qualifying businesses:

58 44 a. Businesses directly impacted by a natural  
58 45 disaster occurring after May 24, 2008, and before  
58 46 August 14, 2008.

58 47 b. Businesses either locating an existing business  
58 48 or starting a new business in a disaster=impacted  
58 49 space in an area which was declared a natural disaster  
58 50 area by the president of the United States due to a  
59 1 natural disaster occurring after May 24, 2008, and  
59 2 before August 14, 2008. For purposes of this  
59 3 paragraph, "disaster=impacted space" means a building  
59 4 damaged by a natural disaster occurring after May 24,  
59 5 2008, and before August 14, 2008, including undamaged  
59 6 upper floors of a building that was damaged by the  
59 7 natural disaster.

59 8 c. Businesses filling a critical community need in  
59 9 conformance with the comprehensive plan of the city as

59 10 determined by resolution of the city council of the  
59 11 city in which the business is located. For purposes  
59 12 of this paragraph, a business shall be deemed to be  
59 13 located in a city if it is located within two miles of  
59 14 the city limits.

59 15 2. a. The department, pursuant to agreements with  
59 16 financial institutions, shall provide loan and credit  
59 17 guarantees to qualifying businesses described in  
59 18 subsection 1. A loan or credit guarantee under the  
59 19 program shall not exceed ten percent of the loan  
59 20 amount or twenty-five thousand dollars, whichever is  
59 21 less. Not more than one loan or credit guarantee  
59 22 shall be awarded per federal employer identification  
59 23 number.

59 24 b. A loan or credit guarantee provided under the  
59 25 program may stand alone or may be used in conjunction  
59 26 with or to enhance other loan or credit guarantees  
59 27 offered by a financial institution. The department  
59 28 may purchase insurance to cover defaulted loans  
59 29 meeting the requirements of the program. However, the  
59 30 department shall not in any manner directly or  
59 31 indirectly pledge the credit of the state.

59 32 c. Eligible project costs include expenditures for  
59 33 productive equipment and machinery, land and real  
59 34 estate, working capital for operations, research and  
59 35 development, marketing, engineering and architectural  
59 36 fees, and such other costs as the department may so  
59 37 designate.

59 38 d. A loan or credit guarantee under the program  
59 39 shall not be used for purposes of debt refinancing.

59 40 3. Each participating financial institution shall  
59 41 identify and underwrite potential lending  
59 42 opportunities with qualifying businesses. Upon a  
59 43 determination by a participating financial institution  
59 44 that a qualifying business meets the underwriting  
59 45 standards of the financial institution, subject to the  
59 46 approval of a loan or credit guarantee, the financial  
59 47 institution shall submit the underwriting information  
59 48 and a loan or credit guarantee application to the  
59 49 department.

59 50 4. Upon approval of a loan or credit guarantee,  
60 1 the department shall enter into a loan or credit  
60 2 guarantee agreement with the participating financial  
60 3 institution. The agreement shall specify all of the  
60 4 following:

60 5 a. The fee to be charged to the financial  
60 6 institution.

60 7 b. The evidence of debt assurance of, and security  
60 8 for, the loan or credit guarantee.

60 9 c. A loan or credit guarantee that does not exceed  
60 10 fifteen years.

60 11 d. Any other terms and conditions considered  
60 12 necessary or desirable by the department.

60 13 e. That the loan or credit guarantee does not  
60 14 invoke or pledge the credit or the taxing power of the  
60 15 state and that any claim made pursuant to the loan or  
60 16 credit guarantee shall be limited to the terms and  
60 17 amount of the loan or credit guarantee and to the  
60 18 moneys in the disaster assistance loan and credit  
60 19 guarantee fund.

60 20 5. The department shall charge a nonrefundable  
60 21 application fee for each application under the  
60 22 program. The department shall include the fee  
60 23 information in the application materials. The fee is  
60 24 payable upon submission of an application for a loan  
60 25 or credit guarantee from a financial institution or a  
60 26 qualifying business. The application fee shall be not  
60 27 less than five hundred dollars and not more than one  
60 28 thousand dollars. Moneys received from fees are  
60 29 appropriated to the department for purposes of  
60 30 administering this section.

60 31 6. The department may adopt loan and credit  
60 32 guarantee application procedures that allow a  
60 33 qualifying business to apply directly to the  
60 34 department for a preliminary guarantee commitment. A  
60 35 preliminary guarantee commitment may be issued by the  
60 36 department subject to the qualifying business securing  
60 37 a commitment for financing from a financial  
60 38 institution. The application procedures shall specify  
60 39 the process by which a financial institution may  
60 40 obtain a final loan or credit guarantee.

60 41 7. a. A disaster assistance loan and credit  
60 42 guarantee fund is created and established as a  
60 43 separate and distinct fund in the state treasury.  
60 44 Moneys in the fund shall only be used for purposes  
60 45 provided in this section. The moneys in the fund are  
60 46 appropriated to the department to be used for all of  
60 47 the following purposes:  
60 48 (1) Payment of claims pursuant to loan and credit  
60 49 guarantee agreements entered into under this section.  
60 50 (2) Payment of administrative costs of the  
61 1 department for actual and necessary administrative  
61 2 expenses incurred by the department in administering  
61 3 the disaster assistance loan and credit guarantee  
61 4 program.  
61 5 (3) Purchase or buyout of superior or prior liens,  
61 6 mortgages, or security interests.  
61 7 (4) Purchase of insurance to cover the default of  
61 8 loans made pursuant to the requirements of the  
61 9 disaster assistance loan and credit guarantee program.  
61 10 b. Moneys in the disaster assistance loan and  
61 11 credit guarantee fund shall consist of all of the  
61 12 following:  
61 13 (1) Moneys appropriated by the general assembly  
61 14 for that purpose and any other moneys available to and  
61 15 obtained or accepted by the department for placement  
61 16 in the fund.  
61 17 (2) Proceeds from collateral assigned to the  
61 18 department, fees for guarantees, gifts, and moneys  
61 19 from any grant made to the fund by any federal agency.  
61 20 c. Moneys in the fund are not subject to section  
61 21 8.33. Notwithstanding section 12C.7, interest or  
61 22 earnings on the moneys in the fund shall be credited  
61 23 to the fund.  
61 24 d. (1) The department shall only pledge moneys in  
61 25 the disaster assistance loan and credit guarantee fund  
61 26 and not any other moneys under the control of the  
61 27 department. In a fiscal year, the department may  
61 28 pledge an amount not to exceed the total amount  
61 29 appropriated to the fund for the same fiscal year to  
61 30 assure the repayment of loan and credit guarantees or  
61 31 other extensions of credit made to or on behalf of  
61 32 qualified businesses for eligible project costs.  
61 33 (2) The department shall not pledge the credit or  
61 34 taxing power of this state or any political  
61 35 subdivision of this state or make debts payable out of  
61 36 any moneys except for those in the disaster assistance  
61 37 loan and credit guarantee fund.  
61 38 8. For purposes of this section, "financial  
61 39 institution" means a bank incorporated pursuant to  
61 40 chapter 524 or a credit union organized pursuant to  
61 41 chapter 533.  
61 42 9. For the fiscal year beginning July 1, 2008, and  
61 43 ending June 30, 2009, the Iowa power fund board may  
61 44 allocate up to \$1.8 million for purposes of the  
61 45 disaster assistance loan and credit guarantee fund.  
61 46 Sec. 189. JOB TRAINING INTERIM STUDY COMMITTEE.  
61 47 1. The legislative council shall establish a job  
61 48 training interim study committee to examine job  
61 49 training issues during the 2009 legislative interim  
61 50 period.  
62 1 2. The study committee shall examine and make  
62 2 recommendations concerning job training needs in Iowa.  
62 3 The study committee shall focus on job training  
62 4 mechanisms that provide services to underserved  
62 5 populations in Iowa. Underserved populations include  
62 6 people making less than twenty thousand dollars per  
62 7 year, minorities, women, persons with disabilities,  
62 8 the elderly, and people convicted of felonies trying  
62 9 to re-enter society after release from prison.  
62 10 3. The legislative council shall consider  
62 11 providing funding for the hiring of a private  
62 12 consultant to identify duplicative programs that  
62 13 contribute to the fragmentation of job training  
62 14 efforts. The study committee shall make  
62 15 recommendations for the removal of any such  
62 16 duplicative programs.  
62 17 4. The committee shall submit a report to the  
62 18 general assembly.  
62 19 Sec. 190. Section 15.421, subsection 2, Code 2009,  
62 20 is amended by the following new paragraph:  
62 21 NEW PARAGRAPH. c. The directors of the department

62 22 of economic development and the department of  
62 23 workforce development, or their designees, shall serve  
62 24 as nonvoting, ex officio members.

62 25 Sec. 191. Section 15.421, subsection 4, Code 2009,  
62 26 is amended by striking the subsection and inserting in  
62 27 lieu thereof the following:

62 28 4. a. The chairperson and vice chairperson of the  
62 29 commission shall be selected by the governor and shall  
62 30 serve at the pleasure of the governor.

62 31 b. An executive council of the commission shall  
62 32 consist of the chairperson and vice chairperson, and  
62 33 three members elected by the commission on an annual  
62 34 basis. The executive council shall meet on a monthly  
62 35 basis.

62 36 Sec. 192. Section 15.421, subsection 5, paragraphs  
62 37 b and c, Code 2009, are amended to read as follows:

62 38 b. Advise and assist ~~the department~~ state agencies  
62 39 in activities designed to retain and attract the young  
62 40 adult population.

62 41 c. Develop and make available best practices  
62 42 guidelines for employers to retain and attract ~~and~~  
62 43 ~~retain~~ young adult employees.

62 44 Sec. 193. Section 15.421, subsection 5, Code 2009,  
62 45 is amended by adding the following new paragraph:

62 46 NEW PARAGRAPH. d. Conduct meetings on at least a  
62 47 bimonthly basis.

62 48 Sec. 194. NEW SECTION. 15E.70 FINANCIAL  
62 49 STATEMENTS == AUDITOR OF STATE.

62 50 By July 1 of each year, the Iowa fund of funds, the  
63 1 Iowa capital investment corporation, and designated  
63 2 investors shall submit a financial statement for the  
63 3 previous calendar year to the auditor of state.

63 4 Sec. 195. 2008 Iowa Acts, chapter 1178, section  
63 5 18, is amended by adding the following new subsection:

63 6 NEW SUBSECTION. 7. Notwithstanding section 8.33,  
63 7 moneys appropriated in this section that remain  
63 8 unencumbered or unobligated at the close of the fiscal  
63 9 year shall not revert but shall remain available for  
63 10 expenditure for the purposes designated until the  
63 11 close of the succeeding fiscal year.

63 12 Sec. 196. 2009 Iowa Acts, Senate File 469, section  
63 13 15, subsection 2, unnumbered paragraph 2, if enacted,  
63 14 is amended to read as follows:

63 15 The division of workers' compensation shall  
63 16 ~~continue charging~~ charge a ~~\$65~~ \$100 filing fee for  
63 17 workers' compensation cases. The filing fee shall be  
63 18 paid by the petitioner of a claim. However, the fee  
63 19 can be taxed as a cost and paid by the losing party,  
63 20 except in cases where it would impose an undue  
63 21 hardship or be unjust under the circumstances. The  
63 22 moneys generated by the filing fee allowed under this  
63 23 subsection are appropriated to the department of  
63 24 workforce development to be used for purposes of  
63 25 administering the division of workers' compensation.

63 26 Sec. 197. EFFECTIVE DATE.

63 27 1. The section of this division of this Act  
63 28 amending 2008 Iowa Acts, chapter 1178, section 18,  
63 29 being deemed of immediate importance, takes effect  
63 30 upon enactment.

63 31 2. The section of this division of this Act  
63 32 creating the disaster assistance loan and credit  
63 33 guarantee program, being deemed of immediate  
63 34 importance, takes effect upon enactment.

63 35 DIVISION XVI  
63 36 CONTRACTOR REGISTRATION

63 37 Sec. 198. Section 91C.4, Code 2009, is amended to  
63 38 read as follows:

63 39 91C.4 FEES

63 40 The labor commissioner shall prescribe the fee for  
63 41 registration, which fee shall not exceed ~~twenty-five~~  
63 42 fifty dollars every ~~two years~~ year. ~~All fees~~  
63 43 ~~collected shall be deposited in the general fund of~~  
63 44 ~~the state.~~

63 45 Sec. 199. Section 91C.7, subsection 2, paragraph  
63 46 b, Code 2009, is amended to read as follows:

63 47 b. An out-of-state contractor may file a blanket  
63 48 bond in an amount at least equal to fifty thousand  
63 49 dollars for ~~the registration~~ a two-year period  
63 50 ~~established under section 91C.4~~ in lieu of filing an  
64 1 individual bond for each contract. The division of  
64 2 labor services of the department of workforce

64 3 development may increase the bond amount after a  
64 4 hearing.  
64 5 Sec. 200. NEW SECTION. 91C.9 REGISTRATION FUND.  
64 6 1. A contractor registration revolving fund is  
64 7 created in the state treasury. The revolving fund  
64 8 shall be administered by the commissioner and shall  
64 9 consist of moneys collected by the commissioner as  
64 10 fees. The commissioner shall remit all fees collected  
64 11 pursuant to this chapter to the revolving fund. The  
64 12 moneys in the revolving fund are appropriated to and  
64 13 shall be used by the commissioner to pay the actual  
64 14 costs and expenses necessary to perform the duties of  
64 15 the commissioner and the division of labor as  
64 16 described in this chapter. All salaries and expenses  
64 17 properly chargeable to the revolving fund shall be  
64 18 paid from the revolving fund.

64 19 2. Section 8.33 does not apply to any moneys in  
64 20 the revolving fund. Notwithstanding section 12C.7,  
64 21 subsection 2, earnings or interest on moneys deposited  
64 22 in the fund shall be credited to the revolving fund.

64 23 Sec. 201. EMERGENCY RULES. The commissioner may  
64 24 adopt emergency rules under section 17A.4, subsection  
64 25 3, and section 17A.5, subsection 2, paragraph "b", to  
64 26 implement the provisions of this Act amending chapter  
64 27 91C, and the rules shall be effective immediately upon  
64 28 filing unless a later date is specified in the rules.  
64 29 Any rules adopted in accordance with this section  
64 30 shall also be published as a notice of intended action  
64 31 as provided in section 17A.4.

64 32 Sec. 202. REGISTRATION FUND == CASH FLOW.  
64 33 Notwithstanding contrary provisions of section 89.8,  
64 34 and of section 91C.9 as enacted in this Act, for the  
64 35 fiscal year beginning July 1, 2009, and ending June  
64 36 30, 2010, the commissioner may allocate, for cash flow  
64 37 purposes, up to one hundred thousand dollars from  
64 38 moneys in the boiler and pressure vessel safety  
64 39 revolving fund created in section 89.8, to the  
64 40 contractor registration revolving fund created in  
64 41 section 91C.9 as enacted in this Act, provided that  
64 42 such moneys are returned to the boiler and pressure  
64 43 vessel safety revolving fund by June 30, 2010.

#### 64 44 DIVISION XVII

64 45 CHILD CARE REGULATORY FEE  
64 46 Sec. 203. NEW SECTION. 237A.4A CHILD CARE  
64 47 REGULATORY FEE == CHILD CARE FACILITY FUND.

64 48 1. a. The department shall implement a regulatory  
64 49 fee for licensure of child care facilities. The fee  
64 50 requirements shall provide for tiered amounts based  
65 1 upon a child care facility's capacity and a child  
65 2 development home's regulatory category at the time of  
65 3 licensure.

65 4 b. The regulatory fee for centers shall not exceed  
65 5 one hundred fifty dollars.

65 6 c. The regulatory fee for category "A" and "B"  
65 7 child development homes shall not exceed one hundred  
65 8 fifty dollars and the fee for category "C" child  
65 9 development homes shall not exceed one hundred  
65 10 eighty-seven dollars.

65 11 d. The department shall adopt rules for  
65 12 implementation of the fee.

65 13 2. Regulatory fees collected shall augment  
65 14 existing funding for regulation of child care  
65 15 facilities in order to phase in annual inspections of  
65 16 child development homes and improve inspections of  
65 17 child care centers. The department shall not supplant  
65 18 existing funding for regulation of child care with  
65 19 funding derived from the regulatory fee. The  
65 20 department shall seek to meet the following target  
65 21 percentages of the total number of child development  
65 22 homes in the state inspected annually in phasing in  
65 23 the annual inspection of all child development homes:

65 24 a. For the fiscal year beginning July 1, 2009,  
65 25 twenty percent.

65 26 b. For the fiscal year beginning July 1, 2010,  
65 27 forty percent.

65 28 c. For the fiscal year beginning July 1, 2011,  
65 29 sixty percent.

65 30 d. For the fiscal year beginning July 1, 2012,  
65 31 eighty percent.

65 32 e. For the fiscal year beginning July 1, 2013, and  
65 33 succeeding fiscal years, one hundred percent.



65 34 3. a. In phasing in the inspection of child  
65 35 development homes, the department shall give priority  
65 36 to child development homes that have recently become  
65 37 licensed and have paid the regulatory fee implemented  
65 38 pursuant to this section.

65 39 b. The results of an inspection of a child care  
65 40 facility shall be made publicly available on the  
65 41 internet page or site implemented by the department in  
65 42 accordance with section 237A.25 and through other  
65 43 means.

65 44 4. The target time frame for the department's  
65 45 issuance of the report concerning an inspection or  
65 46 other regulatory visit to a child care facility is  
65 47 sixty calendar days.

65 48 5. A child care facility fund is created in the  
65 49 state treasury under the authority of the department.  
65 50 The fund is separate from the general fund of the  
66 1 state. Regulatory fees collected under subsection 1  
66 2 shall be credited to the fund. Moneys credited to the  
66 3 fund shall not revert to any other fund and are not  
66 4 subject to transfer except as specifically provided by  
66 5 law. Notwithstanding section 12C.7, subsection 2,  
66 6 interest or earnings on moneys deposited in the fund  
66 7 shall be credited to the fund. Moneys in the fund are  
66 8 annually appropriated to the department to be used for  
66 9 staffing dedicated to monitoring and regulation of  
66 10 child care facilities, contracting, related technology  
66 11 costs, record checks, grants and fee waivers, and  
66 12 other expenses for inspection and regulation of child  
66 13 care facilities. Any full-time equivalent positions  
66 14 paid for out of the fund shall be in addition to other  
66 15 such positions authorized for the department.

66 16 Sec. 204. Section 237A.5, subsection 2, paragraphs  
66 17 b and c, Code 2009, are amended to read as follows:

66 18 b. If an individual person subject to a record  
66 19 check is being considered for employment by a child  
66 20 care facility or child care home provider, in lieu of  
66 21 requesting a record check in this state to be  
66 22 conducted by the department under paragraph "c", the  
66 23 child care facility or child care home may access the  
66 24 single contact repository established pursuant to  
66 25 section 135C.33 as necessary to conduct a criminal and  
66 26 child abuse record check of the individual in this  
66 27 state. A copy of the results of the record check  
66 28 conducted through the single contact repository shall  
66 29 also be provided to the department. If the record  
66 30 check indicates the individual is a person subject to  
66 31 an evaluation, the child care facility or child care  
66 32 home may request that the department perform an  
66 33 evaluation as provided in this subsection. Otherwise,  
66 34 the individual shall not be employed by the child care  
66 35 facility or child care home.

66 36 c. Unless a record check has already been  
66 37 conducted in accordance with paragraph "b", the  
66 38 department shall conduct a criminal and child abuse  
66 39 record check in this state for a person who is subject  
66 40 to a record check and may conduct such a check in  
66 41 other states. In addition, the department may conduct  
66 42 a dependent adult abuse, sex offender registry, or  
66 43 other public or civil offense record check in this  
66 44 state or in other states for a person who is subject  
66 45 to a record check.

66 46 cc. (1) For a person subject to a record check,  
66 47 in addition to any other record check conducted  
66 48 pursuant to this subsection, the person's fingerprints  
66 49 shall be provided to the department of public safety  
66 50 for submission through the state criminal history  
67 1 repository to the United States department of justice,  
67 2 federal bureau of investigation for a national  
67 3 criminal history check. The national criminal history  
67 4 check shall be repeated every four years.

67 5 (2) Except as otherwise provided by law, the cost  
67 6 of a national criminal history check conducted in  
67 7 accordance with subparagraph (1) and the state record  
67 8 checks conducted in accordance with paragraph "c" that  
67 9 are conducted in connection with a person's  
67 10 involvement with a child care center are not the  
67 11 responsibility of the department. The department is  
67 12 responsible for the cost of such checks conducted in  
67 13 connection with a person's involvement with a child  
67 14 development home or child care home.

67 15 (3) If record checks under paragraph "b" or "c"  
67 16 have been conducted on a person subject to a record  
67 17 check and the results do not warrant prohibition of  
67 18 the person's involvement with child care or otherwise  
67 19 present protective concerns, the person may be  
67 20 involved with child care on a provisional basis until  
67 21 the record check under subparagraph (1) has been  
67 22 completed.

67 23 (4) For the period beginning July 1, 2009, and  
67 24 ending June 30, 2013:

67 25 (a) The requirement in subparagraph (1) shall only  
67 26 apply to owners and employees of licensed child care  
67 27 centers and licensed child development homes and is  
67 28 applicable beginning on and after January 1, 2010, at  
67 29 the time of initial application for or renewal of a  
67 30 center's or home's license and the cost provisions of  
67 31 subparagraph (2) are applicable to owners and  
67 32 employees of centers beginning at the same time.

67 33 (b) Except for child development home providers  
67 34 who voluntarily license and are addressed by  
67 35 subparagraph division (a), and child development home  
67 36 providers participating in the child care quality  
67 37 rating system at a level under which national records  
67 38 checks are required in accordance with departmental  
67 39 rule, the national record check requirement in  
67 40 subparagraph (1) is not applicable in connection with  
67 41 a child development home or child care home throughout  
67 42 the period.

67 43 (c) This subparagraph (4) is repealed on July 1,  
67 44 2013.

67 45 ccc. (1) If a record check performed pursuant to  
67 46 this paragraph subsection identifies an individual as  
67 47 a person subject to an evaluation, an evaluation shall  
67 48 be performed to determine whether prohibition of the  
67 49 person's involvement with child care is warranted.

67 50 The evaluation shall be performed in accordance with  
68 1 procedures adopted for this purpose by the department.

68 2 (2) Prior to performing an evaluation, the  
68 3 department shall notify the affected person, licensee,  
68 4 registrant, or child care home applying for or  
68 5 receiving public funding for providing child care,  
68 6 that an evaluation will be conducted to determine  
68 7 whether prohibition of the person's involvement with  
68 8 child care is warranted.

68 9 Sec. 205. IMPLEMENTATION.

68 10 1. The department of human services shall adopt  
68 11 administrative rules to begin implementation of the  
68 12 regulatory fee authorized to be imposed by this  
68 13 division of this Act on or after January 1, 2010.

68 14 2. It is the intent of the general assembly to  
68 15 enact required licensure of child development homes  
68 16 commencing on July 1, 2013, and for the licensure  
68 17 requirement to provide exemptions for child care  
68 18 provided by a relative to only related children, a  
68 19 person providing before or after school child care  
68 20 without charge to only children of friends or  
68 21 neighbors, or a person providing child care to only  
68 22 children from a single unrelated family. Beginning on  
68 23 the effective date of this division of this Act, the  
68 24 department of human services shall begin transition  
68 25 activities for such implementation of child  
68 26 development home licensure. The transition activities  
68 27 may include all of the following:

68 28 a. Implementation of an ongoing public awareness  
68 29 campaign to inform child care providers and consumers  
68 30 of child care services of the intended licensure  
68 31 requirement.

68 32 b. Implementation of a voluntary child development  
68 33 home licensing program on or after July 1, 2010. The  
68 34 department shall adopt rules for the voluntary  
68 35 program. The rules may include but are not limited to  
68 36 provisions to limit the number of voluntary licensure  
68 37 applications accepted as necessary to limit related  
68 38 expenditures within the funding available. The rules  
68 39 shall address all qualification levels of providers  
68 40 who apply for licensure under the voluntary program.  
68 41 However, a prelicensure inspection shall not be  
68 42 required for initial licensure of a child development  
68 43 home provider who meets all of the following  
68 44 requirements:

68 45 (1) The provider's registration is in good

68 46 standing at the time of application for a license.  
68 47 (2) The provider has a rating of 3, 4, or 5 under  
68 48 the child care quality rating system implemented  
68 49 pursuant to section 237A.30 as of the application  
68 50 date. The provider must either maintain or achieve a  
69 1 higher rating, throughout the period of voluntary  
69 2 licensure.

69 3 (3) The provider has passed a registration  
69 4 compliance check by the department or achieved a  
69 5 rating specified in subparagraph (2) within the  
69 6 two-year period preceding the application date.

69 7 c. Any cost savings realized by the department  
69 8 during the transition period due to licensed child  
69 9 care centers or their employees assuming  
69 10 responsibility for the cost of required record checks  
69 11 in place of the department shall be transferred to the  
69 12 child care facility fund created by this division of  
69 13 this Act.

69 14 d. The department, in collaboration with  
69 15 representatives of the community empowerment  
69 16 initiative, the state child care advisory council, the  
69 17 early childhood Iowa council, child care providers  
69 18 active with the Iowa affiliate of the American  
69 19 federation of state, county, and municipal employees,  
69 20 and others involved with early care, shall develop a  
69 21 plan for creating sustainable funding sources to  
69 22 support home-based child care providers in meeting the  
69 23 intended child development home licensing requirement.  
69 24 The plan shall be submitted to the governor and  
69 25 general assembly on or before December 15, 2010.

#### 69 26 DIVISION XVIII

#### 69 27 AUTOMOBILE RACETRACK FACILITIES

69 28 Sec. 206. Section 423.4, subsection 5, paragraph  
69 29 a, subparagraphs (2), (3), and (4), Code 2009, are  
69 30 amended to read as follows:

69 31 (2) "Change of control" means any of the  
69 32 following:

69 33 (a) Any change in the ownership of the original or  
69 34 any subsequent legal entity that is the owner or  
69 35 operator of the automobile racetrack facility such  
69 36 that ~~at least sixty~~ less than twenty-five percent of  
69 37 the equity interests in the legal entity ~~cease to be~~  
69 38 is owned by individuals who are residents of Iowa, an  
69 39 Iowa corporation, or combination of both.

69 40 (b) The original owners of the legal entity that  
69 41 is the owner or operator of the automobile racetrack  
69 42 facility shall collectively cease to own ~~more than~~  
69 43 ~~fifty at least twenty-five~~ percent of the voting  
69 44 equity interests of such legal entity ~~or shall~~  
69 45 ~~otherwise cease to have effective control of such~~  
69 46 ~~legal entity.~~

69 47 (3) "Iowa corporation" means a corporation  
69 48 incorporated under the laws of Iowa where at least  
69 49 ~~sixty~~ twenty-five percent of the corporation's equity  
69 50 interests are owned by individuals who are residents  
70 1 of Iowa.

70 2 (4) "Owner or operator" means a for-profit legal  
70 3 entity where at least ~~sixty~~ twenty-five percent of its  
70 4 equity interests are owned by individuals who are  
70 5 residents of Iowa, an Iowa corporation, or combination  
70 6 of both and that is the owner or operator of an  
70 7 automobile racetrack facility and is primarily a  
70 8 promoter of motor vehicle races.

70 9 Sec. 207. Section 423.4, subsection 5, paragraph  
70 10 c, subparagraph (4), Code 2009, is amended to read as  
70 11 follows:

70 12 (4) Notwithstanding subparagraph (3), the rebate  
70 13 of sales tax shall cease for transactions occurring on  
70 14 or after the date of the ~~sale or other transfer,~~  
70 15 ~~whether voluntarily or involuntarily, of the~~  
70 16 ~~automobile racetrack facility to a party other than~~  
70 17 ~~the original owner of the facility or upon a change of~~  
70 18 control of such the automobile racetrack facility.

#### 70 19 DIVISION XIX

#### 70 20 HUNTING

70 21 Sec. 208. Section 481A.21, Code 2009, is amended  
70 22 to read as follows:

70 23 481A.21 BIRDS AS TARGETS.

70 24 A person shall not keep or use any live pigeon or  
70 25 other bird as a target, to be shot at for amusement or  
70 26 as a test of skill in marksmanship, or shoot at a bird

70 27 kept or used for such purpose, or be a party to such  
 70 28 shooting, or lease any building, room, field, or  
 70 29 premises, or knowingly permit the use thereof, for the  
 70 30 purpose of such shooting. This section does not  
 70 31 prevent any person from shooting at live pigeons,  
 70 32 sparrows, and starlings when used in the training of  
 70 33 hunting dogs. This section does not prevent any  
 70 34 person from shooting at a bird that is released a  
 70 35 minimum of fifty yards from that person on a licensed  
 70 36 hunting preserve.

70 37 Sec. 209. Section 483A.1, subsection 1, paragraphs  
 70 38 b and d, Code 2009, are amended to read as follows:

70 39 b. Fishing license, lifetime, ~~sixty-five~~  
 70 40 ~~sixty-seven~~ years or older ..... \$ 50.50  
 70 41 d. Hunting license, lifetime, ~~sixty-five~~  
 70 42 ~~sixty-seven~~ years or older ..... \$ 50.50

70 43 Sec. 210. Section 483A.1, subsection 2, Code 2009,  
 70 44 is amended to read as follows:

70 45 2. Nonresidents:  
 70 46 a. Fishing license, annual ..... \$ ~~39.00~~  
 70 47 49.50  
 70 48 b. Fishing license, seven-day ..... \$ ~~30.00~~  
 70 49 35.50  
 70 50 c. Hunting license, eighteen years of  
 71 1 age or older ..... \$ ~~80.00~~  
 71 2 110.00  
 71 3 d. Hunting license, under eighteen  
 71 4 years of age ..... \$ 30.00  
 71 5 e. Deer hunting license, antlered or  
 71 6 any sex deer ..... \$ ~~220.00~~  
 71 7 295.00  
 71 8 f. Deer hunting license, antlerless  
 71 9 deer only, required with the purchase of  
 71 10 an antlered or any sex deer hunting license ..... \$ ~~100.00~~  
 71 11 125.00  
 71 12 g. Deer hunting license, antlerless  
 71 13 deer only ..... \$ ~~150.00~~  
 71 14 225.00  
 71 15 h. Holiday deer hunting license issued  
 71 16 under section 483A.8, subsection 6,  
 71 17 antlerless deer only ..... \$ 75.00

71 18 ~~h. i.~~ Wild turkey hunting license ..... \$ ~~100.00~~  
 71 19 125.00  
 71 20 ~~i. j.~~ Fur harvester license ..... \$ ~~200.00~~  
 71 21 275.00  
 71 22 ~~j. k.~~ Fur dealer license ..... \$ 501.00  
 71 23 ~~k. l.~~ Location permit for fur dealers ..... \$ 56.00  
 71 24 ~~l. m.~~ Aquaculture unit license ..... \$ 56.00  
 71 25 ~~m. n.~~ Retail bait dealer license or the  
 71 26 amount for the same type of license in the  
 71 27 nonresident's state, whichever is greater ..... \$ 125.00  
 71 28 ~~n. o.~~ Trout fishing fee ..... \$ ~~13.00~~  
 71 29 17.50  
 71 30 ~~o. p.~~ Game breeder license ..... \$ 26.00  
 71 31 ~~p. q.~~ Taxidermy license ..... \$ 26.00  
 71 32 ~~q. r.~~ Falconry license ..... \$ 26.00  
 71 33 ~~r. s.~~ Wildlife habitat fee ..... \$ 11.00  
 71 34 ~~s. t.~~ Migratory game bird fee ..... \$ ~~8.00~~  
 71 35 11.50  
 71 36 ~~t. u.~~ Fishing license, three-day ..... \$ ~~15.50~~  
 71 37 21.00  
 71 38 ~~u. v.~~ Wholesale bait dealer license  
 71 39 or the amount for the same type of license  
 71 40 in the nonresident's state, whichever  
 71 41 is greater ..... \$ 250.00  
 71 42 ~~v. w.~~ Fishing license, one-day ..... \$ ~~8.50~~  
 71 43 10.00

71 44 Sec. 211. Section 483A.8, subsection 6, Code 2009,  
 71 45 is amended to read as follows:

71 46 6. The commission shall provide by rule for the  
 71 47 annual issuance to a nonresident of a nonresident  
 71 48 antlerless deer hunting license that is valid for use  
 71 49 only during the period beginning on December 24 and  
 71 50 ending at sunset on January 2 of the following year,  
 72 1 and costs ~~fifty~~ seventy-five dollars. A nonresident  
 72 2 hunting deer with a license issued under this  
 72 3 subsection shall be otherwise qualified to hunt deer  
 72 4 in this state and shall have a nonresident hunting  
 72 5 license, pay the wildlife habitat fee, and pay the one  
 72 6 dollar fee for the purpose of deer herd population  
 72 7 management as provided in subsection 3. Pursuant to

72 8 this subsection, the commission shall make available  
72 9 for issuance only the remaining nonresident antlerless  
72 10 deer hunting licenses allocated under subsection 3  
72 11 that have not yet been issued for the current year's  
72 12 nonresident antlerless deer hunting seasons.  
72 13 Sec. 212. EFFECTIVE DATE. This division of this  
72 14 Act, being deemed of immediate importance, takes  
72 15 effect upon enactment.

72 16 DIVISION XX

72 17 NONPROFIT YOUTH ATHLETIC GROUPS

72 18 Sec. 213. Section 423.3, subsection 78, Code 2009,  
72 19 is amended to read as follows:

72 20 78. a. The sales price from sales or rental of  
72 21 tangible personal property, or services rendered by  
72 22 any entity where the profits from the sales or rental  
72 23 of the tangible personal property, or services  
72 24 rendered, are used by or donated to a nonprofit entity  
72 25 ~~which that~~ is exempt from federal income taxation  
72 26 pursuant to section 501(c)(3) of the Internal Revenue  
72 27 Code, a government entity, or a nonprofit private  
72 28 educational institution, and where the entire proceeds  
72 29 from the sales, rental, or services are expended for  
72 30 any of the following purposes:

72 31 ~~a.~~ (1) Educational.

72 32 ~~b.~~ (2) Religious.

72 33 ~~c.~~ (3) Charitable. A charitable act is an act  
72 34 done out of goodwill, benevolence, and a desire to add  
72 35 to or to improve the good of humankind in general or  
72 36 any class or portion of humankind, with no pecuniary  
72 37 profit inuring to the person performing the service or  
72 38 giving the gift.

72 39 b. For purposes of this exemption, an organization  
72 40 that meets the requirements of paragraph "a" and which  
72 41 is created for the sole or primary purpose of  
72 42 providing athletic activities to youth shall be  
72 43 considered created for an educational purpose.

72 44 c. This exemption does not apply to the sales  
72 45 price from games of skill, games of chance, raffles,  
72 46 and bingo games as defined in chapter 99B. This  
72 47 exemption is disallowed on the amount of the sales  
72 48 price only to the extent the profits from the sales,  
72 49 rental, or services are not used by or donated to the  
72 50 appropriate entity and expended for educational,  
73 1 religious, or charitable purposes.

73 2 Sec. 214. REFUNDS. Refunds of taxes, interest, or  
73 3 penalties which arise from claims resulting from the  
73 4 provisions of this division of this Act enacting  
73 5 section 423.3, subsection 78, new paragraph "b", for  
73 6 the sales price from sales or rental of tangible  
73 7 personal property, or services occurring between July  
73 8 1, 1998, and the effective date of section 423.3,  
73 9 subsection 78, new paragraph "b", shall be limited to  
73 10 fifty thousand dollars in the aggregate and shall not  
73 11 be allowed unless refund claims are filed prior to  
73 12 October 1, 2009, notwithstanding any other provision  
73 13 of law. If the amount of claims totals more than  
73 14 fifty thousand dollars in the aggregate, the  
73 15 department of revenue shall prorate the fifty thousand  
73 16 dollars among all claimants in relation to the amounts  
73 17 of the claimants' valid claims.

73 18 Sec. 215. EFFECTIVE AND RETROACTIVE APPLICABILITY  
73 19 DATES. The section of this division of this Act  
73 20 amending section 423.3, subsection 78, being deemed of  
73 21 immediate importance, takes effect upon enactment and  
73 22 applies retroactively to July 1, 1998.

73 23 DIVISION XXI

73 24 MAGISTRATES

73 25 Sec. 216. Section 602.6401, subsection 4, Code  
73 26 2009, is amended to read as follows:

73 27 4. By March of each year in which magistrates'  
73 28 terms expire, the state court administrator shall give  
73 29 notice to the clerks of the district court and to the  
73 30 chief judges of the judicial districts of the number  
73 31 of magistrates to which each county is entitled. If  
73 32 the state court administrator does not give the notice  
73 33 as required in this subsection by March of each year  
73 34 in which magistrates' terms expire, the existing  
73 35 magistrate apportionment in effect shall remain in  
73 36 effect through the succeeding magistrates' terms, and  
73 37 any apportionment performed pursuant to subsection 2  
73 38 is void until such succeeding terms expire.

73 39 Sec. 217. EFFECTIVE DATE == RETROACTIVE  
73 40 APPLICABILITY. This division of this Act, being  
73 41 deemed of immediate importance, takes effect upon  
73 42 enactment and applies retroactively to January 1,  
73 43 2009, to void any apportionment for which notice was  
73 44 not given by March of 2009.

73 45 DIVISION XXII

73 46 CITY FRANCHISE FEES AND CITY UTILITIES  
73 47 Sec. 218. Section 364.2, subsection 4, paragraph  
73 48 f, Code 2009, is amended to read as follows:

73 49 f. A franchise fee assessed by a city may be based  
73 50 upon a percentage of gross revenues generated from  
74 1 sales of the franchisee within the city not to exceed  
74 2 five percent, without regard to the city's cost of  
74 3 inspecting, supervising, and otherwise regulating the  
74 4 franchise. Franchise fees collected pursuant to an  
74 5 ordinance in effect on the effective date of this  
74 6 division of this Act shall be deposited in the city's  
74 7 general fund and such fees collected in excess of the  
74 8 amounts necessary to inspect, supervise, and otherwise  
74 9 regulate the franchise may be used by the city for any  
74 10 other purpose authorized by law. Franchise fees  
74 11 collected pursuant to an ordinance that is adopted or  
74 12 amended on or after the effective date of this  
74 13 division of this Act to increase the percentage rate  
74 14 at which franchise fees are assessed shall be credited  
74 15 to the franchise fee account within the city's general  
74 16 fund and used pursuant to section 384.3A. If a city  
74 17 franchise fee is assessed to customers of a franchise,  
74 18 the fee shall not be assessed to the city as a  
74 19 customer. Before a city adopts or amends a franchise  
74 20 fee rate ordinance or franchise ordinance to increase  
74 21 the percentage rate at which franchise fees are  
74 22 assessed, a revenue purpose statement shall be  
74 23 prepared specifying the purpose or purposes for which  
74 24 the revenue collected from the increased rate will be  
74 25 expended. If property tax relief is listed as a  
74 26 purpose, the revenue purpose statement shall also  
74 27 include information regarding the amount of the  
74 28 property tax relief to be provided with revenue  
74 29 collected from the increased rate. The revenue  
74 30 purpose statement shall be published as provided in  
74 31 section 362.3.

74 32 Sec. 219. Section 364.3, Code 2009, is amended by  
74 33 adding the following new subsection:  
74 34 NEW SUBSECTION. 10. A city which operates a  
74 35 utility that furnishes gas or electricity shall manage  
74 36 the right-of-way on a competitively neutral and  
74 37 nondiscriminatory basis. Such city utility shall be  
74 38 required to pay the fees and charges computed in the  
74 39 same manner as those fees and charges which are  
74 40 imposed by the city upon any other provider of a  
74 41 similar service within the corporate boundaries of the  
74 42 city. Such city utility shall also comply with the  
74 43 terms of the franchise granted by the city to the  
74 44 provider of a similar service. This subsection shall  
74 45 not be construed to prohibit the city utility from  
74 46 making transfers of surplus as otherwise allowed or  
74 47 from making in-kind contributions as otherwise  
74 48 allowed. However, a city shall not require that  
74 49 transfers from the city utility be in excess of the  
74 50 franchise fee amount imposed upon the provider of a  
75 1 similar service unless otherwise agreed.

75 2 Sec. 220. NEW SECTION. 384.3A FRANCHISE FEE  
75 3 ACCOUNT == USE OF FRANCHISE FEE REVENUES.  
75 4 1. A city that assesses a franchise fee pursuant  
75 5 to an ordinance that is adopted or amended on or after  
75 6 the effective date of this division of this Act to  
75 7 increase the percentage rate at which franchise fees  
75 8 are assessed under section 364.2, subsection 4,  
75 9 paragraph "f", shall establish a franchise fee account  
75 10 within the city's general fund. All revenues  
75 11 collected by a city pursuant to such an ordinance  
75 12 shall be deposited in the account. Interest earned on  
75 13 revenues deposited in the account shall remain in the  
75 14 account and be used for the purposes specified in this  
75 15 section. Moneys in the account are not subject to  
75 16 transfer to any other accounts in the city's general  
75 17 fund or to any other funds established by a city  
75 18 unless such transfer is for a purpose specified in  
75 19 this section.

75 20 2. Moneys in the account shall be used for the  
75 21 purposes of inspecting, supervising, and otherwise  
75 22 regulating each franchise approved by the city.  
75 23 3. Moneys in the account in excess of the amount  
75 24 necessary for the purposes specified in subsection 2  
75 25 shall be expended for any of the following:  
75 26 a. Property tax relief.  
75 27 b. The repair, remediation, restoration, cleanup,  
75 28 replacement, and improvement of existing public  
75 29 improvements and other publicly owned property,  
75 30 buildings, and facilities.  
75 31 c. Projects designed to prevent or mitigate future  
75 32 disasters as defined in section 29C.2.  
75 33 d. Energy conservation measures for low-income  
75 34 homeowners, low-income energy assistance programs, and  
75 35 weatherization programs.  
75 36 e. Public safety, including the equipping of fire,  
75 37 police, emergency services, sanitation, street, and  
75 38 civil defense departments.  
75 39 f. The establishment, construction,  
75 40 reconstruction, repair, equipping, remodeling, and  
75 41 extension of public works, public utilities, and  
75 42 public transportation systems.  
75 43 g. The construction, reconstruction, or repair of  
75 44 streets, highways, bridges, sidewalks, pedestrian  
75 45 underpasses and overpasses, street lighting fixtures,  
75 46 and public grounds, and the acquisition of real estate  
75 47 needed for such purposes.  
75 48 h. Property tax abatements, building permit fee  
75 49 abatements, and abatement of other fees for property  
75 50 damaged by a disaster as defined in section 29C.2.  
76 1 i. Economic development activities and projects.  
76 2 Sec. 221. CERTAIN FRANCHISE FEES DECLARED LEGAL.  
76 3 To the extent that any amount of franchise fees  
76 4 assessed by and paid to a city prior to the effective  
76 5 date of this division of this Act, pursuant to a  
76 6 franchise agreement between a city and any person to  
76 7 erect, maintain, and operate plants and systems for  
76 8 electric light and power, heating, telegraph, district  
76 9 telegraph and alarm, motor bus, trolley bus, street  
76 10 railway or other public transit, waterworks, or  
76 11 gasworks, exceeds the city's reasonable costs of  
76 12 inspecting, supervising, and otherwise regulating the  
76 13 franchise, such amount is deemed and declared to be  
76 14 authorized and legally assessed by and paid to the  
76 15 city.  
76 16 Sec. 222. EFFECTIVE DATE. This division of this  
76 17 Act, being deemed of immediate importance, takes  
76 18 effect upon enactment.>  
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