

# Senate Amendment 3328

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1 1 Amend Senate File 478 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 21.2, subsection 1, paragraph i,  
11 45 if enacted by 2009 Iowa Acts, Senate File 437, is  
11 46 amended to read as follows:

11 47 i. The governing body of a drainage or ~~levy~~ levee  
11 48 district as provided in chapter 468, including a board  
11 49 as defined in section 468.3, regardless of how the  
11 50 district is organized.

12 1 Sec. 29. Section 22.1, subsection 1, as amended by  
12 2 2009 Iowa Acts, Senate File 437, if enacted, is  
12 3 amended to read as follows:

12 4 1. The term "government body" means this state, or  
12 5 any county, city, township, school corporation,  
12 6 political subdivision, tax-supported district,  
12 7 nonprofit corporation other than a fair conducting a  
12 8 fair event as provided in chapter 174, whose  
12 9 facilities or indebtedness are supported in whole or  
12 10 in part with property tax revenue and which is

12 11 licensed to conduct pari-mutuel wagering pursuant to  
12 12 chapter 99D; the governing body of a drainage or ~~levy~~  
12 13 levee district as provided in chapter 468, including a  
12 14 board as defined in section 468.3, regardless of how  
12 15 the district is organized; or other entity of this  
12 16 state, or any branch, department, board, bureau,  
12 17 commission, council, committee, official, or officer  
12 18 of any of the foregoing or any employee delegated the  
12 19 responsibility for implementing the requirements of  
12 20 this chapter.

12 21 Sec. 30. Section 80D.3, subsection 3, paragraph b,  
12 22 if enacted by 2009 Iowa Acts, House File 762, section  
12 23 1, is amended to read as follows:

12 24 b. A person appointed to serve as a reserve peace  
12 25 officer who has met the one-hundred-fifty-hour  
12 26 training requirement ~~obtained~~ obtained by obtaining training at  
12 27 a community college or other facility selected by the  
12 28 individual and approved by the law enforcement agency  
12 29 prior to July 1, 2007, shall be exempted from  
12 30 completing the minimum training course at the  
12 31 discretion of the appointing authority and shall  
12 32 continue to hold certification with the appointing  
12 33 authority.

12 34 Sec. 31. Section 89.3, subsection 5, paragraph a,  
12 35 subparagraph (4), if enacted by 2009 Iowa Acts, House  
12 36 File 720, section 2, is amended to read as follows:

12 37 (4) The owner or user is a participant in good  
12 38 standing in the Iowa occupational safety and health  
12 39 voluntary protection program and ~~have~~ has achieved  
12 40 star status within the program, which is administered  
12 41 by the division of labor in the department of  
12 42 workforce development.

12 43 Sec. 32. Section 216A.132A, subsection 5,  
12 44 paragraph i, as enacted by 2009 Iowa Acts, House File  
12 45 315, section 1, is amended to read as follows:

12 46 i. Iowa cooperative extension service in  
12 47 agriculture and home economics.

12 48 Sec. 33. Section 321A.1, subsection 3, Code 2009,  
12 49 is amended to read as follows:

12 50 3. JUDGMENT. A judgment which has become final by  
13 1 expiration without appeal during the time within which  
13 2 an appeal might have been perfected, or a judgment if  
13 3 an appeal from the judgment has been perfected, which  
13 4 has not been stayed by the execution, filing and  
13 5 approval of a bond as provided in rule of appellate  
13 6 procedure ~~6-7(1)~~ 6.601(1), or a judgment which has  
13 7 become final by affirmation on appeal, rendered by a  
13 8 court of competent jurisdiction of a state or of the  
13 9 United States, upon a cause of action arising out of  
13 10 the ownership, maintenance, or use of a motor vehicle,  
13 11 as defined in this section, for damages, including  
13 12 damages for care and loss of services, because of  
13 13 bodily injury to or death of a person, or for damages  
13 14 because of injury to or destruction of property,  
13 15 including the loss of use of property, or upon a cause  
13 16 of action on an agreement of settlement for such  
13 17 damages.

13 18 Sec. 34. Section 321A.3, subsection 8, paragraph  
13 19 a, subparagraph (1), if enacted by 2009 Iowa Acts,  
13 20 Senate File 374, section 1, is amended to read as  
13 21 follows:

13 22 (1) A person who purchases a certified abstract of  
13 23 an operating record directly from the department under  
13 24 this section shall only use, sell, disclose, or  
13 25 distribute the abstract or any portion of the abstract  
13 26 one time, for one purpose, and the person shall not  
13 27 supply that abstract or any portion of that abstract  
13 28 to more than one other person. The person shall make  
13 29 a subsequent request for the ~~record or~~ abstract and  
13 30 pay an additional fee for the request in the same  
13 31 manner as provided for the initial request for any  
13 32 subsequent use, sale, disclosure, or distribution of  
13 33 the same certified abstract or any portion of the  
13 34 abstract or to supply the same certified abstract or  
13 35 any portion of the abstract to another person, except  
13 36 as provided in subparagraph (2).

13 37 Sec. 35. Section 347.7, subsection 4, paragraph a,  
13 38 if enacted by 2009 Iowa Acts, House File 260, section  
13 39 5, is amended to read as follows:

13 40 a. The tax levy authorized by this section for  
13 41 operation and maintenance of the hospital may be

13 42 available in whole or in part to any county with or  
13 43 without a county hospital organized under this  
13 44 chapter, to be used to enhance rural health services  
13 45 in the county. However, the tax levied may be  
13 46 expended for enhancement of rural health care services  
13 47 only following a local planning process. The Iowa  
13 48 department of public health shall establish guidelines  
13 49 to be followed by counties in implementing the local  
13 50 planning process which shall require legal notice,  
14 1 public hearings, and a referendum in accordance with  
14 2 this subsection prior to the authorization of any new  
14 3 levy or a change in the use of a levy. The notice  
14 4 shall describe the new levy or the change in the use  
14 5 of the levy, indicate the date and location of the  
14 6 hearing, and shall be published ~~as~~ at least once each  
14 7 week for two consecutive weeks in a newspaper having  
14 8 general circulation in the county. The hearing shall  
14 9 not take place prior to two weeks after the second  
14 10 publication.

14 11 Sec. 36. Section 423.4, subsection 5, paragraph f,  
14 12 Code 2009, as amended by 2009 Iowa Acts, Senate File  
14 13 322, section 7, is amended to read as follows:

14 14 f. Notwithstanding the state sales tax imposed in  
14 15 section 423.2, a rebate issued pursuant to this  
14 16 ~~section subsection~~ shall not exceed an amount equal to  
14 17 five percent of the sales price of the tangible  
14 18 personal property or services furnished to purchasers  
14 19 at the automobile racetrack facility. Any local  
14 20 option taxes paid and collected shall not be subject  
14 21 to rebate under this subsection.

14 22 Sec. 37. Section 533.329, subsection 2, paragraph  
14 23 m, Code 2009, is amended to read as follows:

14 24 m. The moneys and credits tax imposed under this  
14 25 section shall be reduced by a redevelopment tax credit  
14 26 allowed under chapter 15, subchapter II, part 9.

14 27 Sec. 38. Section 533A.2, subsection 2, paragraph  
14 28 h, if enacted by 2009 Iowa Acts, Senate File 311,  
14 29 section 2, is amended to read as follows:

14 30 h. A person licensed under chapter 533C, including  
14 31 that person's authorized delegates as defined in  
14 32 section 533C.102, or a person exempt from licensing  
14 33 under section 533C.103, when engaging in money  
14 34 transmission or currency exchange as defined in  
14 35 ~~chapter section~~ 533C.102.

14 36 Sec. 39. Section 535D.4A, subsection 1, if enacted  
14 37 by 2009 Iowa Acts, Senate File 355, section 5, is  
14 38 amended to read as follows:

14 39 1. A registered mortgage loan originator when  
14 40 acting for an employer described in section 535D.3,  
14 41 subsection ~~11~~ 12.

14 42 Sec. 40. Section 535B.7A, as enacted by 2009 Iowa  
14 43 Acts, Senate File 355, section 30, is amended to read  
14 44 as follows:

14 45 535B.7A PROHIBITED ACTS.

14 46 It is a violation of this chapter for a licensee to  
14 47 engage in any of the prohibited acts or practices in  
14 48 section ~~535D.16~~ 535D.17.

14 49 Sec. 41. Section 598.21, subsection 2, Code 2009,  
14 50 as amended by 2009 Iowa Acts, Senate File 288, section  
15 1 36, is amended to read as follows:

15 2 2. DUTIES OF COUNTY RECORDER. The county recorder  
15 3 shall record each quitclaim deed or change of title  
15 4 and shall collect the ~~fees~~ fee specified in section  
15 5 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees  
15 6 specified in section 331.604.

15 7 Sec. 42. Section 633A.5107, subsection 5, if  
15 8 enacted by 2009 Iowa Acts, Senate File 320, section 1,  
15 9 is amended to read as follows:

15 10 5. For a charitable trust described in subsection  
15 11 1, created prior to the effective date of this Act and  
15 12 still in existence, the trustee shall register the  
15 13 trust with and submit a current copy of the trust  
15 14 instrument and financial report to the attorney  
15 15 general not later than one hundred thirty-five days  
15 16 after the close of the trust's next fiscal year  
15 17 following the effective date of this Act. The trustee  
15 18 shall comply with the remainder of this ~~Act~~ section as  
15 19 if the charitable trust were created on or after the  
15 20 effective date of this Act.

15 21 Sec. 43. Section 637.421, subsection 6, as enacted  
15 22 by 2009 Iowa Acts, Senate File 365, section 12, is

15 23 amended to read as follows:

15 24 6. A trustee shall determine the internal income  
15 25 of each separate fund for the accounting period as if  
15 26 the separate fund were a trust subject to this  
15 27 chapter. Upon request of the surviving spouse, the  
15 28 trustee shall demand that the person administering the  
15 29 separate fund ~~to~~ distribute such internal income to  
15 30 the trust. The trustee shall allocate a payment from  
15 31 the separate fund to income to the extent of the  
15 32 internal income of the separate fund and distribute  
15 33 that amount to the surviving spouse. The trustee  
15 34 shall allocate the balance to principal. Upon request  
15 35 of the surviving spouse, the trustee shall allocate  
15 36 principal to income to the extent the internal income  
15 37 of the separate fund exceeds payments made from the  
15 38 separate fund to the trust during the accounting  
15 39 period.

15 40 Sec. 44. Section 915.86, subsections 8 and 12,  
15 41 Code 2009, are amended to read as follows:

15 42 8. In the event of a victim's death, reasonable  
15 43 charges incurred for counseling the victim's spouse,  
15 44 children, parents, siblings, or persons cohabiting  
15 45 with or related by blood or affinity to the victim if  
15 46 the counseling services are provided by a psychologist  
15 47 licensed under chapter 154B, a victim counselor as  
15 48 defined in section 915.20A, subsection 1, or an  
15 49 individual holding at least a master's degree in  
15 50 social work or counseling and guidance, and reasonable  
16 1 charges incurred by such persons for medical care  
16 2 counseling provided by a psychiatrist licensed under  
16 3 chapter ~~147 or 150A~~ 148. The allowable charges under  
16 4 this subsection shall not exceed five thousand dollars  
16 5 per person.

16 6 12. Reasonable charges incurred for mental health  
16 7 care for secondary victims which include the services  
16 8 provided by a psychologist licensed under chapter  
16 9 154B, a person holding at least a master's degree in  
16 10 social work, counseling, or a related field, a victim  
16 11 counselor as defined in section 915.20A, or a  
16 12 psychiatrist licensed under chapter ~~147, 148, or 150A~~.  
16 13 The allowable charges under this subsection shall not  
16 14 exceed two thousand dollars per secondary victim.

16 15 Sec. 45. 2009 Iowa Acts, Senate File 197, section  
16 16 9, is amended to read as follows:

16 17 SEC. 9. APPLICABILITY AND EFFECTIVE DATES. The  
16 18 section of this Act amending section 96.3, subsection  
16 19 5, applies to any week of unemployment benefits  
16 20 beginning on or after July 5, 2009. The section of  
16 21 this Act amending section 96.4 applies to any new  
16 22 claim of unemployment benefits with an effective date  
16 23 on or after July 5, 2009.

16 24 Sec. 46. 2009 Iowa Acts, Senate File 364, section  
16 25 17, subsection 5, is amended to read as follows:

16 26 5. The section of this Act enacting section  
16 27 654.4B, subsection 1, and the sections of this Act  
16 28 amending sections 626.81, 654.5, and 654.17 apply to  
16 29 judgments entered on or after the effective date of  
16 30 this Act.

16 31 Sec. 47. 2009 Iowa Acts, Senate File 445, section  
16 32 10, amending section 294A.9, subsection 9, if enacted,  
16 33 being deemed of immediate importance, takes effect  
16 34 upon enactment.

16 35 Sec. 48. 2009 Iowa Acts, Senate File 446, section  
16 36 82, is repealed.

16 37 Sec. 49. CONTINGENT REPEAL. If 2009 Iowa Acts,  
16 38 Senate File 438, is enacted and amends section 235B.2,  
16 39 subsection 5, paragraph "a", subparagraph (3), 2009  
16 40 Iowa Acts, Senate File 446, sections 95 and 96, are  
16 41 repealed.

16 42 Sec. 50. EFFECTIVE DATES AND RETROACTIVITY. The  
16 43 section of this division of this Act relating to 2009  
16 44 Iowa Acts, Senate File 445, section 10, and amending  
16 45 section 294A.9, subsection 9, being deemed of  
16 46 immediate importance, takes effect upon enactment.

#### 16 47 DIVISION V

#### 16 48 JUDICIAL BRANCH FEES == APPROPRIATIONS

16 49 Sec. 51. Section 602.8105, subsection 1, paragraph  
16 50 a, Code 2009, is amended to read as follows:

17 1 a. ~~For~~ Except as otherwise provided in this  
17 2 subsection, for filing and docketing a petition, ~~other~~  
17 3 ~~than a modification of a dissolution decree to which a~~

~~17 4 written stipulation is attached at the time of filing~~  
~~17 5 containing the agreement of the parties to the terms~~  
~~17 6 of modification, one hundred eighty-five dollars. In~~  
17 7 counties having a population of ninety-eight thousand  
17 8 or over, an additional five dollars shall be charged  
17 9 and collected to be known as the journal publication  
17 10 fee and used for the purposes provided for in section  
17 11 618.13. ~~For multiple adoption petitions filed at the~~  
~~17 12 same time by the same petitioner under section 600.3,~~  
~~17 13 the filing fee and any court costs for any petition~~  
~~17 14 filed in addition to the first petition filed are~~  
~~17 15 waived.~~

17 16 Sec. 52. Section 602.8105, subsection 1, Code  
17 17 2009, is amended by adding the following new  
17 18 paragraph:

17 19 NEW PARAGRAPH. aa. For filing and docketing a  
17 20 petition pursuant to chapter 598 other than a  
17 21 dissolution of marriage petition, one hundred dollars.

17 22 Sec. 53. Section 602.8105, subsection 1, paragraph  
17 23 b, Code 2009, is amended to read as follows:

17 24 b. For filing and docketing an application for  
17 25 modification of a dissolution decree to which a  
17 26 written stipulation is attached at the time of filing  
17 27 containing the agreement of the parties to the terms  
17 28 of modification, fifty one hundred dollars.

17 29 Sec. 54. Section 602.8105, subsection 1, Code  
17 30 2009, is amended by adding the following new  
17 31 paragraph:

17 32 NEW PARAGRAPH. cc. For filing and docketing a  
17 33 petition for adoption pursuant to chapter 600, one  
17 34 hundred dollars. For multiple adoption petitions  
17 35 filed at the same time by the same petitioner under  
17 36 section 600.3, the filing fee and any court costs for  
17 37 any petition filed in addition to the first petition  
17 38 filed are waived.

17 39 Sec. 55. Section 602.8105, subsection 1, paragraph  
17 40 e, Code 2009, is amended to read as follows:

17 41 e. For an appeal from a judgment in small claims  
17 42 or for filing and docketing a writ of error,  
17 43 ~~seventy-five~~ one hundred eighty-five dollars.

17 44 Sec. 56. Section 602.8105, subsection 2,  
17 45 paragraphs a, b, c, and d, Code 2009, are amended to  
17 46 read as follows:

17 47 a. For filing, entering, and endorsing a  
17 48 mechanic's lien, twenty fifty dollars, and if a suit  
17 49 is brought, the fee is taxable as other costs in the  
17 50 action.

18 1 b. For filing and entering any other statutory  
18 2 lien, twenty fifty dollars.

18 3 c. For a certificate and seal, ~~ten~~ twenty dollars.  
18 4 However, there shall be no charge for a certificate  
18 5 and seal to an application to procure a pension,  
18 6 bounty, or back pay for a member of the armed services  
18 7 or other person.

18 8 d. For certifying a change in title of real  
18 9 estate, twenty fifty dollars.

18 10 Sec. 57. Section 602.8105, subsection 2, Code  
18 11 2009, is amended by adding the following new  
18 12 paragraph:

18 13 NEW PARAGRAPH. gg. For filing a lis pendens,  
18 14 fifty dollars.

18 15 Sec. 58. Section 602.8106, subsection 1,  
18 16 paragraphs b, d, e, and f, Code 2009, are amended to  
18 17 read as follows:

18 18 b. For filing and docketing of a complaint or  
18 19 information for a simple misdemeanor and a complaint  
18 20 or information for a nonscheduled simple misdemeanor  
18 21 under chapter 321, fifty sixty dollars.

18 22 d. The court costs in scheduled violation cases  
18 23 where a court appearance is required, fifty sixty  
18 24 dollars.

18 25 e. For court costs in scheduled violation cases  
18 26 where a court appearance is not required, fifty sixty  
18 27 dollars.

18 28 f. For an appeal of a simple misdemeanor to the  
18 29 district court, fifty seventy-five dollars.

18 30 Sec. 59. Section 625.8, subsection 2, Code 2009,  
18 31 is amended to read as follows:

18 32 2. The clerk of the district court shall tax as a  
18 33 court cost a fee of ~~fifteen~~ forty dollars per day for  
18 34 the services of a court reporter.

18 35 Sec. 60. Section 631.6, subsection 1, paragraph a,  
18 36 Code 2009, is amended to read as follows:  
18 37 a. Fees for filing and docketing shall be ~~fifty~~  
18 38 ~~eighty=~~five dollars.  
18 39 Sec. 61. Section 633.31, subsection 2, paragraph  
18 40 k, unnumbered paragraph 8, Code 2009, is amended to  
18 41 read as follows:  
18 42 For each additional \$25,000.00 or major  
18 43 fraction thereof ..... ~~25.00~~  
18 44 50.00  
18 45 Sec. 62. Section 911.1, subsection 1, Code 2009,  
18 46 is amended to read as follows:  
18 47 1. A criminal penalty surcharge shall be levied  
18 48 against law violators as provided in this section.  
18 49 When a court imposes a fine or forfeiture for a  
18 50 violation of state law, or a city or county ordinance,  
19 1 except an ordinance regulating the parking of motor  
19 2 vehicles, the court or the clerk of the district court  
19 3 shall assess an additional penalty in the form of a  
19 4 criminal penalty surcharge equal to ~~thirty=two~~  
19 5 ~~thirty=~~five percent of the fine or forfeiture imposed.  
19 6 Sec. 63. 2009 Iowa Acts, Senate File 472, section  
19 7 1, subsection 1, unnumbered paragraph 2, if enacted,  
19 8 is amended to read as follows:  
19 9 For salaries of supreme court justices, appellate  
19 10 court judges, district court judges, district  
19 11 associate judges, judicial magistrates and staff,  
19 12 state court administrator, clerk of the supreme court,  
19 13 district court administrators, clerks of the district  
19 14 court, juvenile court officers, board of law examiners  
19 15 and board of examiners of shorthand reporters and  
19 16 judicial qualifications commission; receipt and  
19 17 disbursement of child support payments; reimbursement  
19 18 of the auditor of state for expenses incurred in  
19 19 completing audits of the offices of the clerks of the  
19 20 district court during the fiscal year beginning July  
19 21 1, 2009; and maintenance, equipment, and miscellaneous  
19 22 purposes:  
19 23 ..... \$~~149,184,957~~  
19 24 160,184,957  
19 25 As a condition of receiving an increase to the  
19 26 appropriation made in this section, the judicial  
19 27 branch shall allocate the first \$5,400,000 of the  
19 28 increased amount as follows: \$4,800,000 for the  
19 29 state's required contribution under section 602.9104  
19 30 to the judicial retirement fund, \$350,000 for court  
19 31 debt collection, and \$250,000 for judicial officer and  
19 32 court employee travel reimbursement for civil trials.  
19 33 Sec. 64. JUDICIAL BRANCH. There is appropriated  
19 34 from the general fund of the state to the judicial  
19 35 branch for the fiscal year beginning July 1, 2008, and  
19 36 ending June 30, 2009, the following amount, or so much  
19 37 thereof as is necessary, to be used for the purposes  
19 38 designated:  
19 39 For the operations and duties of the judicial  
19 40 branch, and maintenance, equipment, and miscellaneous  
19 41 purposes:  
19 42 ..... \$ 760,000  
19 43 Sec. 65. DRUG COURT PROGRAMS. In addition to the  
19 44 appropriations in 2009 Iowa Acts, Senate File 475,  
19 45 section 5, if enacted, and any other appropriations,  
19 46 there is appropriated from the general fund of the  
19 47 state to the department of corrections for the fiscal  
19 48 year beginning July 1, 2009, and ending June 30, 2010,  
19 49 the following amounts, or so much thereof as is  
19 50 necessary, for maintaining drug court programs in each  
20 1 county in which such a program exists as of April 1,  
20 2 2009, within a judicial district department of  
20 3 correctional services, to be allocated as follows:  
20 4 1. For the first judicial district department of  
20 5 correctional services:  
20 6 ..... \$ 359,895  
20 7 2. For the second judicial district department of  
20 8 correctional services:  
20 9 ..... \$ 252,799  
20 10 3. For the third judicial district department of  
20 11 correctional services:  
20 12 ..... \$ 220,856  
20 13 4. For the fourth judicial district department of  
20 14 correctional services:  
20 15 ..... \$ 318,752

20 16 5. For the fifth judicial district department of  
20 17 correctional services:  
20 18 ..... \$ 319,582  
20 19 6. For the sixth judicial district department of  
20 20 correctional services:  
20 21 ..... \$ 369,486  
20 22 7. For the seventh judicial district department of  
20 23 correctional services:  
20 24 ..... \$ 157,173  
20 25 8. For the eighth judicial district department of  
20 26 correctional services:  
20 27 ..... \$ 182,066  
20 28 It is the intent of the general assembly that each  
20 29 judicial district department of correctional services  
20 30 shall cooperate with and utilize local community-based  
20 31 treatment providers licensed under chapter 125. Each  
20 32 judicial district department of correctional services  
20 33 shall submit a report to the general assembly and to  
20 34 the co-chairpersons and ranking members of the joint  
20 35 appropriations subcommittee on the justice system, and  
20 36 the legislative services agency by December 15, 2009,  
20 37 detailing the utilization of drug court funds  
20 38 allocated in this section.  
20 39 Sec. 66. ADDITIONAL APPROPRIATION == DEPARTMENT OF  
20 40 PUBLIC SAFETY. In addition to the appropriations in  
20 41 2009 Iowa Acts, Senate File 475, section 14, if  
20 42 enacted, and any other appropriations, there is  
20 43 appropriated from the general fund of the state to the  
20 44 department of public safety for the fiscal year  
20 45 beginning July 1, 2009, and ending June 30, 2010, the  
20 46 following amount, or so much thereof as is necessary,  
20 47 to be used for the purpose designated:  
20 48 For performing the duties of the department:  
20 49 ..... \$ 1,576,987  
20 50 Sec. 67. VICTIM ASSISTANCE GRANTS. In addition to  
21 1 the appropriation in 2009 Iowa Acts, Senate File 475,  
21 2 section 1, if enacted, and any other appropriations,  
21 3 there is appropriated from the general fund of the  
21 4 state to the department of justice for the fiscal year  
21 5 beginning July 1, 2009, and ending June 30, 2010, the  
21 6 following amount, or so much thereof as is necessary,  
21 7 to be used for the purposes designated:  
21 8 For victim assistance grants:  
21 9 ..... \$ 1,000,000  
21 10 Sec. 68. FAMILY LAW MEDIATION. Each judicial  
21 11 district is encouraged to implement a family law  
21 12 mediation program pursuant to section 598.7, to  
21 13 encourage the resolution of domestic relations  
21 14 disputes through facilitation of communication and  
21 15 negotiation between parties in reaching voluntary  
21 16 agreements, rather than prolonged judicial,  
21 17 administrative, arbitral, or other adjudicative  
21 18 processes or proceedings. Each judicial district  
21 19 shall report to the supreme court by January 15, 2010,  
21 20 its decision regarding such implementation.  
21 21 Sec. 69. EFFECTIVE DATES.  
21 22 1. This division of this Act, being deemed of  
21 23 immediate importance, takes effect upon enactment.  
21 24 2. Notwithstanding subsection 1, the sections of  
21 25 this division of this Act amending 2009 Iowa Acts,  
21 26 Senate File 472, section 1, subsection 1, unnumbered  
21 27 paragraph 2, appropriating moneys to the department of  
21 28 corrections for drug court programs, supplementing  
21 29 appropriations to the department of public safety for  
21 30 duties of the department, and supplementing  
21 31 appropriations to the department of justice for victim  
21 32 assistance grants, take effect July 1, 2009.  
21 33 DIVISION VI  
21 34 TRANSPORTATION PROVISIONS  
21 35 Sec. 70. DEPARTMENT OF TRANSPORTATION.  
21 36 1. There is appropriated from the primary road  
21 37 fund to the department of transportation for the  
21 38 fiscal year beginning July 1, 2008, and ending June  
21 39 30, 2009, the following amount, or so much thereof as  
21 40 is necessary, to be used for the purposes designated:  
21 41 For the purchase of salt:  
21 42 ..... \$ 2,271,600  
21 43 2. Notwithstanding section 8.33, moneys  
21 44 appropriated in this section that remain unencumbered  
21 45 or unobligated at the close of the fiscal year shall  
21 46 not revert but shall remain available for expenditure

21 47 for the designated purpose until the close of the  
21 48 succeeding fiscal year.

21 49 Sec. 71. Section 321H.3, subsection 2, Code 2009,  
21 50 as amended by 2009 Acts, Senate File 419, if enacted,  
22 1 is amended to read as follows:  
22 2 2. Dismantling, scrapping, recycling, ~~or~~  
22 3 salvaging, ~~or obtaining a junking certificate for more~~  
22 4 than six vehicles subject to registration in a  
22 5 twelve-month period.

22 6 Sec. 72. REIMBURSEMENT TO CITY OF MUSCATINE.  
22 7 There is appropriated from the road use tax fund to  
22 8 the department of transportation for the fiscal year  
22 9 beginning July 1, 2009, and ending June 30, 2010, the  
22 10 following amount, or so much thereof as is necessary,  
22 11 to be used for the purposes designated:  
22 12 To reimburse the city of Muscatine for costs  
22 13 associated with implementation of section 314.29:  
22 14 ..... \$ 1,072

22 15 Sec. 73. PAYMENT OF CEDAR FALLS ASSESSMENT. There  
22 16 is appropriated from the road use tax fund to the  
22 17 department of transportation for the fiscal year  
22 18 beginning July 1, 2009, and ending June 30, 2010, the  
22 19 following amount, or so much thereof as is necessary,  
22 20 to be used for the purpose designated:  
22 21 For payment pursuant to section 307.45, to the city  
22 22 of Cedar Falls for improvements to west twenty-third  
22 23 street adjoining university of northern Iowa property:  
22 24 ..... \$ 317,906

22 25 Sec. 74. Section 307.45, unnumbered paragraph 4,  
22 26 Code 2009, is amended by striking the unnumbered  
22 27 paragraph.

22 28 Sec. 75. EFFECTIVE DATE. The section of this  
22 29 division of this Act relating to the appropriation  
22 30 from the primary road fund to the department of  
22 31 transportation for the purchase of salt, being deemed  
22 32 of immediate importance, takes effect upon enactment.

22 33 DIVISION VII  
22 34 MISCELLANEOUS APPROPRIATIONS

22 35 Sec. 76. RACING AND GAMING COMMISSION. There is  
22 36 appropriated from the general fund of the state to the  
22 37 racing and gaming commission for the fiscal year  
22 38 beginning July 1, 2009, and ending June 30, 2010, the  
22 39 following amount, or so much thereof as is necessary,  
22 40 to be used for the purposes designated:  
22 41 1. RACETRACK REGULATION  
22 42 For salaries, support, maintenance, and  
22 43 miscellaneous purposes and for the regulation of  
22 44 pari-mutuel racetracks:  
22 45 ..... \$ 277,374

22 46 2. EXCURSION BOAT AND GAMBLING STRUCTURE  
22 47 REGULATION  
22 48 For salaries, support, maintenance, and  
22 49 miscellaneous purposes and for administration and  
22 50 enforcement of the excursion boat gambling and  
23 1 gambling structure laws:  
23 2 ..... \$ 321,316

23 3 Sec. 77. 2009 Iowa Acts, Senate File 470, section  
23 4 10, subsection 2, paragraph b, if enacted, is amended  
23 5 to read as follows:  
23 6 ~~b. Center for disabilities and development~~  
23 7 ~~For salaries, support, maintenance, miscellaneous~~  
23 8 ~~purposes, and for not more than the following~~  
23 9 ~~full-time equivalent positions:~~  
23 10 ..... ~~\$ 6,335,993~~  
23 11 ..... ~~FTEs 130.37~~

23 12 ~~From the moneys appropriated in this lettered~~  
23 13 ~~paragraph, \$182,140 shall be allocated for purposes of~~  
23 14 ~~the employment policy group.~~

23 15 Sec. 78. 2009 Iowa Acts, House File 811, section  
23 16 9, unnumbered paragraph 2, if enacted, is amended to  
23 17 read as follows:  
23 18 For medical assistance reimbursement and associated  
23 19 costs as specifically provided in the reimbursement  
23 20 methodologies in effect on June 30, 2009, except as  
23 21 otherwise expressly authorized by law, including  
23 22 reimbursement for abortion services which shall be  
23 23 available under the medical assistance program only  
23 24 for those abortions which are medically necessary:  
23 25 ..... ~~\$677,613,847~~  
23 26 681,949,840

23 27 Sec. 79. 2009 Iowa Acts, House File 811, section

23 28 9, subsection 12, if enacted, is amended to read as  
23 29 follows:  
23 30 12. a. Of the funds appropriated in this section,  
23 31 ~~\$2,687,889~~ \$7,023,882 is allocated for state match for  
23 32 disproportionate share hospital payment of ~~\$7,321,954~~  
23 33 \$19,133,430 to hospitals that meet both of the  
23 34 following conditions:

23 35 (1) The hospital qualifies for disproportionate  
23 36 share and graduate medical education payments.

23 37 (2) The hospital is an Iowa state-owned hospital  
23 38 with more than 500 beds and eight or more distinct  
23 39 residency specialty or subspecialty programs  
23 40 recognized by the American college of graduate medical  
23 41 education.

23 42 b. Distribution of the disproportionate share  
23 43 payment shall be made on a monthly basis. The total  
23 44 amount of disproportionate share payments including  
23 45 graduate medical education, enhanced disproportionate  
23 46 share, and Iowa state-owned teaching hospital payments  
23 47 shall not exceed the amount of the state's allotment  
23 48 under Pub. L. No. 102=234. In addition, the total  
23 49 amount of all disproportionate share payments shall  
23 50 not exceed the hospital-specific disproportionate  
24 1 share limits under Pub. L. No. 103=66.

24 2 c. The department shall amend the medical  
24 3 assistance state plan as necessary to implement the  
24 4 provisions of this subsection. If the state plan  
24 5 amendment is not approved as submitted or there are  
24 6 changes in federal policies or application of federal  
24 7 policies that impact the distribution of  
24 8 disproportionate share hospital payments, the  
24 9 department shall immediately notify the governor and  
24 10 the general assembly.

24 11 Sec. 80. TUITION GRANTS == APPROPRIATION. There  
24 12 is appropriated from the general fund of the state to  
24 13 the college student aid commission for the fiscal year  
24 14 beginning July 1, 2009, and ending June 30, 2010, the  
24 15 following amount, or so much thereof as is necessary,  
24 16 to be used for the purposes designated:

24 17 For tuition grants as provided under section  
24 18 261.25, subsection 1:  
24 19 ..... \$ 2,000,000

24 20 Sec. 81. 2009 Iowa Acts, Senate File 467, section  
24 21 1, if enacted, is amended by adding the following new  
24 22 subsection:

24 23 NEW SUBSECTION. 3. Of the amount appropriated in  
24 24 this section, \$238,000 is transferred to Iowa state  
24 25 university of science and technology, to be used for  
24 26 the university's midwest grape and wine industry  
24 27 institute.

#### 24 28 DIVISION VIII

#### 24 29 MISCELLANEOUS STATUTORY CHANGES

24 30 Sec. 82. COUNTY LAND RECORD INFORMATION SYSTEM ==  
24 31 PROJECT MANAGER. If Senate File 465, relating to the  
24 32 duties of county recorders, fees collected by the  
24 33 county recorders, and the county land record  
24 34 information system, is enacted by the Eighty-third  
24 35 General Assembly and signed into law by the governor,  
24 36 the governing board of the county land record  
24 37 information system shall immediately terminate any  
24 38 existing contract with a project manager if such  
24 39 termination prior to the end of the contract term is  
24 40 permitted under the contract. Following such  
24 41 termination the governing board of the county land  
24 42 record information system shall initiate a new request  
24 43 for proposals for a project manager.

24 44 Sec. 83. GLENWOOD STATE PRESERVE. Portions of the  
24 45 property of the Glenwood state resource center that  
24 46 are not necessary to the operation of the center and  
24 47 that have been determined to be archaeologically and  
24 48 environmentally significant by the state  
24 49 archaeologist, shall be transferred to the  
24 50 jurisdiction of the department of natural resources.  
25 1 The director of the department of human services shall  
25 2 execute such real estate transfer documents as are  
25 3 necessary to transfer such real property of the  
25 4 Glenwood state resource center, as identified in  
25 5 contract completion report No. 1553 (2007) of the  
25 6 state archaeologist, to the department of natural  
25 7 resources. The state advisory board for preserves  
25 8 shall assess the natural condition, character, and

25 9 features of the transferred property and make  
25 10 recommendations for the establishment of a state  
25 11 preserve on the property. The department of natural  
25 12 resources may establish agreements with governmental  
25 13 bodies and independent nonprofit agencies to construct  
25 14 recreational and educational facilities on the  
25 15 transferred property, such as, but not limited to,  
25 16 event facilities and interpretive centers.

25 17 Sec. 84. DISASTER=IMPACTED EXEMPTION.  
25 18 Notwithstanding the requirement for the filing of a  
25 19 claim for property tax exemption by February 1, and  
25 20 notwithstanding any other provisions to the contrary,  
25 21 a society or organization claiming an exemption under  
25 22 section 427.1, subsection 14, may file for an  
25 23 exemption with the local assessor by May 1, 2009, for  
25 24 property that is located in a county declared a  
25 25 disaster area in calendar year 2008, if the society or  
25 26 organization was unable to file for the exemption as a  
25 27 result of the inability or failure to file for the  
25 28 exemption caused by the need to respond to a natural  
25 29 disaster occurring in calendar year 2008.

25 30 Sec. 85. NEW SECTION. 7D.16 ALCOHOLIC BEVERAGES  
25 31 IN STATE CAPITOL OR ON COMPLEX GROUNDS.

25 32 Notwithstanding any contrary provision of law  
25 33 prohibiting the use and consumption of alcoholic  
25 34 beverages in a public place, the executive council may  
25 35 authorize, by resolution, the temporary use and  
25 36 consumption of alcoholic beverages, as defined in  
25 37 section 123.3, in the state capitol or on the state  
25 38 capitol complex grounds, as if the state capitol or  
25 39 state capitol complex grounds were a private place.  
25 40 The authorization by resolution shall be limited to  
25 41 the use and consumption of alcoholic beverages as an  
25 42 accompaniment to food at a single award ceremony,  
25 43 social event, or other occasion deemed appropriate by  
25 44 the executive council. The authorization shall  
25 45 require that the person providing the food and  
25 46 alcoholic beverages possess an appropriate liquor  
25 47 control license in accordance with section 123.95.  
25 48 The secretary of the executive council shall inform  
25 49 the secretary of the legislative council and the  
25 50 director of the department of administrative services  
26 1 of the approval of any such resolution.

26 2 Sec. 86. Section 15.335, Code 2009, is amended by  
26 3 adding the following new subsection:

26 4 NEW SUBSECTION. 6. Notwithstanding any provision  
26 5 to the contrary, the amount of tax credit claimed  
26 6 under this section and the identity of the taxpayer  
26 7 making the claim shall be a public record. The  
26 8 department of revenue shall issue a quarterly report  
26 9 containing the name of each taxpayer claiming the  
26 10 credit, the dollar amount of the claim, and the  
26 11 portion of the claim issued as a refund to the  
26 12 taxpayer, for each claim processed during the previous  
26 13 calendar quarter, beginning with claims filed on or  
26 14 after July 1, 2009.

26 15 Sec. 87. Section 15.335, subsection 4, paragraph  
26 16 b, Code 2009, is amended to read as follows:

26 17 b. For purposes of this section, "Internal Revenue  
26 18 Code" means the Internal Revenue Code in effect on  
26 19 January 1, ~~2008~~ 2009.

26 20 Sec. 88. Section 15A.9, subsection 8, paragraph e,  
26 21 subparagraph (2), Code 2009, is amended to read as  
26 22 follows:

26 23 (2) For purposes of this subsection, "Internal  
26 24 Revenue Code" means the Internal Revenue Code in  
26 25 effect on January 1, ~~2008~~ 2009.

26 26 Sec. 89. Section 15E.196, subsection 1, paragraph  
26 27 b, Code 2009, is amended by striking the paragraph.

26 28 Sec. 90. Section 15E.305, subsection 1, Code 2009,  
26 29 is amended to read as follows:

26 30 1. For tax years beginning on or after January 1,  
26 31 2003, a tax credit shall be allowed against the taxes  
26 32 imposed in chapter 422, divisions II, III, and V, and  
26 33 in chapter 432, and against the moneys and credits tax  
26 34 imposed in section 533.329 equal to ~~twenty~~ twenty=five  
26 35 percent of a taxpayer's endowment gift to an endow  
26 36 Iowa qualified community foundation. An individual  
26 37 may claim a tax credit under this section of a  
26 38 partnership, limited liability company, S corporation,  
26 39 estate, or trust electing to have income taxed

26 40 directly to the individual. The amount claimed by the  
26 41 individual shall be based upon the pro rata share of  
26 42 the individual's earnings from the partnership,  
26 43 limited liability company, S corporation, estate, or  
26 44 trust. A tax credit shall be allowed only for an  
26 45 endowment gift made to an endow Iowa qualified  
26 46 community foundation for a permanent endowment fund  
26 47 established to benefit a charitable cause in this  
26 48 state. The amount of the endowment gift for which the  
26 49 tax credit is claimed shall not be deductible in

26 50 determining taxable income for state income tax  
27 1 purposes. Any tax credit in excess of the taxpayer's  
27 2 tax liability for the tax year may be credited to the  
27 3 tax liability for the following five years or until  
27 4 depleted, whichever occurs first. A tax credit shall  
27 5 not be carried back to a tax year prior to the tax  
27 6 year in which the taxpayer claims the tax credit.

27 7 Sec. 91. Section 15E.305, subsection 2, unnumbered  
27 8 paragraph 1, Code 2009, is amended to read as follows:

27 9 The aggregate amount of tax credits authorized  
27 10 pursuant to this section shall not exceed a total of  
27 11 ~~two~~ three million dollars plus such additional credit  
27 12 amount as provided by this section annually. The  
27 13 maximum amount of tax credits granted to a taxpayer  
27 14 shall not exceed five percent of the aggregate amount  
27 15 of tax credits authorized.

27 16 Sec. 92. Section 26.3, subsection 2, Code 2009, is  
27 17 amended to read as follows:

27 18 2. A governmental entity shall have an engineer  
27 19 licensed under chapter 542B, a landscape architect  
27 20 licensed under chapter 544B, or an architect  
27 21 registered under chapter 544A prepare plans and  
27 22 specifications, and calculate the estimated total cost  
27 23 of a proposed public improvement. A governmental  
27 24 entity shall ensure that sufficient paper copies of  
27 25 the plans, specifications, and estimated total costs  
27 26 of the proposed public improvement are available for  
27 27 prospective bidders.

27 28 Sec. 93. Section 26.7, subsection 3, Code 2009, is  
27 29 amended to read as follows:

27 30 3. On public improvements to be financed wholly or  
27 31 partially by special assessments against benefited  
27 32 property, the governmental entity, in the notice to  
27 33 bidders, may request aggregate bids for all projects  
27 34 included in any resolution of necessity,  
27 35 notwithstanding variations in the sizes of the  
27 36 improvements and notwithstanding that some parts of  
27 37 the improvements are assessable and some  
27 38 nonassessable, and may award the contract to the  
27 39 lowest ~~responsive~~, responsible bidder submitting the  
27 40 lowest aggregate bid.

27 41 Sec. 94. Section 26.9, Code 2009, is amended to  
27 42 read as follows:

27 43 26.9 AWARD OF CONTRACT.

27 44 The contract for the public improvement must be  
27 45 awarded to the lowest ~~responsive~~, responsible bidder.  
27 46 The designation of contractors and subcontractors as a  
27 47 responsible bidder is an independent function and

27 48 involves an analysis separate from the price of the  
27 49 bid. Factors used to determine a responsible bidder  
27 50 shall include, but shall not be limited to financial  
28 1 responsibility, compliance with applicable laws, and  
28 2 ability and experience in the performance of similar  
28 3 contracts. A public entity may use a prequalification  
28 4 questionnaire as a means for predefining acceptable,  
28 5 responsible bidders. However, contracts relating to

28 6 public utilities or extensions or improvements  
28 7 thereof, as described in sections 384.80 through  
28 8 384.94, may be awarded by the city as it deems to be  
28 9 in the best interests of the city. This section shall  
28 10 not be construed to prohibit a governmental entity in  
28 11 the award of a contract for a public improvement or a  
28 12 governing body of a city utility from providing, in  
28 13 the award of a contract for a public improvement, an  
28 14 enhancement of payments upon early completion of the  
28 15 public improvement if the availability of the  
28 16 enhancement payments is included in the notice to  
28 17 bidders, the enhancement payments are competitively  
28 18 neutral to potential bidders, the enhancement payments  
28 19 are considered as a separate item in the public  
28 20 hearing on the award of contract, and the total value

28 21 of the enhancement payments does not exceed ten  
28 22 percent of the value of the contract.  
28 23 Sec. 95. Section 26.10, subsection 1, Code 2009,  
28 24 is amended to read as follows:  
28 25 1. The date and time that each bid is received by  
28 26 the governmental entity, together with the name of the  
28 27 person receiving the bid, shall be recorded on the  
28 28 envelope containing the bid. All bids received after  
28 29 the deadlines for submission of bids as stated in the  
28 30 project specifications shall not be considered and  
28 31 shall be returned to the late bidder unopened. The  
28 32 governmental entity shall open, announce the amount of  
28 33 the bids, and file all proposals received, at the time  
28 34 and place specified in the notice to bidders. The  
28 35 governmental entity may, by resolution, award the  
28 36 contract for the public improvement to the bidder  
28 37 submitting the lowest ~~responsive~~, responsible bid,  
28 38 determined as provided in section 26.9, or the  
28 39 governmental entity may reject all bids received, fix  
28 40 a new date for receiving bids, and order publication  
28 41 of a new notice to bidders. The governmental entity  
28 42 shall retain the bid security furnished by the  
28 43 successful bidder until the approved contract form has  
28 44 been executed, a bond has been filed by the bidder  
28 45 guaranteeing the performance of the contract, and the  
28 46 contract and bond have been approved by the  
28 47 governmental entity. The provisions of chapter 573,  
28 48 where applicable, apply to contracts awarded under  
28 49 this chapter.  
28 50 Sec. 96. Section 26.14, subsection 3, paragraphs b  
29 1 and c, Code 2009, are amended to read as follows:  
29 2 b. The governmental entity shall designate the  
29 3 time, place, and manner for filing quotations, which  
29 4 may be received by mail, facsimile, or electronic  
29 5 mail. The governmental entity shall award the  
29 6 contract to the contractor submitting the lowest  
29 7 ~~responsive~~, responsible quotation subject to section  
29 8 26.9, or the governmental entity may reject all of the  
29 9 quotations. The unconditional acceptance and approval  
29 10 of the lowest ~~responsive~~, responsible quotation shall  
29 11 constitute the award of a contract. The governmental  
29 12 entity shall record the approved quotation in its  
29 13 meeting minutes. The contractor awarded the contract  
29 14 shall not commence work until the contractor's  
29 15 performance and payment bond has been approved by the  
29 16 governmental entity. A governmental entity may  
29 17 delegate the authority to award a contract, to execute  
29 18 a contract, to authorize work to proceed under a  
29 19 contract, or to approve the contractor's performance  
29 20 and payment bond to an officer or employee of the  
29 21 governmental entity. A quotation approved outside a  
29 22 meeting of the governing body of a governmental entity  
29 23 shall be included in the minutes of the next regular  
29 24 or special meeting of the governing body.  
29 25 c. If a public improvement may be performed by an  
29 26 employee of the governmental entity, the amount of  
29 27 estimated sales and fuel tax and the premium cost for  
29 28 the performance and payment bond which a contractor  
29 29 identifies in its quotation shall be deducted from the  
29 30 contractor's price for determining the lowest  
29 31 responsible quotation. If no quotations are received  
29 32 to perform the work, or if the governmental entity's  
29 33 estimated cost to do the work with its employee is  
29 34 less than the lowest ~~responsive~~, responsible quotation  
29 35 received, the governmental entity may authorize its  
29 36 employee or employees to perform the work.  
29 37 Sec. 97. Section 35C.1, subsection 1, Code 2009,  
29 38 as amended by 2009 Iowa Acts, Senate File 186, section  
29 39 1, if enacted, is amended by striking the subsection  
29 40 and inserting in lieu thereof the following:  
29 41 1. In every public department and upon all public  
29 42 works in the state, and of the counties, cities, and  
29 43 school corporations of the state, veterans who are  
29 44 citizens and residents of the United States are  
29 45 entitled to preference in appointment and employment  
29 46 over other applicants of no greater qualifications.  
29 47 The preference in appointment and employment for  
29 48 employees of cities under a municipal civil service is  
29 49 the same as provided in section 400.10. For purposes  
29 50 of this section, "veteran" means as defined in section  
30 1 35.1 except that the requirement that the person be a

30 2 resident of this state shall not apply.  
30 3 Sec. 98. Section 85.61, Code 2009, is amended by  
30 4 adding the following new subsection:  
30 5 NEW SUBSECTION. 7A. "Reasonable or probable cause  
30 6 or excuse" means an excuse supported on the basis of  
30 7 facts determined reasonable by the workers'  
30 8 compensation commissioner and does not mean an excuse  
30 9 supported on the basis of facts fairly debatable as a  
30 10 matter of law as recognized in the common law with  
30 11 respect to a bad-faith tort.  
30 12 Sec. 99. Section 85.71, subsection 1, paragraph a,  
30 13 Code 2009, is amended to read as follows:  
30 14 a. The employer has a place of business in this  
30 15 state and the employee regularly works at or from that  
30 16 place of business, ~~or the employer has a place of~~  
30 17 ~~business in this state and the employee is domiciled~~  
30 18 ~~in this state.~~  
30 19 Sec. 100. Section 96.40, subsection 2, paragraph  
30 20 i, Code 2009, is amended to read as follows:  
30 21 i. The duration of the shared work plan will not  
30 22 exceed ~~twenty-six~~ fifty-two weeks. An employing unit  
30 23 is eligible for approval of only one plan during a  
30 24 ~~twenty-four-month~~ period.  
30 25 Sec. 101. Section 96.40, subsection 8, Code 2009,  
30 26 is amended to read as follows:  
30 27 8. An individual shall not be entitled to receive  
30 28 shared work benefits and regular unemployment  
30 29 compensation benefits in an aggregate amount which  
30 30 exceeds the maximum total amount of benefits payable  
30 31 to that individual in a benefit year as provided under  
30 32 section 96.3, subsection 5. ~~Notwithstanding any other~~  
30 33 ~~provisions of this chapter, an individual shall not be~~  
30 34 ~~eligible to receive shared work benefits for more than~~  
30 35 ~~twenty-six calendar weeks during the individual's~~  
30 36 ~~benefit year.~~  
30 37 Sec. 102. Section 99B.10, subsection 1, paragraph  
30 38 a, Code 2009, is amended to read as follows:  
30 39 a. A prize of merchandise exceeding five fifty  
30 40 dollars in value shall not be awarded for use of the  
30 41 device. However, a mechanical or amusement device may  
30 42 be designed or adapted to award a prize or one or more  
30 43 free games or portions of games without payment of  
30 44 additional consideration by the participant.  
30 45 Sec. 103. Section 103.1, Code 2009, is amended by  
30 46 adding the following new subsection:  
30 47 NEW SUBSECTION. 7A. "Farm" means land, buildings  
30 48 and structures used for agricultural purposes  
30 49 including but not limited to the storage, handling,  
30 50 and drying of grain and the care, feeding, and housing  
31 1 of livestock.  
31 2 Sec. 104. Section 103.22, subsection 2, Code 2009,  
31 3 is amended to read as follows:  
31 4 2. Require employees of municipal utilities,  
31 5 electric membership or cooperative associations,  
31 6 investor-owned utilities, rural water associations or  
31 7 districts, railroads, telecommunications companies,  
31 8 franchised cable television operators, farms, or  
31 9 commercial or industrial companies performing  
31 10 manufacturing, installation, and repair work for such  
31 11 employer to hold licenses while acting within the  
31 12 scope of their employment. An employee of a farm does  
31 13 not include a person who is employed for the primary  
31 14 purpose of installing a new electrical installation.  
31 15 Sec. 105. Section 103.29, Code 2009, is amended by  
31 16 adding the following new subsection:  
31 17 NEW SUBSECTION. 7. A county shall not perform  
31 18 electrical inspections on a farm or farm residence.  
31 19 Sec. 106. Section 103.32, Code 2009, is amended by  
31 20 adding the following new subsection:  
31 21 NEW SUBSECTION. 5. A state electrical inspection  
31 22 fee shall not be assessed for an event benefiting a  
31 23 nonprofit association representing volunteer service  
31 24 providers. An electrical inspection fee shall not be  
31 25 assessed by a political subdivision for an annual  
31 26 event benefiting a nonprofit association representing  
31 27 volunteer service providers.  
31 28 Sec. 107. Section 214A.2, subsection 5, Code 2009,  
31 29 is amended to read as follows:  
31 30 5. Ethanol blended gasoline shall be designated  
31 31 E=xx where "xx" is the volume percent of ethanol in  
31 32 the ethanol blended gasoline and biodiesel fuel shall

31 33 be designated B=xx where "xx" is the volume percent of  
31 34 biodiesel.

31 35 Sec. 108. Section 214A.3, subsection 2, paragraph  
31 36 b, subparagraph (2), Code 2009, is amended to read as  
31 37 follows:

31 38 ~~(2) Biodiesel fuel shall be designated according~~  
31 39 ~~to its classification as provided in section 214A.2.~~

31 40 A person shall not knowingly falsely advertise  
31 41 biodiesel blended fuel by using an inaccurate  
31 42 designation in violation of this subparagraph as  
31 43 provided in section 214A.2.

31 44 Sec. 109. Section 214A.5, Code 2009, is amended to  
31 45 read as follows:

31 46 214A.5 SALES SLIP ON DEMAND DOCUMENTATION.

31 47 1. A wholesale dealer or retail dealer shall, when  
31 48 making a sale of motor fuel, give to a purchaser upon  
31 49 demand a sales slip.

31 50 2. A wholesale dealer selling ethanol blended  
32 1 gasoline or biodiesel blended fuel to a purchaser

32 2 shall provide the purchaser with a statement

32 3 indicating its designation as provided in section

32 4 214A.2. The statement may be on the sales slip

32 5 provided in this section or a similar document,

32 6 including but not limited to a bill of lading or

32 7 invoice.

32 8 Sec. 110. Section 214A.16, subsection 1, Code  
32 9 2009, is amended to read as follows:

32 10 1. a. ~~If motor fuel containing a renewable fuel~~  
32 11 ~~ethanol blended gasoline is sold from a motor fuel~~

32 12 ~~pump, the motor fuel pump shall have affixed a decal~~  
32 13 ~~identifying the name of the renewable fuel ethanol~~

32 14 ~~blended gasoline. The decal shall be different based~~

32 15 ~~on the type of renewable fuel dispensed. If the motor~~

32 16 ~~fuel pump dispenses ethanol blended gasoline~~

32 17 ~~classified as higher than standard ethanol blended~~

32 18 ~~gasoline pursuant to section 214A.2, the decal shall~~

32 19 ~~contain the following notice: "FOR FLEXIBLE FUEL~~

32 20 ~~VEHICLES ONLY".~~

32 21 b. If biodiesel fuel is sold from a motor fuel

32 22 pump, the motor fuel pump shall have affixed a decal

32 23 identifying the biodiesel fuel as provided in 16

32 24 C.F.R. pt. 306.

32 25 Sec. 111. Section 321.105A, subsection 2,  
32 26 paragraph c, subparagraph (25), unnumbered paragraph

32 27 1, Code 2009, is amended to read as follows:

32 28 Vehicles subject to registration under this chapter

32 29 with a gross vehicle weight rating of less than

32 30 sixteen thousand pounds, ~~excluding motorcycles and~~

32 31 ~~motorized bicycles,~~ when purchased for lease and

32 32 titled by the lessor licensed pursuant to chapter 321F

32 33 and actually leased for a period of twelve months or

32 34 more if the lease of the vehicle is subject to the fee

32 35 for new registration under subsection 3.

32 36 Sec. 112. Section 321.105A, subsection 3,  
32 37 paragraph a, Code 2009, is amended to read as follows:

32 38 a. A fee for new registration is imposed in an

32 39 amount equal to five percent of the leased price for

32 40 each vehicle subject to registration with a gross

32 41 vehicle weight rating of less than sixteen thousand

32 42 pounds, ~~excluding motorcycles and motorized bicycles,~~

32 43 which is leased by a lessor licensed pursuant to

32 44 chapter 321F for a period of twelve months or more.

32 45 The fee for new registration shall be paid by the

32 46 owner of the vehicle to the county treasurer from whom

32 47 the registration receipt or certificate of title is

32 48 obtained. A registration receipt for a vehicle

32 49 subject to registration or issuance of a certificate

32 50 of title shall not be issued until the fee for new

33 1 registration is paid in the initial instance.

33 2 Sec. 113. Section 321.105A, subsection 5,

33 3 paragraph a, Code 2009, is amended by striking the

33 4 paragraph.

33 5 Sec. 114. Section 331.325, subsection 1, Code

33 6 2009, is amended to read as follows:

33 7 1. As used in this section, "pioneer cemetery"

33 8 means a cemetery where there have been ~~six~~ twelve or

33 9 fewer burials in the preceding fifty years.

33 10 Sec. 115. Section 400.10, Code 2009, as amended by

33 11 2009 Iowa Acts, Senate File 186, section 2, if

33 12 enacted, is amended by striking the section and

33 13 inserting in lieu thereof the following:

33 14 400.10 PREFERENCES.

33 15 In all examinations and appointments under this  
33 16 chapter, other than promotions and appointments of  
33 17 chief of the police department and chief of the fire  
33 18 department, veterans who are citizens and residents of  
33 19 the United States, shall have five percentage points  
33 20 added to the veteran's grade or score attained in  
33 21 qualifying examinations for appointment to positions  
33 22 and five additional percentage points added to the  
33 23 grade or score if the veteran has a service-connected  
33 24 disability or is receiving compensation, disability  
33 25 benefits or pension under laws administered by the  
33 26 veterans administration. An honorably discharged  
33 27 veteran who has been awarded the Purple Heart incurred  
33 28 in action shall be considered to have a  
33 29 service-connected disability. However, the percentage  
33 30 points shall be given only upon passing the exam and  
33 31 shall not be the determining factor in passing.  
33 32 Veteran's preference percentage points shall be  
33 33 applied once to the final scores used to rank  
33 34 applicants for selection for an interview. For  
33 35 purposes of this section, "veteran" means as defined  
33 36 in section 35.1 except that the requirement that the  
33 37 person be a resident of this state shall not apply.

33 38 Sec. 116. Section 412.2, subsection 1, Code 2009,  
33 39 is amended to read as follows:

33 40 1. From the proceeds of the assessments on the  
33 41 wages and salaries of employees, of any such  
33 42 waterworks system, or other municipally owned and  
33 43 operated public utility, eligible to receive the  
33 44 benefits thereof. Notwithstanding any provisions of  
33 45 section 20.9 to the contrary, a council, board of  
33 46 waterworks, or other board or commission which  
33 47 establishes a pension and annuity retirement system  
33 48 pursuant to this chapter, shall negotiate in good  
33 49 faith with a certified employee organization as  
33 50 defined in section 20.3, which is the collective  
34 1 bargaining representative of the employees, with  
34 2 respect to the amount or rate of the assessment on the  
34 3 wages and salaries of employees and the method or  
34 4 methods for payment of the assessment by the  
34 5 employees.

34 6 Sec. 117. Section 412.3, Code 2009, is amended to  
34 7 read as follows:

34 8 412.3 RULES.

34 9 The council, board of waterworks trustees, or other  
34 10 board or commission, whichever is authorized by law to  
34 11 manage and operate such waterworks, or other  
34 12 municipally owned and operated public utility, may  
34 13 formulate and establish such pension and annuity  
34 14 retirement system, and may make and establish such  
34 15 rules for the operation thereof as may be deemed  
34 16 necessary or appropriate, subject to the provision of  
34 17 section 412.2, subsection 1.

34 18 Sec. 118. Section 422.10, subsection 3, unnumbered  
34 19 paragraph 2, Code 2009, is amended to read as follows:

34 20 For purposes of this section, "Internal Revenue  
34 21 Code" means the Internal Revenue Code in effect on  
34 22 January 1, ~~2008~~ 2009.

34 23 Sec. 119. Section 422.10, Code 2009, is amended by  
34 24 adding the following new subsection:

34 25 NEW SUBSECTION. 6. Notwithstanding any provision  
34 26 to the contrary, the amount of tax credit claimed  
34 27 under this section and the identity of the taxpayer  
34 28 making the claim shall be a public record. The  
34 29 department shall issue a quarterly report containing  
34 30 the name of each taxpayer claiming the credit, the  
34 31 dollar amount of the claim, and the portion of the  
34 32 claim issued as a refund to the taxpayer, for each  
34 33 claim processed during the previous calendar quarter,  
34 34 beginning with claims filed on or after July 1, 2009.

34 35 Sec. 120. Section 422.13, subsection 5, Code 2009,  
34 36 is amended to read as follows:

34 37 5. a. Notwithstanding subsections 1 through 4 and  
34 38 sections 422.15 and 422.36, a partnership, a limited  
34 39 liability company whose members are taxed on the  
34 40 company's income under provisions of the Internal  
34 41 Revenue Code, trust, or corporation whose stockholders  
34 42 are taxed on the corporation's income under the  
34 43 provisions of the Internal Revenue Code may, not later  
34 44 than the due date for filing its return for the

34 45 taxable year, including any extension thereof, elect  
34 46 to file a composite return for the nonresident  
34 47 partners, members, beneficiaries, or shareholders.  
34 48 Nonresident trusts or estates which are partners,  
34 49 members, beneficiaries, or shareholders in  
34 50 partnerships, limited liability companies, trusts, or  
35 1 S corporations may also be included on a composite  
35 2 return. The director may require that a composite  
35 3 return be filed under the conditions deemed  
35 4 appropriate by the director. A partnership, limited  
35 5 liability company, trust, or corporation filing a  
35 6 composite return is liable for tax required to be  
35 7 shown due on the return.

35 8 b. Notwithstanding subsection 1 through 4 and  
35 9 sections 422.15 and 422.36, if the director determines  
35 10 that it is necessary for the efficient administration  
35 11 of this chapter, the director may require that a  
35 12 composite return be filed for nonresidents other than  
35 13 nonresident partners, members, beneficiaries or  
35 14 shareholders in partnerships, limited liability  
35 15 companies, trusts, or S corporations.

35 16 c. All powers of the director and requirements of  
35 17 the director apply to returns filed under this  
35 18 subsection including, but not limited to, the  
35 19 provisions of this division and division VI of this  
35 20 chapter.

35 21 Sec. 121. Section 422.33, subsection 5, paragraph  
35 22 d, unnumbered paragraph 2, Code 2009, is amended to  
35 23 read as follows:  
35 24 For purposes of this subsection, "Internal Revenue  
35 25 Code" means the Internal Revenue Code in effect on  
35 26 January 1, ~~2008~~ 2009.

35 27 Sec. 122. Section 422.33, subsection 5, Code 2009,  
35 28 is amended by adding the following new paragraph:  
35 29 NEW PARAGRAPH. h. Notwithstanding any provision  
35 30 to the contrary, the amount of tax credit claimed  
35 31 under this subsection and the identity of the taxpayer  
35 32 making the claim shall be a public record. The  
35 33 department shall issue a quarterly report containing  
35 34 the name of each taxpayer claiming the credit, the  
35 35 dollar amount of the claim, and the portion of the  
35 36 claim issued as a refund to the taxpayer, for each  
35 37 claim processed during the previous calendar quarter,  
35 38 beginning with claims filed on or after July 1, 2009.

35 39 Sec. 123. Section 422.33, subsection 9, Code 2009,  
35 40 is amended by striking the subsection.

35 41 Sec. 124. Section 422.88, subsections 2 and 3,  
35 42 Code 2009, are amended to read as follows:  
35 43 2. The amount of the underpayment shall be the  
35 44 excess of the amount of the installment which would be  
35 45 required to be paid if the estimated tax was equal to  
35 46 ~~ninety one hundred~~ percent of the tax shown on the  
35 47 return of the taxpayer for the taxable year over the  
35 48 amount of installments paid on or before the date  
35 49 prescribed for payment.

35 50 3. If the taxpayer did not file a return during  
36 1 the taxable year, the amount of the underpayment shall  
36 2 be equal to ~~ninety one hundred~~ percent of the  
36 3 taxpayer's tax liability for the taxable year over the  
36 4 amount of installments paid on or before the date  
36 5 prescribed for payment.

36 6 Sec. 125. Section 423.3, subsection 39, Code 2009,  
36 7 is amended to read as follows:  
36 8 39. The sales price from "casual sales".  
36 9 a. "Casual sales" means:  
36 10 ~~a-~~ (1) Sales of tangible personal property, or the  
36 11 furnishing of services, of a nonrecurring nature, by  
36 12 the owner, if the seller, at the time of the sale, is  
36 13 not engaged for profit in the business of selling  
36 14 tangible personal property or services taxed under  
36 15 section 423.2.  
36 16 ~~b-~~ (2) The sale of all or substantially all of the  
36 17 tangible personal property or services held or used by  
36 18 a seller in the course of the seller's trade or  
36 19 business for which the seller is required to hold a  
36 20 sales tax permit when the seller sells or otherwise  
36 21 transfers the trade or business to another person who  
36 22 shall engage in a similar trade or business.  
36 23 ~~c-~~ (3) Notwithstanding ~~paragraph "a"~~ subparagraph  
36 24 (1), the sale, furnishing, or performance of a service  
36 25 that is of a recurring nature by the owner if, at the

36 26 time of the sale, all of the following apply:  
36 27 ~~(1)~~ (a) The seller is not engaged for profit in  
36 28 the business of the selling, furnishing, or  
36 29 performance of services taxed under section 423.2.  
36 30 For purposes of this subparagraph, the fact of the  
36 31 recurring nature of selling, furnishing, or  
36 32 performance of services does not constitute by itself  
36 33 engaging for profit in the business of selling,  
36 34 furnishing, or performance of services.  
36 35 ~~(2)~~ (b) The owner of the business is the only  
36 36 person performing the service.  
36 37 ~~(3)~~ (c) The owner of the business is a full-time  
36 38 student.  
36 39 ~~(4)~~ (d) The total gross receipts from the sales,  
36 40 furnishing, or performance of services during the  
36 41 calendar year does not exceed five thousand dollars.  
36 42 b. The exemption under this subsection does not  
36 43 apply to vehicles subject to registration, all-terrain  
36 44 vehicles, snowmobiles, off-road motorcycles, off-road  
36 45 utility vehicles, aircraft, or commercial or pleasure  
36 46 watercraft or water vessels.  
36 47 Sec. 126. Section 423A.5, subsection 1, paragraph  
36 48 c, Code 2009, is amended by striking the paragraph.  
36 49 Sec. 127. Section 423A.5, subsection 2, paragraph  
36 50 c, Code 2009, is amended by striking the paragraph.  
37 1 Sec. 128. Section 452A.12, subsection 2, Code  
37 2 2009, is amended to read as follows:  
37 3 2. A person while transporting motor fuel or  
37 4 undyed special fuel from a refinery or marine or  
37 5 pipeline terminal in this state or from a point  
37 6 outside this state over the highways of this state in  
37 7 service other than that under subsection 1 shall carry  
37 8 in the vehicle a loading invoice showing the name and  
37 9 address of the seller or consignor, the date and place  
37 10 of loading, and the kind and quantity of motor fuel or  
37 11 special fuel loaded, together with invoices showing  
37 12 the kind and quantity of each delivery and the name  
37 13 and address of each purchaser or consignee. An  
37 14 invoice carried pursuant to this subsection for  
37 15 ethanol blended gasoline or biodiesel blended fuel  
37 16 shall state its designation as provided in section  
37 17 214A.2.  
37 18 Sec. 129. Section 452A.74A, subsections 1, 2, and  
37 19 5, Code 2009, are amended to read as follows:  
37 20 1. ILLEGAL USE OF DYED FUEL. The illegal use of  
37 21 dyed fuel in the supply tank of a motor vehicle shall  
37 22 result in a civil penalty assessed against the owner  
37 23 or operator of the motor vehicle as follows:  
37 24 a. A ~~two five~~ two five hundred dollar ~~fine~~ penalty for the  
37 25 first violation.  
37 26 b. A ~~five hundred one thousand~~ five hundred dollar ~~fine~~ penalty  
37 27 for a second violation within three years of the first  
37 28 violation.  
37 29 c. A ~~one two~~ one two thousand dollar ~~fine~~ penalty for  
37 30 third and subsequent violations within three years of  
37 31 the first violation.  
37 32 2. ILLEGAL IMPORTATION OF UNTAXED FUEL. A person  
37 33 who imports motor fuel or undyed special fuel without  
37 34 a valid importer's license or supplier's license shall  
37 35 be assessed a civil penalty as provided in this  
37 36 subsection. However, the owner or operator of the  
37 37 importing vehicle shall not be guilty of violating  
37 38 this subsection if it is shown by the owner or  
37 39 operator that the owner or operator reasonably did not  
37 40 know or reasonably should not have known of the  
37 41 illegal importation.  
37 42 a. For a first violation, the importing vehicle  
37 43 shall be detained and a ~~fine~~ fine ~~penalty~~ of ~~two four~~  
37 44 two four thousand dollars shall be paid before the vehicle will  
37 45 be released. The owner or operator of the importing  
37 46 vehicle or the owner of the fuel may be held liable  
37 47 for payment of the ~~fine~~ fine ~~penalty~~.  
37 48 b. For a second violation, the importing vehicle  
37 49 shall be detained and a ~~fine~~ fine ~~penalty~~ of ~~five ten~~  
37 50 five ten thousand dollars shall be paid before the vehicle will  
38 1 be released. The owner or operator of the importing  
38 2 vehicle or the owner of the fuel may be held liable to  
38 3 pay the ~~fine~~ fine ~~penalty~~.  
38 4 c. For third and subsequent violations, the  
38 5 importing vehicle and the fuel shall be seized and a  
38 6 ~~fine~~ fine ~~penalty~~ of ~~ten twenty~~ ten twenty thousand dollars shall be

38 7 paid before the vehicle will be released. The owner  
38 8 or operator of the importing vehicle or the owner of  
38 9 the fuel may be held liable to pay the fine penalty.  
38 10 d. If the owner or operator of the importing  
38 11 vehicle or the owner of the fuel fails to pay the tax  
38 12 and fine penalty for a first or second offense, the  
38 13 importing vehicle and the fuel may be seized. The  
38 14 department of revenue, the state department of  
38 15 transportation, or any peace officer, at the request  
38 16 of either department, may seize the vehicle and the  
38 17 fuel.

38 18 e. If the operator or owner of the importing  
38 19 vehicle or the owner of the fuel ~~move~~ moves the  
38 20 vehicle or the fuel after the vehicle has been  
38 21 detained and a sticker has been placed on the vehicle  
38 22 stating that "This vehicle cannot be moved until the  
38 23 tax, penalty, and interest have been paid to the  
38 24 Department of Revenue", an additional penalty of five  
38 25 ten thousand dollars shall be assessed against the  
38 26 operator or owner of the importing vehicle or the  
38 27 owner of the fuel.

38 28 f. For purposes of this subsection, "vehicle"  
38 29 means as defined in section 321.1.

38 30 5. PREVENTION OF INSPECTION. The department of  
38 31 revenue or the state department of transportation may  
38 32 conduct inspections for coloration, markers, and  
38 33 shipping papers at any place where taxable fuel is or  
38 34 may be loaded into transport vehicles, produced, or  
38 35 stored. Any attempts by a person to prevent, stop, or  
38 36 delay an inspection of fuel or shipping papers by  
38 37 authorized personnel shall be subject to a civil  
38 38 penalty of not more than ~~one~~ two thousand dollars per  
38 39 occurrence. Any law enforcement officer or department  
38 40 of revenue or state department of transportation  
38 41 employee may physically inspect, examine, or otherwise  
38 42 search any tank, reservoir, or other container that  
38 43 can or may be used for the production, storage, or  
38 44 transportation of any type of fuel.

38 45 Sec. 130. Section 466A.4, subsection 1, Code 2009,  
38 46 is amended to read as follows:

38 47 1. Public water supply utilities, counties, county  
38 48 conservation boards, and cities may also be eligible  
38 49 and apply for and receive local watershed improvement  
38 50 grants for water quality improvement projects. An  
39 1 applicant shall coordinate with a local watershed  
39 2 improvement committee or a soil and water conservation  
39 3 district and shall include in the application a  
39 4 description of existing projects and any potential  
39 5 impact the proposed project may have on existing or  
39 6 planned water quality improvement projects.

39 7 Sec. 131. Section 476C.3, subsection 1, paragraph  
39 8 e, Code 2009, is amended to read as follows:

39 9 e. ~~A~~ Except when electricity is used for on-site  
39 10 consumption, a copy of the power purchase agreement or  
39 11 other agreement to purchase electricity, hydrogen  
39 12 fuel, methane or other biogas, or heat for a  
39 13 commercial purpose which shall designate either the  
39 14 producer or purchaser of renewable energy as eligible  
39 15 to apply for the renewable energy tax credit.

39 16 Sec. 132. Section 523I.102, subsection 39, Code  
39 17 2009, is amended to read as follows:

39 18 39. "Pioneer cemetery" means a cemetery where  
39 19 there were ~~six~~ twelve or fewer burials in the  
39 20 preceding fifty years.

39 21 Sec. 133. Section 523I.316, Code 2009, is amended  
39 22 by adding the following new subsection:

39 23 NEW SUBSECTION. 7. ADVERSE POSSESSION. A  
39 24 cemetery or a pioneer cemetery is exempt from seizure,  
39 25 appropriation, or acquisition of title under any claim  
39 26 of adverse possession, unless it is shown that all  
39 27 remains in the cemetery or pioneer cemetery have been  
39 28 disinterred and removed to another location.

39 29 Sec. 134. Section 602.6404, subsection 3, Code  
39 30 2009, is amended by striking the subsection and  
39 31 inserting in lieu thereof the following:

39 32 3. A magistrate shall be an attorney licensed to  
39 33 practice law in this state. However, a magistrate not  
39 34 admitted to the practice of law in this state and who  
39 35 is holding office on April 1, 2009, shall be eligible  
39 36 to be reappointed as a magistrate in the same county  
39 37 for a term commencing August 1, 2009, and subsequent

39 38 successive terms.  
39 39 Sec. 135. 2009 Iowa Acts, Senate File 415, section  
39 40 1, if enacted, is amended by striking the section and  
39 41 inserting in lieu thereof the following:  
39 42 SECTION 1. PROPERTY RIGHTS DEFENSE ACCOUNT.  
39 43 1. A city may establish a property rights defense  
39 44 account within the city's general fund. If a property  
39 45 rights defense account is established under this  
39 46 section, moneys which remain unclaimed under section  
39 47 2, subsection 11, paragraph "d", of this Act, may be  
39 48 deposited in the account. Interest or earnings on  
39 49 moneys in the property rights defense account shall be  
39 50 credited to the account. Moneys in the property  
40 1 rights defense account are not subject to transfer,  
40 2 appropriation, or reversion to any other account or  
40 3 fund, or any other use except as provided in this  
40 4 section.  
40 5 2. Moneys in the account shall be used for the  
40 6 reimbursement of reasonable attorney fees and  
40 7 reasonable costs incurred by a property owner as the  
40 8 result of proceedings initiated under this Act,  
40 9 chapters 6A and 6B, and section 657A.10A.  
40 10 3. Property owners shall apply to the city council  
40 11 on a form prescribed by the city council. If  
40 12 sufficient funds exist in the account, the city  
40 13 council shall reimburse each property owner who  
40 14 applies for all reasonable attorney fees and  
40 15 reasonable costs incurred. If insufficient funds  
40 16 exist in the account to reimburse a property owner for  
40 17 all reasonable attorney fees and reasonable costs  
40 18 incurred, the city council shall reimburse the  
40 19 property owner for the fees and costs in an amount  
40 20 equal to the remaining balance in account.  
40 21 Sec. 136. 2007 Iowa Acts, chapter 186, section 29,  
40 22 is amended to read as follows:  
40 23 SEC. 29. REFUND OF PROPERTY TAXES.  
40 24 Notwithstanding the deadline for filing a claim for  
40 25 property tax exemption for property described in  
40 26 section 427.1, subsection 8 or 9, and notwithstanding  
40 27 any other provision to the contrary, the board of  
40 28 supervisors of a county having a population based upon  
40 29 the latest federal decennial census of more than  
40 30 eighty-eight thousand but not more than ninety-five  
40 31 thousand shall refund the property taxes paid, with  
40 32 all interest, penalties, fees, and costs which were  
40 33 due and payable in the fiscal year beginning July 1,  
40 34 2002, and in the fiscal year beginning July 1, ~~2005~~  
40 35 2006, on the land and buildings of an institution that  
40 36 purchased property and that did not receive a property  
40 37 tax exemption for the property due to the inability or  
40 38 failure to file for the exemption. To receive the  
40 39 refund provided for in this section, the institution  
40 40 shall apply to the county board of supervisors by  
40 41 October 1, ~~2007~~ 2009, and provide appropriate  
40 42 information establishing that the land and buildings  
40 43 for which the refund is sought were used by the  
40 44 institution for its appropriate objectives during the  
40 45 fiscal year beginning July 1, 2002, and during the  
40 46 fiscal year beginning July 1, ~~2005~~ 2006. The refund  
40 47 allowed under this section only applies to property  
40 48 taxes, with all interest, penalties, fees, and costs,  
40 49 due and payable in the fiscal year beginning July 1,  
40 50 2002, and in the fiscal year beginning July 1, ~~2005~~  
41 1 2006.  
41 2 Sec. 137. 2007 Iowa Acts, chapter 186, section 30,  
41 3 is amended to read as follows:  
41 4 SEC. 30. IMMEDIATE EFFECTIVE DATE. ~~The section~~  
41 5 ~~Section 29~~ of this division of this Act, ~~amending~~  
~~41 6 section 427.3,~~ being deemed of immediate importance,  
41 7 takes effect upon enactment and applies retroactively  
41 8 to property taxes due and payable in the fiscal year  
41 9 beginning July 1, 2002, and in the fiscal year  
41 10 beginning July 1, ~~2005~~ 2006.  
41 11 Sec. 138. Section 422.11E, Code 2009, is repealed.  
41 12 Sec. 139. Sections 422.120 through 422.122, Code  
41 13 2009, are repealed.  
41 14 Sec. 140. EFFECTIVE AND RETROACTIVE APPLICABILITY  
41 15 DATES.  
41 16 1. The section of this division of this Act  
41 17 concerning the county land record information system,  
41 18 being deemed of immediate importance, takes effect

41 19 upon enactment.  
41 20 2. The section of this division of this Act  
41 21 amending 2009 Iowa Acts, Senate File 415, being deemed  
41 22 of immediate importance, takes effect upon enactment.  
41 23 3. The section of this division of this Act  
41 24 repealing sections 422.120 through 422.122, being  
41 25 deemed of immediate importance, takes effect upon  
41 26 enactment and applies retroactively to November 1,  
41 27 2008, for refund claims filed on or after that date.  
41 28 4. The section of this division of this Act  
41 29 relating to property tax exemption filings for  
41 30 disaster-impacted property, being deemed of immediate  
41 31 importance, takes effect upon enactment.  
41 32 5. The section of this division of this Act  
41 33 amending section 15E.305, takes effect January 1,  
41 34 2010, and applies to the tax years beginning on or  
41 35 after that date.  
41 36 6. The section of this division of this Act  
41 37 amending section 422.88, subsections 2 and 3, applies  
41 38 retroactively to January 1, 2009, for tax years  
41 39 beginning on or after that date.  
41 40 7. The sections of this division of this Act  
41 41 amending 2007 Iowa Acts, chapter 186, sections 29 and  
41 42 30, being deemed of immediate importance, take effect  
41 43 upon enactment.  
41 44 8. The sections of this division of this Act  
41 45 amending section 15.335, subsection 4, paragraph "b",  
41 46 section 15A.9, subsection 8, paragraph "e",  
41 47 subparagraph (2), section 422.10, subsection 3,  
41 48 unnumbered paragraph 2, section 422.33, subsection 5,  
41 49 paragraph "d", unnumbered paragraph 2, being deemed of  
41 50 immediate importance, take effect upon enactment and  
42 1 apply retroactively to January 1, 2008, for tax years  
42 2 beginning on or after that date.

42 3 DIVISION IX  
42 4 EDUCATION

42 5 Sec. 141. REGENTS == APPROPRIATIONS. There is  
42 6 appropriated from the general fund of the state to the  
42 7 state board of regents for the fiscal year beginning  
42 8 July 1, 2009, and ending June 30, 2010, the following  
42 9 amounts, or so much thereof as may be necessary, to be  
42 10 used for the purposes designated:

42 11 1. STATE SCHOOL FOR THE DEAF  
42 12 For salaries, support, maintenance, miscellaneous  
42 13 purposes:  
42 14 ..... \$ 398,980

42 15 2. IOWA BRAILLE AND SIGHT SAVING SCHOOL  
42 16 For salaries, support, maintenance, miscellaneous  
42 17 purposes:  
42 18 ..... \$ 624,582

42 19 Sec. 142. DEPARTMENT OF EDUCATION ==  
42 20 APPROPRIATION. There is appropriated from the general  
42 21 fund of the state to the department of education for  
42 22 the fiscal year beginning July 1, 2009, and ending  
42 23 June 30, 2010, the following amount, or so much  
42 24 thereof as may be necessary, to be used for general  
42 25 administration:  
42 26 ..... \$ 167,096

42 27 Sec. 143. EDUCATIONAL EXCELLENCE PROGRAM=RELATED  
42 28 APPROPRIATIONS. There is appropriated from the  
42 29 general fund of the state to the indicated departments  
42 30 and agencies for the fiscal year beginning July 1,  
42 31 2009, and ending June 30, 2010, the following amounts,  
42 32 or so much thereof as is necessary, to be used for the  
42 33 purposes designated:

42 34 1. To the department of human services for  
42 35 distribution to its licensed classroom teachers at  
42 36 institutions under the control of the department of  
42 37 human services based upon the average student yearly  
42 38 enrollment at each institution as determined by the  
42 39 department of human services:  
42 40 ..... \$ 115,500

42 41 2. To the state board of regents:  
42 42 a. For distribution to licensed classroom teachers  
42 43 at the Iowa braille and sight saving school and the  
42 44 Iowa school for the deaf based upon the average yearly  
42 45 enrollment at each school as determined by the state  
42 46 board of regents:  
42 47 ..... \$ 94,600

42 48 b. For the Iowa braille and sight saving school:  
42 49 ..... \$ 68,000

42 50 c. For the state school for the deaf:  
43 1 ..... \$ 102,000  
43 2 3. To the department of education:  
43 3 a. For distribution to the tribal council of the  
43 4 Sac and Fox Indian settlement located on land held in  
43 5 trust by the secretary of the interior of the United  
43 6 States. Moneys allocated under this lettered  
43 7 paragraph shall be used for the purposes specified in  
43 8 section 256.30:  
43 9 ..... \$ 100,000  
43 10 b. For the kindergarten to grade twelve management  
43 11 information system:  
43 12 ..... \$ 230,000  
43 13 Sec. 144. INTERPRETERS FOR THE DEAF. There is  
43 14 appropriated from the general fund of the state to the  
43 15 department of education for the fiscal year beginning  
43 16 July 1, 2009, and ending June 30, 2010, the following  
43 17 amount, or so much thereof as is necessary, to be used  
43 18 for the purpose designated:  
43 19 For allocation for deaf interpreters for  
43 20 arrangements made between the state school for the  
43 21 deaf and Iowa western community college due to the  
43 22 high numbers of articulation agreements between the  
43 23 state school for the deaf and the community college:  
43 24 ..... \$ 200,000  
43 25 Sec. 145. CENTER FOR INDEPENDENT LIVING. There is  
43 26 appropriated from the general fund of the state to the  
43 27 department of education, vocational rehabilitation  
43 28 services division, for the fiscal year beginning July  
43 29 1, 2009, and ending June 30, 2010, the following  
43 30 amount, or so much thereof as is necessary, to be used  
43 31 for the purposes designated:  
43 32 For costs associated with centers for independent  
43 33 living:  
43 34 ..... \$ 50,000  
43 35 Sec. 146. 2006 Iowa Acts, chapter 1182, section 1,  
43 36 unnumbered paragraph 2, as amended by 2007 Iowa Acts,  
43 37 chapter 108, section 59, is amended to read as  
43 38 follows:  
43 39 For purposes, as provided in law, of the student  
43 40 achievement and teacher quality program established  
43 41 pursuant to chapter 284:  
43 42 FY 2006=2007..... \$104,343,894  
43 43 FY 2007=2008..... \$173,943,894  
43 44 FY 2008=2009..... \$248,943,894  
43 45 249,502,894  
43 46 Sec. 147. Section 273.3, Code 2009, is amended by  
43 47 adding the following new subsection:  
43 48 NEW SUBSECTION. 23. By October 1 of each year,  
43 49 submit to the department of education the following  
43 50 information:  
44 1 a. The contracted salary including bonus wages and  
44 2 benefits, annuity payments, or any other benefit for  
44 3 the administrators of the area education agency.  
44 4 b. The contracted salary and benefits and any  
44 5 other expenses related to support for governmental  
44 6 affairs efforts, including expenditures for lobbyists  
44 7 and lobbying activities for the area education agency.  
44 8 Sec. 148. DES MOINES UNIVERSITY == OSTEOPATHIC  
44 9 MEDICAL CENTER. For the fiscal year beginning July 1,  
44 10 2009, and ending June 30, 2010, the college student  
44 11 aid commission shall pay a fee to Des Moines  
44 12 university == osteopathic medical center for the  
44 13 administration of the initiative in primary health  
44 14 care to direct primary care physicians to shortage  
44 15 areas in the state. A portion of the fee paid shall  
44 16 be based upon the number of physicians recruited in  
44 17 accordance with section 261.19, subsection 4.  
44 18 However, the fee amount paid shall not exceed \$41,862  
44 19 for the fiscal year. Such amount shall be subject to  
44 20 any budgetary reductions ordered by the governor or  
44 21 enacted by the general assembly.  
44 22 Sec. 149. Section 261.85, Code 2009, is repealed.  
44 23 Sec. 150. EFFECTIVE DATE. The section of this  
44 24 division of this Act amending 2006 Iowa Acts, chapter  
44 25 1182, being deemed of immediate importance, takes  
44 26 effect upon enactment.  
44 27 DIVISION X  
44 28 JUDICIAL BRANCH == COMMISSION ELECTIONS  
44 29 Sec. 151. Section 46.5, unnumbered paragraph 5,  
44 30 Code 2009, is amended to read as follows:

44 31 When a vacancy in an office of an elective judicial  
44 32 nominating commissioner occurs, the ~~clerk of the~~  
~~44 33 supreme court state court administrator~~ shall cause to  
44 34 be mailed to each member of the bar whose name appears  
44 35 on the certified list prepared pursuant to section  
44 36 46.8 for the district or districts affected, a notice  
44 37 stating the existence of the vacancy, the requirements  
44 38 for eligibility, and the manner in which the vacancy  
44 39 will be filled. Other items may be included in the  
44 40 same mailing if they are on sheets separate from the  
44 41 notice. The election of a district judicial  
44 42 nominating commissioner or the close of nominations  
44 43 for a state judicial nominating commissioner shall not  
44 44 occur until thirty days after the mailing of the  
44 45 notice.

44 46 Sec. 152. Section 46.7, Code 2009, is amended to  
44 47 read as follows:

44 48 46.7 ELIGIBILITY TO VOTE.

44 49 To be eligible to vote in elections of judicial  
44 50 nominating commissioners, a member of the bar must be  
45 1 eligible to practice and must be a resident of the  
45 2 state of Iowa and of the appropriate congressional  
45 3 district or judicial election district as shown by the  
45 4 member's most recent filing with the supreme court for  
45 5 the purposes of showing compliance with the court's  
45 6 continuing legal education requirements, or for  
45 7 members of the bar eligible to practice who are not  
45 8 required to file such compliance, any paper on file by  
45 9 July 1 with the ~~clerk of the supreme court state court~~  
~~45 10 administrator~~, for the purpose of establishing  
45 11 eligibility to vote under this section, which the  
45 12 court determines to show the requisite residency  
45 13 requirements. A judge who has been admitted to the  
45 14 bar of the state of Iowa shall be considered a member  
45 15 of the bar.

45 16 Sec. 153. Section 46.8, Code 2009, is amended to  
45 17 read as follows:

45 18 46.8 CERTIFIED LIST.

~~45 19 On July 15 of each~~ Each year the ~~clerk of the~~  
~~45 20 supreme court state court administrator~~ shall certify  
45 21 a list of the names, addresses, and years of admission  
45 22 of members of the bar who are eligible to vote for  
45 23 state and district judicial nominating commissioners.  
45 24 ~~The clerk of the supreme court shall provide a copy of~~  
~~45 25 the list of the members for a county to the clerk of~~  
~~45 26 the district court for that county.~~

45 27 Sec. 154. Section 46.9, Code 2009, is amended by  
45 28 striking the section and inserting in lieu thereof the  
45 29 following:

45 30 46.9 CONDUCT OF ELECTIONS.

45 31 When an election of judicial nominating  
45 32 commissioners is to be held, the state court  
45 33 administrator shall administer the voting. The state  
45 34 court administrator may administer the voting by  
45 35 electronic notification and voting or by paper ballot  
45 36 mailed to each eligible attorney. The state court  
45 37 administrator shall mail paper ballots to eligible  
45 38 attorneys or electronically notify and enable eligible  
45 39 attorneys to vote. The elector receiving the most  
45 40 votes shall be elected. When more than one  
45 41 commissioner is to be elected, the electors receiving  
45 42 the most votes shall be elected, in the same number as  
45 43 the offices to be filled.

45 44 Sec. 155. Section 46.9A, Code 2009, is amended to  
45 45 read as follows:

45 46 46.9A NOTICE PRECEDING NOMINATION OF ELECTIVE  
45 47 NOMINATING COMMISSIONERS.

45 48 At least sixty days prior to the expiration of the  
45 49 term of an elective state or district judicial  
45 50 nominating commissioner, the ~~clerk of the supreme~~  
~~46 1 court state court administrator~~ shall ~~cause to be~~  
~~46 2 mailed to each member of the bar whose name appears on~~  
~~46 3 the certified list prepared pursuant to section 46.8~~  
~~46 4 for the district or districts affected, a notice~~  
~~46 5 stating the date the term of office will expire, the~~  
~~46 6 requirements for eligibility to the office for the~~  
~~46 7 succeeding term, and the procedure for filing~~  
~~46 8 nominating petitions, including the last date for~~  
~~46 9 filing mail paper ballots to eligible attorneys or~~  
~~46 10 electronically notify and enable eligible attorneys to~~  
~~46 11 vote.~~ An eligible attorney is a member of the bar

~~46 12 whose name appears on the certified list prepared  
46 13 pursuant to section 46.8 for the district or districts  
46 14 affected. Other items may be included in the same  
46 15 mailing if they are on sheets separate from the  
46 16 notice.~~

46 17 Sec. 156. Section 46.10, Code 2009, is amended to  
46 18 read as follows:

46 19 46.10 NOMINATION OF ELECTIVE NOMINATING  
46 20 COMMISSIONERS.

46 21 In order to have an eligible elector's name printed  
46 22 on the ballot for state or district judicial  
46 23 nominating commissioner, the eligible elector must  
46 24 file in the office of the ~~clerk of the supreme court~~  
46 25 state court administrator at least thirty days prior  
46 26 to expiration of the period within which the election  
46 27 must be held a nominating petition signed by at least  
46 28 fifty resident members of the bar of the congressional  
46 29 district in case of a candidate for state judicial  
46 30 nominating commissioner, or at least ten resident  
46 31 members of the bar of the judicial district in case of  
46 32 a candidate for district judicial nominating  
46 33 commissioner. No member of the bar may sign more  
46 34 nominating petitions for state or district judicial  
46 35 nominating commissioner than there are such  
46 36 commissioners to be elected.

46 37 Ballots or electronic voting forms for state and  
46 38 district judicial nominating commissioners shall  
46 39 contain blank lines equal to the number of such  
46 40 commissioners to be elected, where names may be  
46 41 written in.

46 42 Sec. 157. Section 46.11, Code 2009, is amended to  
46 43 read as follows:

46 44 46.11 CERTIFICATION OF COMMISSIONERS.

46 45 The governor and the ~~clerk of the supreme court~~  
46 46 state court administrator respectively shall promptly  
46 47 certify the names and addresses of appointive and  
46 48 elective judicial nominating commissioners to the  
46 49 state commissioner of elections and the chairperson of  
46 50 the respective nominating commissions.

47 1 Sec. 158. Section 602.6501, subsections 2 and 3,  
47 2 Code 2009, are amended to read as follows:

47 3 2. The ~~clerk of the district court state court~~  
47 4 administrator shall maintain a permanent record of the  
47 5 name, address, and term of office of each  
47 6 commissioner.

47 7 3. A member of a magistrate appointing commission  
47 8 shall be reimbursed for actual and necessary expenses  
47 9 reasonably incurred in the performance of official  
47 10 duties. Reimbursements are payable by the county in  
47 11 which the member serves, upon certification of the  
47 12 expenses to the county auditor by the ~~clerk of the~~  
47 13 district court chairperson of the commission. The  
47 14 district judges of each judicial district may  
47 15 prescribe rules for the administration of this  
47 16 subsection.

47 17 Sec. 159. Section 602.6503, subsection 3, Code  
47 18 2009, is amended to read as follows:

47 19 3. The county auditor shall certify to the ~~clerk~~  
47 20 of the district court state court administrator the  
47 21 name, address, and expiration date of term for all  
47 22 appointees of the board of supervisors.

47 23 Sec. 160. Section 602.6504, subsections 4 and 5,  
47 24 Code 2009, are amended to read as follows:

47 25 4. In order to be placed on the ballot for county  
47 26 magistrate appointing commission, an eligible attorney  
47 27 elector shall file a nomination petition in the office  
47 28 of the ~~clerk of court on or before November 30 of the~~  
47 29 year in which the election for attorney positions is  
47 30 to occur state court administrator at least thirty  
47 31 days prior to the expiration of the period within  
47 32 which the election must be held. This subsection does  
47 33 not preclude write-in votes at the time of the  
47 34 election.

47 35 5. When an election of magistrate appointing  
47 36 commissioners is to be held, the ~~clerk of the district~~  
47 37 court for each county shall cause to be mailed to each  
47 38 eligible attorney a ballot that is in substantially  
47 39 the following form: state court administrator shall  
47 40 administer the election. The state court  
47 41 administrator may administer the election by  
47 42 electronic notification and voting or by paper ballot

47 43 mailed to each eligible attorney. The state court  
47 44 administrator shall mail paper ballots to eligible  
47 45 attorneys or electronically notify and enable eligible  
47 46 attorneys to vote on or before December 15.

47 47 ~~BALLOT~~  
47 48 ~~County Magistrate Appointing Commission~~  
47 49 ~~To be cast by the resident members of the bar of~~  
47 50 ~~..... county.~~

48 1 ~~Vote for (state number) for ..... county judicial~~  
48 2 ~~magistrate appointing commissioner(s) for term~~  
48 3 ~~commencing .....~~

48 4 .....

48 5 .....

48 6 ~~To be counted, this ballot must be completed and~~  
48 7 ~~mailed or delivered to clerk of the district court,~~  
48 8 ~~....., no later than December 31, ... (year) (or~~  
48 9 ~~the appropriate date in case of an election to fill a~~  
48 10 ~~vacancy).~~

48 11 Sec. 161. EFFECTIVE DATE. This division of this  
48 12 Act takes effect February 10, 2010.

48 13 DIVISION XI  
48 14 JUDICIAL OFFICER VACANCIES

48 15 Sec. 162. 2009 Iowa Acts, House File 414, section  
48 16 54, is amended to read as follows:

48 17 SEC. 54. JUDICIAL APPOINTMENT == DELAY.

48 18 1. Notwithstanding section 46.12, the chief  
48 19 justice may order the state commissioner of elections  
48 20 to delay, for up to one hundred eighty days for  
48 21 budgetary reasons, the sending of a notification to  
48 22 the proper judicial nominating commission that a  
48 23 vacancy in the supreme court, court of appeals, or  
48 24 district court has occurred or will occur.

48 25 2. Notwithstanding sections 602.6304, 602.7103B,  
48 26 and 633.20B, the chief justice may order any county  
48 27 magistrate appointing commission to delay, for up to  
48 28 one hundred eighty days for budgetary reasons, the  
48 29 certification of nominees to the chief judge of the  
48 30 judicial district for a district associate judgeship,  
48 31 associate juvenile judgeship, or associate probate  
48 32 judgeship.

48 33 3. Notwithstanding section 602.6403, subsection 3,  
48 34 the chief justice may order any county magistrate  
48 35 appointing commission to delay, for up to one hundred  
48 36 eighty days for budgetary reasons, the appointment of  
48 37 a magistrate to serve the remainder of an unexpired  
48 38 term.

48 39 4. ~~The section Subsection 3, relating to~~  
48 40 ~~magistrate vacancies, is applicable for the period~~  
48 41 ~~beginning on the effective date of this section and~~  
48 42 ~~ending June 30, 2009. Subsections 1 and 2 are~~  
48 43 ~~applicable for the period beginning on the effective~~  
48 44 ~~date of this section and ending on June 30, 2010.~~

48 45 Sec. 163. EFFECTIVE AND RETROACTIVE APPLICABILITY  
48 46 DATES. The section of this division of this Act  
48 47 amending 2009 Iowa Acts, House File 414, section 54,  
48 48 being deemed of immediate importance, takes effect  
48 49 upon enactment and is retroactively applicable to  
48 50 March 16, 2009.

49 1 DIVISION XII  
49 2 CARE OF ANIMALS IN COMMERCIAL  
49 3 ESTABLISHMENTS == APPROPRIATION

49 4 Sec. 164. DEPARTMENT OF AGRICULTURE AND LAND  
49 5 STEWARDSHIP. There is appropriated from the general  
49 6 fund of the state to the department of agriculture and  
49 7 land stewardship for the fiscal year beginning July 1,  
49 8 2009, and ending June 30, 2010, the following amount,  
49 9 or so much thereof as is necessary, to be used for the  
49 10 purposes designated:

49 11 For purposes of an inspector for the enforcement of  
49 12 chapter 162, including salaries, support, maintenance,  
49 13 miscellaneous purposes and for not more than the  
49 14 following full-time equivalent position:

49 15 .....	\$	100,000
49 16 .....	FTEs	1.00

49 17 Sec. 165. Section 162.2, Code 2009, is amended by  
49 18 adding the following new subsection:

49 19 NEW SUBSECTION. 8A. "Department" means the  
49 20 department of agriculture and land stewardship.

49 21 Sec. 166. Section 162.6, Code 2009, is amended to  
49 22 read as follows:

49 23 162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.

49 24 A person shall not operate a commercial kennel or  
49 25 public auction unless the person has obtained a  
49 26 license to operate a commercial kennel or a public  
49 27 auction issued by the secretary or unless the person  
49 28 has obtained a certificate of registration issued by  
49 29 the secretary if the kennel is federally licensed.  
49 30 Application for the license or the certificate shall  
49 31 be made in the manner provided by the secretary. The  
49 32 license and the certificate expire one year from date  
49 33 of issue unless revoked. The license fee is forty  
49 34 dollars per year and the certification fee is ~~twenty~~  
49 35 one hundred dollars annually. If the person has  
49 36 obtained a federal license, the person need only  
49 37 obtain a certificate. The license may be renewed upon  
49 38 application and payment of the prescribed fee in the  
49 39 manner provided by the secretary if the licensee has  
49 40 conformed to all statutory and regulatory  
49 41 requirements. The certificate may be renewed upon  
49 42 application and payment of the prescribed fee in the  
49 43 manner provided by the secretary. A person regulated  
49 44 under section 99D.22 is exempt from paying the  
49 45 certification fee.

49 46 Sec. 167. Section 162.7, Code 2009, is amended to  
49 47 read as follows:

49 48 162.7 DEALER LICENSE.

49 49 A person shall not operate as a dealer unless the  
49 50 person has obtained a license issued by the secretary  
50 1 or unless the person has obtained a certificate of  
50 2 registration issued by the secretary if the kennel is  
50 3 federally licensed. Application for the license or  
50 4 the certificate shall be made in the manner provided  
50 5 by the secretary. The license and certificate expire  
50 6 one year from date of issue unless revoked. The  
50 7 license fee is one hundred dollars per year and the  
50 8 certification fee is ~~twenty~~ one hundred dollars per  
50 9 year. The license may be renewed upon application and  
50 10 payment of the fee in the manner provided by the  
50 11 secretary if the licensee has conformed to all  
50 12 statutory and regulatory requirements. The  
50 13 certificate may be renewed upon application and  
50 14 payment of the fee in the manner provided by the  
50 15 secretary. A person regulated under section 99D.22 is  
50 16 exempt from paying the certification fee.

50 17 Sec. 168. Section 162.8, Code 2009, is amended to  
50 18 read as follows:

50 19 162.8 COMMERCIAL BREEDER'S LICENSE.

50 20 A person shall not operate as a commercial breeder  
50 21 unless the person has obtained a license issued by the  
50 22 secretary or unless the person has obtained a  
50 23 certificate of registration issued by the secretary if  
50 24 the kennel is federally licensed. Application for the  
50 25 license or the certificate shall be made in the manner  
50 26 provided by the secretary. The annual license or the  
50 27 certification period expires one year from date of  
50 28 issue. The license fee is forty dollars per year and  
50 29 the certificate fee is ~~twenty~~ one hundred dollars per  
50 30 year. The license may be renewed upon application and  
50 31 payment of the prescribed fee in the manner provided  
50 32 by the secretary if the licensee has conformed to all  
50 33 statutory and regulatory requirements. The  
50 34 certificate may be renewed upon application and  
50 35 payment of the prescribed fee in the manner provided  
50 36 by the secretary. A person regulated under section  
50 37 99D.22 is exempt from paying the certification fee.

50 38 Sec. 169. Section 162.11, subsection 2, Code 2009,  
50 39 is amended by striking the subsection and inserting in  
50 40 lieu thereof the following:

50 41 2. The department shall regulate a person who  
50 42 applies for or has been issued a certificate of  
50 43 registration as a dealer, commercial breeder,  
50 44 commercial kennel, or public auction.

50 45 DIVISION XIII  
50 46 DISASTER ASSISTANCE

50 47 Sec. 170. 2009 Iowa Acts, House File 64, section  
50 48 1, subsection 2, paragraph b, is amended to read as  
50 49 follows:

50 50 b. Forgivable loans awarded after the effective  
51 1 date of this division of this Act shall be awarded  
51 2 pursuant to the following priorities:

51 3 (1) First priority shall be given to eligible  
51 4 residents who have not received any moneys under the

51 5 jumpstart housing assistance program ~~prior to the~~  
51 6 ~~effective date of this division of this Act.~~

51 7 (2) Second priority shall be given to eligible  
51 8 residents who have received less than twenty-four  
51 9 thousand nine hundred ninety-nine dollars under the  
51 10 jumpstart housing assistance program ~~prior to the~~  
51 11 ~~effective date of this division of this Act.~~

51 12 (3) Third priority shall be given to eligible  
51 13 residents who have received twenty-four thousand nine  
51 14 hundred ninety-nine dollars under the jumpstart  
51 15 housing assistance program ~~prior to the effective date~~

51 16 ~~of this division of this Act~~ and who continue to have  
51 17 unmet needs for down payment assistance, emergency  
51 18 housing repair or rehabilitation, interim mortgage  
51 19 assistance, or energy efficiency assistance. An  
51 20 eligible resident shall not receive more than an  
51 21 additional twenty-four thousand nine hundred  
51 22 ninety-nine dollars under this subparagraph.

51 23 Sec. 171. 2009 Iowa Acts, House File 64, section  
51 24 4, subsection 1, is amended to read as follows:

51 25 1. There is appropriated from the Iowa economic  
51 26 emergency fund created in section 8.55 to the  
51 27 department of human services for the fiscal year  
51 28 beginning July 1, 2008, and ending June 30, 2009, the  
51 29 following amount, or so much thereof as is necessary,  
51 30 to be used for the purposes designated:

51 31 For providing individual disaster grants for unmet  
51 32 needs pursuant to the requirements in this section:

51 33 ..... \$ ~~10,000,000~~  
51 34 6,600,000

51 35 Sec. 172. 2009 Iowa Acts, House File 64, section  
51 36 4, subsection 6, is amended to read as follows:

51 37 6. An area long-term disaster committee shall be  
51 38 reimbursed for ~~administrative expenses incurred in an~~  
51 39 ~~amount not to exceed three percent of the grant moneys~~  
51 40 ~~awarded for the area pursuant to an intergovernmental~~  
51 41 ~~agreement to be established between the department of~~  
51 42 ~~human services and the agency of record responsible~~  
51 43 ~~for the long-term disaster committee in each area~~  
51 44 unreimbursed grants made to persons for eligible  
51 45 expenses authorized in subsection 5, not to exceed two  
51 46 thousand five hundred dollars per household, made by a  
51 47 committee since September 1, 2008. The department of

51 48 human services shall not be reimbursed for using  
51 49 moneys appropriated in this section for administrative  
51 50 costs associated with administering the Iowa unmet  
52 1 needs disaster grant program.

52 2 Sec. 173. HOMELAND SECURITY AND EMERGENCY  
52 3 MANAGEMENT DIVISION == APPROPRIATION.

52 4 1. There is appropriated from the Iowa economic  
52 5 emergency fund created in section 8.55 to the  
52 6 department of public defense for the homeland security  
52 7 and emergency management division for the fiscal year  
52 8 beginning July 1, 2008, and ending June 30, 2009, the  
52 9 following amount, or so much thereof as is necessary,  
52 10 to be used for the purposes designated:

52 11 For distribution to political subdivisions and  
52 12 private nonprofit organizations pursuant to this  
52 13 section:

52 14 ..... \$ 2,400,000

52 15 2. The homeland security and emergency management  
52 16 division of the department of public defense shall  
52 17 distribute moneys appropriated under subsection 1 to  
52 18 political subdivisions and private nonprofit  
52 19 organizations based on donated resources amounts  
52 20 reported by the recipient to the division and the  
52 21 federal emergency management agency under the public  
52 22 assistance disaster relief program. The division  
52 23 shall make distributions equal in amount to forty  
52 24 percent of the donated resources amounts reported.

52 25 3. Notwithstanding section 8.33 and section 8.55,  
52 26 subsection 3, paragraph "a", moneys appropriated in  
52 27 this section that remain unencumbered or unobligated  
52 28 at the close of the fiscal year shall not revert but  
52 29 shall remain available for expenditure for the  
52 30 purposes designated until the close of the succeeding  
52 31 fiscal year.

52 32 Sec. 174. REBUILD IOWA OFFICE == APPROPRIATION.

52 33 1. There is appropriated from the Iowa economic  
52 34 emergency fund created in section 8.55 to the rebuild  
52 35 Iowa office for the fiscal year beginning July 1,

52 36 2008, and ending June 30, 2009, the following amount,  
52 37 or so much thereof as is necessary, to be used for the  
52 38 purposes designated:  
52 39 For distribution to community recovery centers  
52 40 pursuant to this section:  
52 41 ..... \$ 1,000,000

52 42 2. The rebuild Iowa office shall distribute the  
52 43 moneys appropriated under this section in the form of  
52 44 grants to area long-term recovery committees with a  
52 45 signed memorandum of understanding with the department  
52 46 of human services.

52 47 3. Notwithstanding section 8.33 and section 8.55,  
52 48 subsection 3, paragraph "a", moneys appropriated in  
52 49 this section that remain unencumbered or unobligated  
52 50 at the close of the fiscal year shall not revert but  
53 1 shall remain available for expenditure for the  
53 2 purposes designated until the close of the succeeding  
53 3 fiscal year.

53 4 Sec. 175. EFFECTIVE DATE. This division of this  
53 5 Act, being deemed of immediate importance, takes  
53 6 effect upon enactment.

53 7 DIVISION XIV  
53 8 HEALTH AND HUMAN SERVICES

53 9 Sec. 176. MEDICAID ENTERPRISE STUDY. By July 1,  
53 10 2009, the department of human services shall explore  
53 11 procuring services incorporating data mining,  
53 12 predictive modeling, and data analytics which may  
53 13 include automated claims review to address provider  
53 14 overpayments, underpayments, and fraud within the Iowa  
53 15 Medicaid enterprise for the fiscal period beginning  
53 16 July 1, 2006, and ending June 30, 2009. The review  
53 17 shall be completed by June 30, 2009, and shall use  
53 18 only Iowa specific models, patterns, or trend data.  
53 19 The department shall issue a request for proposals to  
53 20 competitively procure such services not later than  
53 21 July 1, 2009, and shall complete the request for  
53 22 proposals process by August 31, 2009.

53 23 Sec. 177. Section 135H.3, Code 2009, is amended by  
53 24 adding the following new unnumbered paragraph:

53 25 NEW UNNUMBERED PARAGRAPH. If a child is diagnosed  
53 26 with a biologically based mental illness as defined in  
53 27 section 514C.22 and meets the medical assistance  
53 28 program criteria for admission to a psychiatric  
53 29 medical institution for children, the child shall be  
53 30 deemed to meet the acuity criteria for inpatient  
53 31 benefits under a group policy, contract, or plan  
53 32 providing for third-party payment or prepayment of  
53 33 health, medical, and surgical coverage benefits issued  
53 34 by a carrier, as defined in section 513B.2, or by an  
53 35 organized delivery system authorized under 1993 Iowa  
53 36 Acts, chapter 158, that is subject to section 514C.22.  
53 37 Such benefits shall not be excluded or denied as care  
53 38 that is substantially custodial in nature under  
53 39 section 514C.22, subsection 8, paragraph "b".

53 40 Sec. 178. NEW SECTION. 514C.24 CANCER TREATMENT  
53 41 == COVERAGE.

53 42 1. Notwithstanding the uniformity of treatment  
53 43 requirements of section 514C.6, a contract, policy, or  
53 44 plan providing for third-party payment or prepayment  
53 45 for cancer treatment shall not discriminate between  
53 46 coverage benefits for prescribed, orally-administered  
53 47 anticancer medication used to kill or slow the growth  
53 48 of cancerous cells and intravenously administered or  
53 49 injected cancer medications that are covered,  
53 50 regardless of formulation or benefit category  
54 1 determination by the contract, policy, or plan.

54 2 2. The provisions of this section shall apply to  
54 3 all of the following classes of third-party payment  
54 4 provider contracts, policies, or plans delivered,  
54 5 issued for delivery, continued, or renewed in this  
54 6 state on or after July 1, 2009:

54 7 a. Individual or group accident and sickness  
54 8 insurance providing coverage on an expense-incurred  
54 9 basis.

54 10 b. An individual or group hospital or medical  
54 11 service contract issued pursuant to chapter 509, 514,  
54 12 or 514A.

54 13 c. An individual or group health maintenance  
54 14 organization contract regulated under chapter 514B.

54 15 d. An individual or group Medicare supplemental  
54 16 policy, unless coverage pursuant to such policy is

54 17 preempted by federal law.  
54 18 e. A plan established pursuant to chapter 509A for  
54 19 public employees.  
54 20 3. This section shall not apply to accident=only,  
54 21 specified disease, short=term hospital or medical,  
54 22 hospital confinement indemnity, credit, dental,  
54 23 vision, long=term care, basic hospital, and  
54 24 medical=surgical expense coverage as defined by the  
54 25 commissioner, disability income insurance coverage,  
54 26 coverage issued as a supplement to liability  
54 27 insurance, workers' compensation or similar insurance,  
54 28 or automobile medical payment insurance.

54 29 4. The commissioner of insurance shall adopt rules  
54 30 pursuant to chapter 17A as necessary to administer  
54 31 this section.

54 32 Sec. 179. 2008 Iowa Acts, chapter 1187, section  
54 33 29, is amended by adding the following new unnumbered  
54 34 paragraph:

54 35 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
54 36 8.33, moneys appropriated in this section that remain  
54 37 unencumbered or unobligated at the close of the fiscal  
54 38 year shall not revert but shall remain available for  
54 39 expenditure for the purpose designated until the close  
54 40 of the fiscal year beginning July 1, 2010.

54 41 Sec. 180. EFFECTIVE DATE.  
54 42 1. The section of this division of this Act  
54 43 relating to a Medicaid enterprise study, being deemed  
54 44 of immediate importance, takes effect upon enactment.

54 45 2. The section of this division of this Act  
54 46 amending 2008 Iowa Acts, chapter 1187, section 29,  
54 47 being deemed of immediate importance, takes effect  
54 48 upon enactment.

#### 54 49 DIVISION XV

#### 54 50 ECONOMIC DEVELOPMENT == WORKFORCE DEVELOPMENT

55 1 Sec. 181. DISASTER ASSISTANCE LOAN AND CREDIT  
55 2 GUARANTEE PROGRAM.

55 3 1. The department of economic development shall  
55 4 establish and administer a disaster assistance loan  
55 5 and credit guarantee program by investing the assets  
55 6 of the disaster assistance loan and credit guarantee  
55 7 fund in order to provide loan and credit guarantees to  
55 8 all of the following qualifying businesses:

55 9 a. Businesses directly impacted by a natural  
55 10 disaster occurring after May 24, 2008, and before  
55 11 August 14, 2008.

55 12 b. Businesses either locating an existing business  
55 13 or starting a new business in a disaster=impacted  
55 14 space in an area which was declared a natural disaster  
55 15 area by the president of the United States due to a  
55 16 natural disaster occurring after May 24, 2008, and  
55 17 before August 14, 2008. For purposes of this  
55 18 paragraph, "disaster=impacted space" means a building  
55 19 damaged by a natural disaster occurring after May 24,  
55 20 2008, and before August 14, 2008, including undamaged  
55 21 upper floors of a building that was damaged by the  
55 22 natural disaster.

55 23 c. Businesses filling a critical community need in  
55 24 conformance with the comprehensive plan of the city as  
55 25 determined by resolution of the city council of the  
55 26 city in which the business is located. For purposes  
55 27 of this paragraph, a business shall be deemed to be  
55 28 located in a city if it is located within two miles of  
55 29 the city limits.

55 30 2. a. The department, pursuant to agreements with  
55 31 financial institutions, shall provide loan and credit  
55 32 guarantees to qualifying businesses described in  
55 33 subsection 1. A loan or credit guarantee under the  
55 34 program shall not exceed ten percent of the loan  
55 35 amount or twenty=five thousand dollars, whichever is  
55 36 less. Not more than one loan or credit guarantee  
55 37 shall be awarded per federal employer identification  
55 38 number.

55 39 b. A loan or credit guarantee provided under the  
55 40 program may stand alone or may be used in conjunction  
55 41 with or to enhance other loan or credit guarantees  
55 42 offered by a financial institution. The department  
55 43 may purchase insurance to cover defaulted loans  
55 44 meeting the requirements of the program. However, the  
55 45 department shall not in any manner directly or  
55 46 indirectly pledge the credit of the state.

55 47 c. Eligible project costs include expenditures for

55 48 productive equipment and machinery, land and real  
55 49 estate, working capital for operations, research and  
55 50 development, marketing, engineering and architectural  
56 1 fees, and such other costs as the department may so  
56 2 designate.

56 3 d. A loan or credit guarantee under the program  
56 4 shall not be used for purposes of debt refinancing.

56 5 3. Each participating financial institution shall  
56 6 identify and underwrite potential lending  
56 7 opportunities with qualifying businesses. Upon a  
56 8 determination by a participating financial institution  
56 9 that a qualifying business meets the underwriting  
56 10 standards of the financial institution, subject to the  
56 11 approval of a loan or credit guarantee, the financial  
56 12 institution shall submit the underwriting information  
56 13 and a loan or credit guarantee application to the  
56 14 department.

56 15 4. Upon approval of a loan or credit guarantee,  
56 16 the department shall enter into a loan or credit  
56 17 guarantee agreement with the participating financial  
56 18 institution. The agreement shall specify all of the  
56 19 following:

56 20 a. The fee to be charged to the financial  
56 21 institution.

56 22 b. The evidence of debt assurance of, and security  
56 23 for, the loan or credit guarantee.

56 24 c. A loan or credit guarantee that does not exceed  
56 25 fifteen years.

56 26 d. Any other terms and conditions considered  
56 27 necessary or desirable by the department.

56 28 e. That the loan or credit guarantee does not  
56 29 invoke or pledge the credit or the taxing power of the  
56 30 state and that any claim made pursuant to the loan or  
56 31 credit guarantee shall be limited to the terms and  
56 32 amount of the loan or credit guarantee and to the  
56 33 moneys in the disaster assistance loan and credit  
56 34 guarantee fund.

56 35 5. The department shall charge a nonrefundable  
56 36 application fee for each application under the  
56 37 program. The department shall include the fee  
56 38 information in the application materials. The fee is  
56 39 payable upon submission of an application for a loan  
56 40 or credit guarantee from a financial institution or a  
56 41 qualifying business. The application fee shall be not  
56 42 less than five hundred dollars and not more than one  
56 43 thousand dollars. Moneys received from fees are  
56 44 appropriated to the department for purposes of  
56 45 administering this section.

56 46 6. The department may adopt loan and credit  
56 47 guarantee application procedures that allow a  
56 48 qualifying business to apply directly to the  
56 49 department for a preliminary guarantee commitment. A  
56 50 preliminary guarantee commitment may be issued by the  
57 1 department subject to the qualifying business securing  
57 2 a commitment for financing from a financial  
57 3 institution. The application procedures shall specify  
57 4 the process by which a financial institution may  
57 5 obtain a final loan or credit guarantee.

57 6 7. a. A disaster assistance loan and credit  
57 7 guarantee fund is created and established as a  
57 8 separate and distinct fund in the state treasury.  
57 9 Moneys in the fund shall only be used for purposes  
57 10 provided in this section. The moneys in the fund are  
57 11 appropriated to the department to be used for all of  
57 12 the following purposes:

57 13 (1) Payment of claims pursuant to loan and credit  
57 14 guarantee agreements entered into under this section.

57 15 (2) Payment of administrative costs of the  
57 16 department for actual and necessary administrative  
57 17 expenses incurred by the department in administering  
57 18 the disaster assistance loan and credit guarantee  
57 19 program.

57 20 (3) Purchase or buyout of superior or prior liens,  
57 21 mortgages, or security interests.

57 22 (4) Purchase of insurance to cover the default of  
57 23 loans made pursuant to the requirements of the  
57 24 disaster assistance loan and credit guarantee program.

57 25 b. Moneys in the disaster assistance loan and  
57 26 credit guarantee fund shall consist of all of the  
57 27 following:

57 28 (1) Moneys appropriated by the general assembly

57 29 for that purpose and any other moneys available to and  
57 30 obtained or accepted by the department for placement  
57 31 in the fund.

57 32 (2) Proceeds from collateral assigned to the  
57 33 department, fees for guarantees, gifts, and moneys  
57 34 from any grant made to the fund by any federal agency.

57 35 c. Moneys in the fund are not subject to section  
57 36 8.33. Notwithstanding section 12C.7, interest or  
57 37 earnings on the moneys in the fund shall be credited  
57 38 to the fund.

57 39 d. (1) The department shall only pledge moneys in  
57 40 the disaster assistance loan and credit guarantee fund  
57 41 and not any other moneys under the control of the  
57 42 department. In a fiscal year, the department may  
57 43 pledge an amount not to exceed the total amount  
57 44 appropriated to the fund for the same fiscal year to  
57 45 assure the repayment of loan and credit guarantees or  
57 46 other extensions of credit made to or on behalf of  
57 47 qualified businesses for eligible project costs.

57 48 (2) The department shall not pledge the credit or  
57 49 taxing power of this state or any political  
57 50 subdivision of this state or make debts payable out of  
58 1 any moneys except for those in the disaster assistance  
58 2 loan and credit guarantee fund.

58 3 8. For purposes of this section, "financial  
58 4 institution" means a bank incorporated pursuant to  
58 5 chapter 524 or a credit union organized pursuant to  
58 6 chapter 533.

58 7 9. For the fiscal year beginning July 1, 2008, and  
58 8 ending June 30, 2009, the Iowa power fund board may  
58 9 allocate up to \$1.8 million for purposes of the  
58 10 disaster assistance loan and credit guarantee fund.

58 11 Sec. 182. JOB TRAINING INTERIM STUDY COMMITTEE.

58 12 1. The legislative council shall establish a job  
58 13 training interim study committee to examine job  
58 14 training issues during the 2009 legislative interim  
58 15 period.

58 16 2. The study committee shall examine and make  
58 17 recommendations concerning job training needs in Iowa.  
58 18 The study committee shall focus on job training  
58 19 mechanisms that provide services to underserved  
58 20 populations in Iowa. Underserved populations include  
58 21 people making less than twenty thousand dollars per  
58 22 year, minorities, women, persons with disabilities,  
58 23 the elderly, and people convicted of felonies trying  
58 24 to re-enter society after release from prison.

58 25 3. The legislative council shall consider  
58 26 providing funding for the hiring of a private  
58 27 consultant to identify duplicative programs that  
58 28 contribute to the fragmentation of job training  
58 29 efforts. The study committee shall make  
58 30 recommendations for the removal of any such  
58 31 duplicative programs.

58 32 4. The committee shall submit a report to the  
58 33 general assembly.

58 34 Sec. 183. Section 15.421, subsection 2, Code 2009,  
58 35 is amended by adding the following new paragraph:

58 36 NEW PARAGRAPH. c. The directors of the department  
58 37 of economic development and the department of  
58 38 workforce development, or their designees, shall serve  
58 39 as nonvoting, ex officio members.

58 40 Sec. 184. Section 15.421, subsection 4, Code 2009,  
58 41 is amended by striking the subsection and inserting in  
58 42 lieu thereof the following:

58 43 4. a. The chairperson and vice chairperson of the  
58 44 commission shall be selected by the governor and shall  
58 45 serve at the pleasure of the governor.

58 46 b. An executive council of the commission shall  
58 47 consist of the chairperson and vice chairperson, and  
58 48 three members elected by the commission on an annual  
58 49 basis. The executive council shall meet on a monthly  
58 50 basis.

59 1 Sec. 185. Section 15.421, subsection 5, paragraphs  
59 2 b and c, Code 2009, are amended to read as follows:

59 3 b. Advise and assist ~~the department~~ state agencies  
59 4 in activities designed to retain and attract the young  
59 5 adult population.

59 6 c. Develop and make available best practices  
59 7 guidelines for employers to retain and attract ~~and~~  
59 8 ~~retain~~ young adult employees.

59 9 Sec. 186. Section 15.421, subsection 5, Code 2009,

59 10 is amended by adding the following new paragraph:  
59 11 NEW PARAGRAPH. d. Conduct meetings on at least a  
59 12 bimonthly basis.  
59 13 Sec. 187. NEW SECTION. 15E.70 FINANCIAL  
59 14 STATEMENTS == AUDITOR OF STATE.  
59 15 By July 1 of each year, the Iowa fund of funds, the  
59 16 Iowa capital investment corporation, and designated  
59 17 investors shall submit a financial statement for the  
59 18 previous calendar year to the auditor of state.  
59 19 Sec. 188. 2008 Iowa Acts, chapter 1178, section  
59 20 18, is amended by adding the following new subsection:  
59 21 NEW SUBSECTION. 7. Notwithstanding section 8.33,  
59 22 moneys appropriated in this section that remain  
59 23 unencumbered or unobligated at the close of the fiscal  
59 24 year shall not revert but shall remain available for  
59 25 expenditure for the purposes designated until the  
59 26 close of the succeeding fiscal year.  
59 27 Sec. 189. 2009 Iowa Acts, Senate File 469, section  
59 28 15, subsection 2, unnumbered paragraph 2, if enacted,  
59 29 is amended to read as follows:  
59 30 The division of workers' compensation shall  
59 31 ~~continue charging charge~~ a \$65 ~~\$100~~ filing fee for  
59 32 workers' compensation cases. The filing fee shall be  
59 33 paid by the petitioner of a claim. However, the fee  
59 34 can be taxed as a cost and paid by the losing party,  
59 35 except in cases where it would impose an undue  
59 36 hardship or be unjust under the circumstances. The  
59 37 moneys generated by the filing fee allowed under this  
59 38 subsection are appropriated to the department of  
59 39 workforce development to be used for purposes of  
59 40 administering the division of workers' compensation.  
59 41 Sec. 190. EFFECTIVE DATE.  
59 42 1. The section of this division of this Act  
59 43 amending 2008 Iowa Acts, chapter 1178, section 18,  
59 44 being deemed of immediate importance, takes effect  
59 45 upon enactment.  
59 46 2. The section of this division of this Act  
59 47 creating the disaster assistance loan and credit  
59 48 guarantee program, being deemed of immediate  
59 49 importance, takes effect upon enactment.  
59 50 DIVISION XVI  
60 1 CONTRACTOR REGISTRATION  
60 2 Sec. 191. Section 91C.4, Code 2009, is amended to  
60 3 read as follows:  
60 4 91C.4 FEES  
60 5 The labor commissioner shall prescribe the fee for  
60 6 registration, which fee shall not exceed ~~twenty-five~~  
60 7 ~~fifty~~ dollars every ~~two years~~ year. All fees  
~~60 8 collected shall be deposited in the general fund of~~  
~~60 9 the state.~~  
60 10 Sec. 192. Section 91C.7, subsection 2, paragraph  
60 11 b, Code 2009, is amended to read as follows:  
60 12 b. An out-of-state contractor may file a blanket  
60 13 bond in an amount at least equal to fifty thousand  
60 14 dollars for the registration ~~a two-year~~ period  
60 15 ~~established under section 91C.4~~ in lieu of filing an  
60 16 individual bond for each contract. The division of  
60 17 labor services of the department of workforce  
60 18 development may increase the bond amount after a  
60 19 hearing.  
60 20 Sec. 193. NEW SECTION. 91C.9 REGISTRATION FUND.  
60 21 1. A contractor registration revolving fund is  
60 22 created in the state treasury. The revolving fund  
60 23 shall be administered by the commissioner and shall  
60 24 consist of moneys collected by the commissioner as  
60 25 fees. The commissioner shall remit all fees collected  
60 26 pursuant to this chapter to the revolving fund. The  
60 27 moneys in the revolving fund are appropriated to and  
60 28 shall be used by the commissioner to pay the actual  
60 29 costs and expenses necessary to perform the duties of  
60 30 the commissioner and the division of labor as  
60 31 described in this chapter. All salaries and expenses  
60 32 properly chargeable to the revolving fund shall be  
60 33 paid from the revolving fund.  
60 34 2. Section 8.33 does not apply to any moneys in  
60 35 the revolving fund. Notwithstanding section 12C.7,  
60 36 subsection 2, earnings or interest on moneys deposited  
60 37 in the fund shall be credited to the revolving fund.  
60 38 Sec. 194. EMERGENCY RULES. The commissioner may  
60 39 adopt emergency rules under section 17A.4, subsection  
60 40 3, and section 17A.5, subsection 2, paragraph "b", to

60 41 implement the provisions of this Act amending chapter  
60 42 91C, and the rules shall be effective immediately upon  
60 43 filing unless a later date is specified in the rules.  
60 44 Any rules adopted in accordance with this section  
60 45 shall also be published as a notice of intended action  
60 46 as provided in section 17A.4.

60 47 Sec. 195. REGISTRATION FUND == CASH FLOW.  
60 48 Notwithstanding contrary provisions of section 89.8,  
60 49 and of section 91C.9 as enacted in this Act, for the  
60 50 fiscal year beginning July 1, 2009, and ending June  
61 1 30, 2010, the commissioner may allocate, for cash flow  
61 2 purposes, up to one hundred thousand dollars from  
61 3 moneys in the boiler and pressure vessel safety  
61 4 revolving fund created in section 89.8, to the  
61 5 contractor registration revolving fund created in  
61 6 section 91C.9 as enacted in this Act, provided that  
61 7 such moneys are returned to the boiler and pressure  
61 8 vessel safety revolving fund by June 30, 2010.

61 9 DIVISION XVII

61 10 CHILD CARE REGULATORY FEE

61 11 Sec. 196. NEW SECTION. 237A.4A CHILD CARE  
61 12 REGULATORY FEE == CHILD CARE FACILITY FUND.

61 13 1. a. The department shall implement a regulatory  
61 14 fee for licensure of child care facilities. The fee  
61 15 requirements shall provide for tiered amounts based  
61 16 upon a child care facility's capacity and a child  
61 17 development home's regulatory category at the time of  
61 18 licensure.

61 19 b. The regulatory fee for centers shall not exceed  
61 20 one hundred fifty dollars.

61 21 c. The regulatory fee for category "A" and "B"  
61 22 child development homes shall not exceed one hundred  
61 23 fifty dollars and the fee for category "C" child  
61 24 development homes shall not exceed one hundred  
61 25 eighty-seven dollars.

61 26 d. The department shall adopt rules for  
61 27 implementation of the fee.

61 28 2. Regulatory fees collected shall augment  
61 29 existing funding for regulation of child care  
61 30 facilities in order to phase in annual inspections of  
61 31 child development homes and improve inspections of  
61 32 child care centers. The department shall not supplant  
61 33 existing funding for regulation of child care with  
61 34 funding derived from the regulatory fee. The  
61 35 department shall seek to meet the following target  
61 36 percentages of the total number of child development  
61 37 homes in the state inspected annually in phasing in  
61 38 the annual inspection of all child development homes:

61 39 a. For the fiscal year beginning July 1, 2009,  
61 40 twenty percent.

61 41 b. For the fiscal year beginning July 1, 2010,  
61 42 forty percent.

61 43 c. For the fiscal year beginning July 1, 2011,  
61 44 sixty percent.

61 45 d. For the fiscal year beginning July 1, 2012,  
61 46 eighty percent.

61 47 e. For the fiscal year beginning July 1, 2013, and  
61 48 succeeding fiscal years, one hundred percent.

61 49 3. a. In phasing in the inspection of child  
61 50 development homes, the department shall give priority  
62 1 to child development homes that have recently become  
62 2 licensed and have paid the regulatory fee implemented  
62 3 pursuant to this section.

62 4 b. The results of an inspection of a child care  
62 5 facility shall be made publicly available on the  
62 6 internet page or site implemented by the department in  
62 7 accordance with section 237A.25 and through other  
62 8 means.

62 9 4. The target time frame for the department's  
62 10 issuance of the report concerning an inspection or  
62 11 other regulatory visit to a child care facility is  
62 12 sixty calendar days.

62 13 5. A child care facility fund is created in the  
62 14 state treasury under the authority of the department.  
62 15 The fund is separate from the general fund of the  
62 16 state. Regulatory fees collected under subsection 1  
62 17 shall be credited to the fund. Moneys credited to the  
62 18 fund shall not revert to any other fund and are not  
62 19 subject to transfer except as specifically provided by  
62 20 law. Notwithstanding section 12C.7, subsection 2,  
62 21 interest or earnings on moneys deposited in the fund

62 22 shall be credited to the fund. Moneys in the fund are  
62 23 annually appropriated to the department to be used for  
62 24 staffing dedicated to monitoring and regulation of  
62 25 child care facilities, contracting, related technology  
62 26 costs, record checks, grants and fee waivers, and  
62 27 other expenses for inspection and regulation of child  
62 28 care facilities. Any full-time equivalent positions  
62 29 paid for out of the fund shall be in addition to other  
62 30 such positions authorized for the department.

62 31 Sec. 197. Section 237A.5, subsection 2, paragraphs  
62 32 b and c, Code 2009, are amended to read as follows:

62 33 b. If an individual person subject to a record  
62 34 check is being considered for employment by a child  
62 35 care facility or child care home provider, in lieu of  
62 36 requesting a record check in this state to be  
62 37 conducted by the department under paragraph "c", the  
62 38 child care facility or child care home may access the  
62 39 single contact repository established pursuant to  
62 40 section 135C.33 as necessary to conduct a criminal and  
62 41 child abuse record check of the individual in this  
62 42 state. A copy of the results of the record check  
62 43 conducted through the single contact repository shall  
62 44 also be provided to the department. If the record  
62 45 check indicates the individual is a person subject to  
62 46 an evaluation, the child care facility or child care  
62 47 home may request that the department perform an  
62 48 evaluation as provided in this subsection. Otherwise,  
62 49 the individual shall not be employed by the child care  
62 50 facility or child care home.

63 1 c. Unless a record check has already been  
63 2 conducted in accordance with paragraph "b", the  
63 3 department shall conduct a criminal and child abuse  
63 4 record check in this state for a person who is subject  
63 5 to a record check and may conduct such a check in  
63 6 other states. In addition, the department may conduct  
63 7 a dependent adult abuse, sex offender registry, or  
63 8 other public or civil offense record check in this  
63 9 state or in other states for a person who is subject  
63 10 to a record check.

63 11 cc. (1) For a person subject to a record check,  
63 12 in addition to any other record check conducted  
63 13 pursuant to this subsection, the person's fingerprints  
63 14 shall be provided to the department of public safety  
63 15 for submission through the state criminal history  
63 16 repository to the United States department of justice,  
63 17 federal bureau of investigation for a national  
63 18 criminal history check. The national criminal history  
63 19 check shall be repeated every four years.

63 20 (2) Except as otherwise provided by law, the cost  
63 21 of a national criminal history check conducted in  
63 22 accordance with subparagraph (1) and the state record  
63 23 checks conducted in accordance with paragraph "c" that  
63 24 are conducted in connection with a person's  
63 25 involvement with a child care center are not the  
63 26 responsibility of the department. The department is  
63 27 responsible for the cost of such checks conducted in  
63 28 connection with a person's involvement with a child  
63 29 development home or child care home.

63 30 (3) If record checks under paragraph "b" or "c"  
63 31 have been conducted on a person subject to a record  
63 32 check and the results do not warrant prohibition of  
63 33 the person's involvement with child care or otherwise  
63 34 present protective concerns, the person may be  
63 35 involved with child care on a provisional basis until  
63 36 the record check under subparagraph (1) has been  
63 37 completed.

63 38 (4) For the period beginning July 1, 2009, and  
63 39 ending June 30, 2013:

63 40 (a) The requirement in subparagraph (1) shall only  
63 41 apply to owners and employees of licensed child care  
63 42 centers and licensed child development homes and is  
63 43 applicable beginning on and after January 1, 2010, at  
63 44 the time of initial application for or renewal of a  
63 45 center's or home's license and the cost provisions of  
63 46 subparagraph (2) are applicable to owners and  
63 47 employees of centers beginning at the same time.

63 48 (b) Except for child development home providers  
63 49 who voluntarily license and are addressed by  
63 50 subparagraph division (a), and child development home  
64 1 providers participating in the child care quality  
64 2 rating system at a level under which national records

64 3 checks are required in accordance with departmental  
64 4 rule, the national record check requirement in  
64 5 subparagraph (1) is not applicable in connection with  
64 6 a child development home or child care home throughout  
64 7 the period.

64 8 (c) This subparagraph (4) is repealed on July 1,  
64 9 2013.

64 10 ccc. (1) If a record check performed pursuant to  
64 11 this ~~paragraph subsection~~ identifies an individual as  
64 12 a person subject to an evaluation, an evaluation shall  
64 13 be performed to determine whether prohibition of the  
64 14 person's involvement with child care is warranted.  
64 15 The evaluation shall be performed in accordance with  
64 16 procedures adopted for this purpose by the department.

64 17 (2) Prior to performing an evaluation, the  
64 18 department shall notify the affected person, licensee,  
64 19 registrant, or child care home applying for or  
64 20 receiving public funding for providing child care,  
64 21 that an evaluation will be conducted to determine  
64 22 whether prohibition of the person's involvement with  
64 23 child care is warranted.

64 24 Sec. 198. IMPLEMENTATION.

64 25 1. The department of human services shall adopt  
64 26 administrative rules to begin implementation of the  
64 27 regulatory fee authorized to be imposed by this  
64 28 division of this Act on or after January 1, 2010.

64 29 2. It is the intent of the general assembly to  
64 30 enact required licensure of child development homes  
64 31 commencing on July 1, 2013, and for the licensure  
64 32 requirement to provide exemptions for child care  
64 33 provided by a relative to only related children, a  
64 34 person providing before or after school child care  
64 35 without charge to only children of friends or  
64 36 neighbors, or a person providing child care to only  
64 37 children from a single unrelated family. Beginning on  
64 38 the effective date of this division of this Act, the  
64 39 department of human services shall begin transition  
64 40 activities for such implementation of child  
64 41 development home licensure. The transition activities  
64 42 may include all of the following:

64 43 a. Implementation of an ongoing public awareness  
64 44 campaign to inform child care providers and consumers  
64 45 of child care services of the intended licensure  
64 46 requirement.

64 47 b. Implementation of a voluntary child development  
64 48 home licensing program on or after July 1, 2010. The  
64 49 department shall adopt rules for the voluntary  
64 50 program. The rules may include but are not limited to  
65 1 provisions to limit the number of voluntary licensure  
65 2 applications accepted as necessary to limit related  
65 3 expenditures within the funding available. The rules  
65 4 shall address all qualification levels of providers  
65 5 who apply for licensure under the voluntary program.  
65 6 However, a prelicensure inspection shall not be  
65 7 required for initial licensure of a child development  
65 8 home provider who meets all of the following  
65 9 requirements:

65 10 (1) The provider's registration is in good  
65 11 standing at the time of application for a license.

65 12 (2) The provider has a rating of 3, 4, or 5 under  
65 13 the child care quality rating system implemented  
65 14 pursuant to section 237A.30 as of the application  
65 15 date. The provider must either maintain or achieve a  
65 16 higher rating, throughout the period of voluntary  
65 17 licensure.

65 18 (3) The provider has passed a registration  
65 19 compliance check by the department or achieved a  
65 20 rating specified in subparagraph (2) within the  
65 21 two-year period preceding the application date.

65 22 c. Any cost savings realized by the department  
65 23 during the transition period due to licensed child  
65 24 care centers or their employees assuming  
65 25 responsibility for the cost of required record checks  
65 26 in place of the department shall be transferred to the  
65 27 child care facility fund created by this division of  
65 28 this Act.

65 29 d. The department, in collaboration with  
65 30 representatives of the community empowerment  
65 31 initiative, the state child care advisory council, the  
65 32 early childhood Iowa council, child care providers  
65 33 active with the Iowa affiliate of the American

65 34 federation of state, county, and municipal employees,  
65 35 and others involved with early care, shall develop a  
65 36 plan for creating sustainable funding sources to  
65 37 support home-based child care providers in meeting the  
65 38 intended child development home licensing requirement.  
65 39 The plan shall be submitted to the governor and  
65 40 general assembly on or before December 15, 2010.

65 41 DIVISION XVIII

65 42 CITY FRANCHISE FEES AND CITY UTILITIES

65 43 Sec. 199. Section 364.2, subsection 4, paragraph  
65 44 f, Code 2009, is amended to read as follows:

65 45 f. A franchise fee assessed by a city may be based  
65 46 upon a percentage of gross revenues generated from  
65 47 sales of the franchisee within the city not to exceed  
65 48 five percent, without regard to the city's cost of  
65 49 inspecting, supervising, and otherwise regulating the  
65 50 franchise. Franchise fees collected pursuant to an  
66 1 ordinance in effect on the effective date of this  
66 2 division of this Act shall be deposited in the city's  
66 3 general fund and such fees collected in excess of the  
66 4 amounts necessary to inspect, supervise, and otherwise  
66 5 regulate the franchise may be used by the city for any  
66 6 other purpose authorized by law. Franchise fees  
66 7 collected pursuant to an ordinance that is adopted or  
66 8 amended on or after the effective date of this  
66 9 division of this Act to increase the percentage rate  
66 10 at which franchise fees are assessed shall be credited  
66 11 to the franchise fee account within the city's general  
66 12 fund and used pursuant to section 384.3A. If a city  
66 13 franchise fee is assessed to customers of a franchise,  
66 14 the fee shall not be assessed to the city as a  
66 15 customer. Before a city adopts or amends a franchise  
66 16 fee rate ordinance or franchise ordinance to increase  
66 17 the percentage rate at which franchise fees are  
66 18 assessed, a revenue purpose statement shall be  
66 19 prepared specifying the purpose or purposes for which  
66 20 the revenue collected from the increased rate will be  
66 21 expended. If property tax relief is listed as a  
66 22 purpose, the revenue purpose statement shall also  
66 23 include information regarding the amount of the  
66 24 property tax relief to be provided with revenue  
66 25 collected from the increased rate. The revenue  
66 26 purpose statement shall be published as provided in  
66 27 section 362.3.

66 28 Sec. 200. Section 364.3, Code 2009, is amended by  
66 29 adding the following new subsection:

66 30 NEW SUBSECTION. 10. A city which operates a  
66 31 utility that furnishes gas or electricity shall manage  
66 32 the right-of-way on a competitively neutral and  
66 33 nondiscriminatory basis. Such city utility shall be  
66 34 required to pay the fees and charges computed in the  
66 35 same manner as those fees and charges which are  
66 36 imposed by the city upon any other provider of a  
66 37 similar service within the corporate boundaries of the  
66 38 city. Such city utility shall also comply with the  
66 39 terms of the franchise granted by the city to the  
66 40 provider of a similar service. This subsection shall  
66 41 not be construed to prohibit the city utility from  
66 42 making transfers of surplus as otherwise allowed or  
66 43 from making in-kind contributions as otherwise  
66 44 allowed. However, a city shall not require that  
66 45 transfers from the city utility be in excess of the  
66 46 franchise fee amount imposed upon the provider of a  
66 47 similar service unless otherwise agreed.

66 48 Sec. 201. NEW SECTION. 384.3A FRANCHISE FEE  
66 49 ACCOUNT == USE OF FRANCHISE FEE REVENUES.

66 50 1. A city that assesses a franchise fee pursuant  
67 1 to an ordinance that is adopted or amended on or after  
67 2 the effective date of this division of this Act to  
67 3 increase the percentage rate at which franchise fees  
67 4 are assessed under section 364.2, subsection 4,  
67 5 paragraph "f", shall establish a franchise fee account  
67 6 within the city's general fund. All revenues  
67 7 collected by a city pursuant to such an ordinance  
67 8 shall be deposited in the account. Interest earned on  
67 9 revenues deposited in the account shall remain in the  
67 10 account and be used for the purposes specified in this  
67 11 section. Moneys in the account are not subject to  
67 12 transfer to any other accounts in the city's general  
67 13 fund or to any other funds established by a city  
67 14 unless such transfer is for a purpose specified in

67 15 this section.  
67 16 2. Moneys in the account shall be used for the  
67 17 purposes of inspecting, supervising, and otherwise  
67 18 regulating each franchise approved by the city.  
67 19 3. Moneys in the account in excess of the amount  
67 20 necessary for the purposes specified in subsection 2  
67 21 shall be expended for any of the following:  
67 22 a. Property tax relief.  
67 23 b. The repair, remediation, restoration, cleanup,  
67 24 replacement, and improvement of existing public  
67 25 improvements and other publicly owned property,  
67 26 buildings, and facilities.  
67 27 c. Projects designed to prevent or mitigate future  
67 28 disasters as defined in section 29C.2.  
67 29 d. Energy conservation measures for low-income  
67 30 homeowners, low-income energy assistance programs, and  
67 31 weatherization programs.  
67 32 e. Public safety, including the equipping of fire,  
67 33 police, emergency services, sanitation, street, and  
67 34 civil defense departments.  
67 35 f. The establishment, construction,  
67 36 reconstruction, repair, equipping, remodeling, and  
67 37 extension of public works, public utilities, and  
67 38 public transportation systems.  
67 39 g. The construction, reconstruction, or repair of  
67 40 streets, highways, bridges, sidewalks, pedestrian  
67 41 underpasses and overpasses, street lighting fixtures,  
67 42 and public grounds, and the acquisition of real estate  
67 43 needed for such purposes.  
67 44 h. Property tax abatements, building permit fee  
67 45 abatements, and abatement of other fees for property  
67 46 damaged by a disaster as defined in section 29C.2.  
67 47 i. Economic development activities and projects.  
67 48 Sec. 202. CERTAIN FRANCHISE FEES DECLARED LEGAL.  
67 49 To the extent that any amount of franchise fees  
67 50 assessed by and paid to a city prior to the effective  
68 1 date of this division of this Act, pursuant to a  
68 2 franchise agreement between a city and any person to  
68 3 erect, maintain, and operate plants and systems for  
68 4 electric light and power, heating, telegraph, district  
68 5 telegraph and alarm, motor bus, trolley bus, street  
68 6 railway or other public transit, waterworks, or  
68 7 gasworks, exceeds the city's reasonable costs of  
68 8 inspecting, supervising, and otherwise regulating the  
68 9 franchise, such amount is deemed and declared to be  
68 10 authorized and legally assessed by and paid to the  
68 11 city.  
68 12 Sec. 203. EFFECTIVE DATE. This division of this  
68 13 Act, being deemed of immediate importance, takes  
68 14 effect upon enactment.>  
68 15 #2. Title page, line 6, by inserting after the  
68 16 word <atters> the following: <and including  
68 17 effective date and retroactive and other applicability  
68 18 provisions>.  
68 19  
68 20  
68 21  
68 22 \_\_\_\_\_  
68 23 ROBERT E. DVORSKY  
68 24 SF 478.201 83  
68 25 tm/jp/24176.6