

Senate File 2385

S-5331

1 Amend Senate File 2385 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <DIVISION I

5 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY
6 2011-2012

7 Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH
8 FUNDING

9 — FY 2011-2012. Notwithstanding section 331.439,
10 subsection 3, the allowed growth factor adjustment
11 for county mental health, mental retardation, and
12 developmental disabilities service expenditures
13 for the fiscal year beginning July 1, 2011, shall
14 be established by statute which shall be enacted
15 within thirty calendar days of the convening of the
16 Eighty-fourth General Assembly, 2011 Session, on
17 January 10, 2011. The governor shall submit to the
18 general assembly a recommendation for such allowed
19 growth factor adjustment and the amounts of related
20 appropriations to the general assembly on or before
21 January 11, 2011.

22 DIVISION II

23 STANDING APPROPRIATIONS
24 AND RELATED MATTERS

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

26 1. For the budget process applicable to the fiscal
27 year beginning July 1, 2011, on or before October 1,
28 2010, in lieu of the information specified in section
29 8.23, subsection 1, unnumbered paragraph 1, and
30 paragraph "a", all departments and establishments of
31 the government shall transmit to the director of the
32 department of management, on blanks to be furnished
33 by the director, estimates of their expenditure
34 requirements, including every proposed expenditure, for
35 the ensuing fiscal year, together with supporting data
36 and explanations as called for by the director of the
37 department of management after consultation with the
38 legislative services agency.

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

47 Sec. 3. GENERAL ASSEMBLY.

48 1. The appropriations made pursuant to section
49 2.12 for the expenses of the general assembly and
50 legislative agencies for the fiscal year beginning July

1 1, 2010, and ending June 30, 2011, are reduced by the
2 following amount:

3 \$ 5,939,790

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

8 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

9 Notwithstanding the standing appropriations in the
10 following designated sections for the fiscal year
11 beginning July 1, 2010, and ending June 30, 2011, the
12 amounts appropriated from the general fund of the state
13 pursuant to these sections for the following designated
14 purposes shall not exceed the following amounts:

15 1. For operational support grants and community
16 cultural grants under section 99F.11, subsection 3,
17 paragraph "d", subparagraph (1):

18 \$ 443,300

19 2. For regional tourism marketing under section
20 99F.11, subsection 3, paragraph "d", subparagraph (2):

21 \$ 862,028

22 3. For the center for congenital and inherited
23 disorders central registry under section 144.13A,
24 subsection 4, paragraph "a":

25 \$ 182,044

26 4. For primary and secondary child abuse prevention
27 programs under section 144.13A, subsection 4, paragraph
28 "a":

29 \$ 217,772

30 5. For programs for at-risk children under section
31 279.51:

32 \$ 11,493,891

33 The amount of any reduction in this subsection shall
34 be prorated among the programs specified in section
35 279.51, subsection 1, paragraphs "a", "b", and "c".

36 6. For payment for nonpublic school transportation
37 under section 285.2:

38 \$ 7,060,931

39 If total approved claims for reimbursement for
40 nonpublic school pupil transportation exceed the amount
41 appropriated in accordance with this subsection, the
42 department of education shall prorate the amount of
43 each approved claim.

44 7. For mental health, mental retardation, and
45 developmental disabilities services property tax relief
46 under section 426B.1, subsection 2, as amended in this
47 division of this Act:

48 \$ 81,199,911

49 8. For the enforcement of chapter 453D relating to
50 tobacco product manufacturers under section 453D.8:

1 \$ 19,591
2 9. For the Iowa power fund under section 469.10,
3 subsection 1:

4 \$ 19,600,000
5 Sec. 5. STATE FOUNDATION AID FOR SCHOOLS — FY
6 2010-2011.

7 Notwithstanding the standing appropriation in section
8 257.16, subsection 1, for state foundation aid for the
9 fiscal year beginning July 1, 2010, and ending June 30,
10 2011, the amount appropriated from the general fund of
11 the state pursuant to that section for the following
12 designated purpose shall not exceed the following
13 amount:

14 For state foundation aid under section 257.16,
15 subsection 1:
16 \$ 2,494,057,875

17 1. Of the amount designated in this section for
18 state foundation aid, \$314,894,787 is allocated for
19 the teacher salary supplements, the professional
20 development supplements, and the early intervention
21 supplement in accordance with section 257.10,
22 subsections 9 through 11, and section 257.37A.
23 The department of management may adjust the amount
24 allocated pursuant to this subsection in order to
25 reflect any differences resulting from the budget
26 certification process.

27 2. If the remaining balance of the moneys
28 designated in this section, after the allocation made
29 in subsection 1, is less than the amount required to
30 pay the remainder of state foundation aid pursuant to
31 section 257.16, subsection 1, the difference shall be
32 deducted from the payments to each school district and
33 area education agency in the manner provided in section
34 257.16, subsection 4.

35 Sec. 6. INSTRUCTIONAL SUPPORT STATE
36 AID. Notwithstanding the standing appropriation
37 provided under section 257.20, an appropriation from
38 the general fund of the state to the department of
39 education for the fiscal year beginning July 1, 2010,
40 and ending June 30, 2011, shall not be made for
41 purposes of paying instructional support state aid.

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

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

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

4 b. There is appropriated from the general fund of
5 the state to the property tax credit fund created in
6 paragraph "a" for the fiscal year beginning July 1,
7 2010, and ending June 30, 2011, the sum of \$91,256,037.

8 c. Notwithstanding the requirements in section
9 8.56, subsections 3 and 4, there is appropriated from
10 the cash reserve fund to the property tax credit fund
11 created in paragraph "a" for the fiscal year beginning
12 July 1, 2010, and ending June 30, 2011, the sum of
13 \$54,684,481.

14 d. Notwithstanding section 8.33, the surplus
15 existing in the property tax credit fund created
16 pursuant to 2009 Iowa Acts, chapter 179, section 9, at
17 the conclusion of the fiscal year beginning July 1,
18 2009, and ending June 30, 2010, is transferred to the
19 property tax credit fund created in paragraph "a".

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

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

28 \$ 87,757,913

29 b. For reimbursement for the family farm and
30 agricultural land tax credits under sections 425A.1 and
31 426.1:

32 \$ 32,395,131

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

35 \$ 2,400,000

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

39 \$ 23,400,000

40 If the director of revenue determines that the
41 amount of claims for credit for property taxes due
42 pursuant to paragraphs "a", "b", "c", and "d", plus
43 the amount of claims for reimbursement for rent
44 constituting property taxes paid which are to be
45 paid during the fiscal year may exceed the total
46 amount appropriated, the director shall estimate the
47 percentage of the credits and reimbursements which will
48 be funded by the appropriation. The county treasurer
49 shall notify the director of the amount of property tax
50 credits claimed by June 8, 2010. The director shall

1 estimate the percentage of the property tax credits and
2 rent reimbursement claims that will be funded by the
3 appropriation and notify the county treasurer of the
4 percentage estimate by June 15, 2010. The estimated
5 percentage shall be used in computing for each claim
6 the amount of property tax credit and reimbursement for
7 rent constituting property taxes paid for that fiscal
8 year. If the director overestimates the percentage of
9 funding, claims for reimbursement for rent constituting
10 property taxes paid shall be paid until they can no
11 longer be paid at the estimated percentage of funding.
12 Rent reimbursement claims filed after that point in
13 time shall receive priority and shall be paid in the
14 following fiscal year.

15 Sec. 9. PERFORMANCE OF DUTY. There is appropriated
16 from the cash reserve fund created in section 8.56 to
17 the executive council for the fiscal year beginning
18 July 1, 2010, and ending June 30, 2011, the following
19 amount, or so much thereof as is necessary, to be used
20 for the purposes designated:

21 For performance of duty by the executive council in
22 sections 7D.29 and 29C.20:
23 \$ 10,583,628

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

27 Sec. 10. CASH RESERVE FUND APPROPRIATION
28 REQUIREMENTS. Section 8.56, subsections 3 and 4, shall
29 not apply to any appropriation made in this division or
30 any other division of this Act from the cash reserve
31 fund created in section 8.56.

32 Sec. 11. CASH RESERVE FUND APPROPRIATION FOR FISCAL
33 YEAR 2010-2011. For the fiscal year beginning July
34 1, 2010, and ending June 30, 2011, the appropriation
35 to the cash reserve fund provided in section 8.57,
36 subsection 1, paragraph "a", shall not be made.

37 Sec. 12. Section 426B.1, subsections 2 and 3, Code
38 2009, are amended to read as follows:

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

43 ~~3. There is annually appropriated from the property~~
44 ~~tax relief fund to the department of human services to~~
45 ~~supplement the medical assistance appropriation for the~~
46 ~~fiscal year beginning July 1, 1997, and for succeeding~~
47 ~~fiscal years, six million six hundred thousand dollars~~
48 ~~to be used for the nonfederal share of the costs of~~
49 ~~services provided to minors with mental retardation~~
50 ~~under the medical assistance program to meet the~~

1 requirements of section 249A.12, subsection 4. The
2 appropriation in this subsection shall be charged to
3 the property tax relief fund prior to the distribution
4 of moneys from the fund under section 426B.2 and the
5 amount of moneys available for distribution shall be
6 reduced accordingly. However, the appropriation in
7 this subsection shall be considered to be a property
8 tax relief payment for purposes of the combined amount
9 of payments required to achieve fifty percent of the
10 counties' base year expenditures as provided in section
11 426B.2, subsection 2.

12 CASH RESERVE FUND — PERFORMANCE OF DUTY

13 Sec. 13. 2009 Iowa Acts, chapter 179, section
14 10, is amended by adding the following new unnumbered
15 paragraph:

16 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
17 8.33, moneys appropriated in this section that remain
18 unencumbered or unobligated at the close of the fiscal
19 year shall not revert but shall remain available for
20 expenditure for the purposes designated until the close
21 of the succeeding fiscal year.

22 Sec. 14. EFFECTIVE DATES AND RETROACTIVE
23 APPLICABILITY.

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

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

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

38 DIVISION III

39 SALARIES, COMPENSATION, AND RELATED MATTERS

40 Sec. 15. APPOINTED STATE OFFICERS.

41 1. The governor shall establish a salary for
42 appointed nonelected persons in the executive branch
43 of state government holding a position enumerated in
44 and within the salary ranges provided in 2008 Iowa
45 Acts, chapter 1191, section 14, by considering, among
46 other items, the experience of the individual in
47 the position, changes in the duties of the position,
48 the incumbent's performance of assigned duties, and
49 subordinates' salaries. However, the attorney general
50 shall establish the salary for the consumer advocate,

1 the chief justice of the supreme court shall establish
2 the salary for the state court administrator, the
3 ethics and campaign disclosure board shall establish
4 the salary of the executive director, and the Iowa
5 public broadcasting board shall establish the salary of
6 the administrator of the public broadcasting division
7 of the department of education, each within the salary
8 range provided in 2008 Iowa Acts, chapter 1191, section
9 14.

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

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

25 Sec. 16. COLLECTIVE BARGAINING AGREEMENTS
26 FUNDED. The various state departments, boards,
27 commissions, councils, and agencies, including the
28 state board of regents, for the fiscal year beginning
29 July 1, 2010, and ending June 30, 2011, shall provide
30 from available sources pay adjustments, expense
31 reimbursements, and related benefits to fully fund the
32 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 Sec. 17. NONCONTRACT STATE EMPLOYEES — GENERAL.

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

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

37 b. Employees may receive a step increase or the
38 equivalent of a step increase.

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

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

47 2. This section does not apply to members of the
48 general assembly, board members, commission members,
49 persons whose salaries are set by the general assembly
50 pursuant to this Act or are set by the governor,

1 or other persons designated in the section of this
2 division of this Act addressing appointed state
3 officers, employees designated under section 8A.412,
4 subsection 5, and employees covered by 11 IAC 53.6(3).

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

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

14 Sec. 18. STATE EMPLOYEES — STATE BOARD OF
15 REGENTS. For the fiscal year beginning July 1, 2010,
16 and ending June 30, 2011, funds shall be provided from
17 available sources of the state board of regents for
18 funding of collective bargaining agreements for state
19 board of regents employees covered by such agreements
20 and for the following state board of regents employees
21 not covered by a collective bargaining agreement:

22 1. Regents merit system employees and merit
23 supervisory employees.

24 2. Faculty members and professional and scientific
25 employees.

26 Sec. 19. BONUS PAY. For the fiscal year beginning
27 July 1, 2010, and ending June 30, 2011, employees of
28 the executive branch, judicial branch, and legislative
29 branch shall not receive bonus pay unless otherwise
30 authorized by law, required pursuant to a contract
31 of employment entered into before July 1, 2010,
32 or required pursuant to a collective bargaining
33 agreement. This section does not apply to employees
34 of the state board of regents. For purposes of this
35 section, "bonus pay" means any additional remuneration
36 provided an employee in the form of a bonus, including
37 but not limited to a retention bonus, recruitment
38 bonus, exceptional job performance pay, extraordinary
39 job performance pay, exceptional performance pay,
40 extraordinary duty pay, or extraordinary or special
41 duty pay, and any extra benefit not otherwise provided
42 to other similarly situated employees.

43 Sec. 20. SPECIAL FUNDS. For the fiscal year
44 beginning July 1, 2010, and ending June 30, 2011,
45 salary adjustments otherwise provided for in this Act
46 may be funded using departmental revolving, trust,
47 or special funds for which the general assembly has
48 established an operating budget, provided doing so does
49 not exceed the operating budget established by the
50 general assembly.

1 Sec. 21. FEDERAL FUNDS APPROPRIATED. For the
2 fiscal year beginning July 1, 2010, all federal grants
3 to and the federal receipts of the agencies affected by
4 this division of this Act which are received and may be
5 expended for purposes of this division of this Act are
6 appropriated for those purposes and as set forth in the
7 federal grants or receipts.

8 Sec. 22. STATE TROOPER MEAL ALLOWANCE. For the
9 fiscal year beginning July 1, 2010, the sworn peace
10 officers in the department of public safety who are not
11 covered by a collective bargaining agreement negotiated
12 pursuant to chapter 20 shall receive the same per
13 diem meal allowance as the sworn peace officers in
14 the department of public safety who are covered by a
15 collective bargaining agreement negotiated pursuant to
16 chapter 20.

17 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary
18 model administrator shall work in conjunction with
19 the legislative services agency to maintain the
20 state's salary model used for analyzing, comparing,
21 and projecting state employee salary and benefit
22 information, including information relating to
23 employees of the state board of regents. The
24 department of revenue, the department of administrative
25 services, the five institutions under the jurisdiction
26 of the state board of regents, the judicial district
27 departments of correctional services, and the state
28 department of transportation shall provide salary data
29 to the department of management and the legislative
30 services agency to operate the state's salary
31 model. The format and frequency of provision of the
32 salary data shall be determined by the department of
33 management and the legislative services agency. The
34 information shall be used in collective bargaining
35 processes under chapter 20 and in calculating the
36 funding needs contained within the annual salary
37 adjustment legislation. A state employee organization
38 as defined in section 20.3, subsection 4, may request
39 information produced by the model, but the information
40 provided shall not contain information attributable to
41 individual employees.

42 Sec. 24. 2008 Iowa Acts, chapter 1191, section 14,
43 subsection 7, is amended to read as follows:

44 7. The following are range 7 positions:
45 administrator of the public broadcasting division
46 of the department of education, director of the
47 department of corrections, director of the department
48 of education, director of human services, director
49 of the department of economic development, executive
50 director of the Iowa telecommunications and technology

1 commission, executive director of the state board
2 of regents, director of transportation, director of
3 the department of workforce development, director
4 of revenue, director of public health, state court
5 administrator, director of the department of
6 management, chief information officer, and director of
7 the department of administrative services.

8 DIVISION IV

9 APPROPRIATION REDUCTIONS

10 Sec. 25. APPROPRIATION REDUCTIONS — REPORT.

11 1. The amounts appropriated from the general fund
12 of the state to the departments and establishments
13 of the executive branch, as defined in section 8.2,
14 but not including appropriations to the state board
15 of regents, for operational purposes in enactments
16 made for the fiscal year beginning July 1, 2010, and
17 ending June 30, 2011, are reduced by \$83,760,500.
18 For purposes of this section, "operational purposes"
19 means salary, support, administrative expenses, or
20 other personnel-related costs. The reductions in
21 appropriations required pursuant to this subsection
22 shall be realized through the implementation of 2010
23 Iowa Acts, Senate File 2062, 2010 Iowa Acts, Senate
24 File 2088, executive order number 20 issued December
25 16, 2009, and any other efficiency measure. The
26 reductions to operational appropriations required by
27 this subsection shall be applied by the department of
28 management.

29 2. On or before December 1, 2010, the department
30 of management shall submit a report to the general
31 assembly and the legislative services agency
32 regarding anticipated reductions in appropriations
33 for operational purposes and anticipated reductions
34 in full-time equivalent positions for the fiscal
35 year beginning July 1, 2010, and ending June 30,
36 2011, as required by this section. In the report,
37 all reductions shall be categorized in one of
38 four categories. The categories shall include the
39 implementation of 2010 Iowa Acts, Senate File 2062;
40 the implementation of 2010 Iowa Acts, Senate File
41 2088, section 65; the implementation of 2010 Iowa
42 Acts, Senate File 2088, sections 67 and 68; and the
43 implementation of both executive order number 20 issued
44 December 16, 2009, and any remaining provisions of 2010
45 Iowa Acts, Senate File 2088.

46 Sec. 26. CASH RESERVE TRANSFER. For the fiscal
47 year beginning July 1, 2010, and ending June 30, 2011,
48 the department of management may transfer up to five
49 million dollars from the cash reserve fund created
50 in section 8.56 to appropriations addressed by this

1 division for purposes of offsetting the appropriation
2 reductions required in this division. A transfer made
3 pursuant to the authority granted in this section shall
4 be subject to the reporting requirements in section
5 8.39, subsections 3 and 4.

6 Sec. 27. DEPARTMENT OF ADMINISTRATIVE SERVICES —
7 INFORMATION TECHNOLOGY. There is appropriated from
8 the general fund of the state to the department of
9 administrative services for the fiscal year beginning
10 July 1, 2010, and ending June 30, 2011, the following
11 amount, or so much thereof as is necessary, to be used
12 for the purposes designated:

13 For implementing 2010 Iowa Acts, Senate File 2088,
14 division I, including salaries, support, maintenance,
15 and miscellaneous purposes:
16 \$ 2,300,000

17 DIVISION V

18 STATE FINANCIAL MANAGEMENT DUTIES

19 Sec. 28. Section 8A.502, subsection 1, Code 2009,
20 is amended to read as follows:

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

29 Sec. 29. Section 8A.502, Code 2009, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 8A. Budget database. To develop
32 and make available to the public a searchable budget
33 database.

34 Sec. 30. Section 11.5B, subsection 16, if enacted
35 by 2010 Iowa Acts, Senate File 2367, is amended by
36 striking the subsection.

37 Sec. 31. 2010 Iowa Acts, Senate File 2088, section
38 233, is amended to read as follows:

39 SEC. 233. DEPARTMENT OF ~~MANAGEMENT~~ ADMINISTRATIVE
40 SERVICES — CENTRALIZED PAYROLL SYSTEM. The department
41 of ~~management~~ administrative services shall examine
42 the possibility of merging all state payroll systems
43 into the centralized payroll system operated by
44 the department. The department shall consult with
45 those entities of state government not utilizing the
46 centralized payroll system, including but not limited
47 to the state department of transportation, about
48 strategies for encouraging utilization of the state's
49 centralized payroll system and by identifying those
50 barriers preventing merging of the payroll systems.

1 The department shall provide information to the joint
2 appropriations subcommittee on administration and
3 regulation concerning efforts by the department to
4 merge payroll systems and any recommendations for
5 legislative action to encourage, or eliminate barriers
6 to, the provision of payroll services by the department
7 to other state agencies.

8 Sec. 32. 2010 Iowa Acts, Senate File 2088, section
9 234, is amended to read as follows:

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

17 Sec. 33. REPEALS. 2010 Iowa Acts, Senate File
18 2088, sections 175 through 232, are repealed.

19 DIVISION VI

20 CORRECTIVE PROVISIONS

21 Sec. 34. Section 2.69, subsection 3, as enacted
22 by 2010 Iowa Acts, Senate File 2088, section 420, is
23 amended to read as follows:

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

34 Sec. 35. Section 46.3, subsection 3, Code 2009, as
35 amended by 2010 Iowa Acts, Senate File 2343, section 1,
36 if enacted, is amended to read as follows:

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

39 Sec. 36. Section 97D.4, subsection 2, Code 2009, is
40 amended to read as follows:

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

1 Sec. 37. Section 123.43A, subsection 1, unnumbered
2 paragraph 1, as enacted by 2010 Iowa Acts, Senate File
3 2088, section 84, is amended to read as follows:

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

6 Sec. 38. Section 162.10D, subsection 2, as enacted
7 by 2010 Iowa Acts, House File 2280, section 18, is
8 amended to read as follows:

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

16 Sec. 39. Section 216A.113, subsection 1, as enacted
17 by 2010 Iowa Acts, Senate File 2088, section 139, is
18 amended to read as follows:

19 1. The commission ~~on the deaf~~ of deaf services is
20 established, and shall consist of seven voting members
21 appointed by the governor, subject to confirmation by
22 the senate pursuant to section 2.32. Membership of the
23 commission shall include at least four members who are
24 deaf and who cannot hear human speech with or without
25 use of amplification and at least one member who is
26 hard of hearing. All members shall reside in Iowa.

27 Sec. 40. Section 216C.9, subsection 1, Code 2009,
28 as amended by 2010 Iowa Acts, Senate File 2202, section
29 7, if enacted, is amended to read as follows:

30 1. If a street, road, or highway in this state
31 is newly built or reconstructed, a curb ramp or
32 sloped area shall be constructed or installed at each
33 intersection of the street, road, or highway with a
34 sidewalk or path. If a sidewalk or path in this state
35 is newly built or ~~altered~~ reconstructed, a curb ramp or
36 sloped area shall be constructed or installed at each
37 intersection of the sidewalk or path with a street,
38 highway, or road.

39 Sec. 41. Section 256.51, subsection 1, paragraph a,
40 Code 2009, as amended by 2010 Iowa Acts, Senate File
41 2088, section 316, is amended to read as follows:

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

45 Sec. 42. Section 256F.3, subsection 1, Code 2009,
46 as amended by 2010 Iowa Acts, Senate File 2033, section
47 10, is amended to read as follows:

48 1. The state board of education shall apply for
49 a federal grant under Pub. L. No. 107-110, cited as
50 the federal No Child Left Behind Act of 2001, Tit. V,

1 Pt. B, Subpt. 1, for purposes of providing financial
2 assistance for the planning, program design, and
3 initial implementation of public charter schools. The
4 department shall monitor the effectiveness of charter
5 schools and innovation zone schools and shall implement
6 the applicable provisions of this chapter.

7 Sec. 43. Section 256F.6, subsection 3, Code 2009,
8 is amended to read as follows:

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

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

16 **260C.44 Apprenticeship programs.**

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

27 2. For purposes of this section:

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

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

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

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

48 Sec. 45. Section 298.4, subsection 2, if enacted
49 by 2010 Iowa Acts, Senate File 2237, section 103, is
50 amended to read as follows:

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

6 Sec. 46. Section 317.1, Code 2009, as amended
7 by 2010 Iowa Acts, Senate File 2340, section 86, if
8 enacted, is amended to read as follows:

9 **317.1 Definitions.**

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

12 ~~a-~~ 1. "Book", "list", "record", or "schedule" kept
13 by a county auditor, assessor, treasurer, recorder,
14 sheriff, or other county officer means the county
15 system as defined in section 445.1.

16 ~~b-~~ 2. "Commissioner" means the county weed
17 commissioner or the commissioner's deputy within each
18 county.

19 Sec. 47. Section 321J.2, subsection 3, paragraph
20 d, subparagraphs (1) and (2), if enacted by 2010 Iowa
21 Acts, Senate File 431, section 1, are amended to read
22 as follows:

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

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

1 temporary restricted license.

2 Sec. 48. Section 336.4, Code 2009, as amended
3 by 2010 Iowa Acts, Senate File 2088, section 323, is
4 amended to read as follows:

5 **336.4 Library trustees.**

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

12 Sec. 49. Section 435.26B, subsection 1, paragraph
13 c, if enacted by 2010 Iowa Acts, Senate File 2199,
14 section 13, is amended to read as follows:

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

21 Sec. 50. Section 455B.104, subsection 4, as enacted
22 by 2010 Iowa Acts, Senate File 2088, section 258, is
23 amended to read as follows:

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

32 Sec. 51. Section 476.53, subsection 2, paragraph
33 a, Code 2009, as amended by 2010 Iowa Acts, House File
34 2399, section 2, if enacted, is amended to read as
35 follows:

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

43 Sec. 52. Section 489.116, subsection 4, as amended
44 by 2010 Iowa Acts, House File 2478, section 5, if
45 enacted, is amended to read as follows:

46 ~~4.~~ 3. A limited liability company or foreign
47 limited liability company may be served pursuant to
48 this section, as provided in another provision of this
49 chapter, or as provided in sections 617.3 through
50 617.6, unless the manner of service is otherwise

1 specifically provided for by another provision of law.

2 Sec. 53. Section 489.1005, subsection 2, Code 2009,
3 is amended to read as follows:

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

19 Sec. 54. Section 489.1009, subsection 3, Code 2009,
20 is amended to read as follows:

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

37 Sec. 55. Section 489.1013, subsection 2, Code 2009,
38 is amended to read as follows:

39 2. A domesticated company that is a foreign limited
40 liability company consents to the jurisdiction of the
41 courts of this state to enforce any debt, obligation,
42 or other liability owed by the domesticating company,
43 if, before the domestication, the domesticating
44 company was subject to suit in this state on the debt,
45 obligation, or other liability. A domesticated company
46 that is a foreign limited liability company and not
47 authorized to transact business in this state appoints
48 the secretary of state as its registered agent for
49 service of process for purposes of enforcing a debt,
50 obligation, or other liability under this subsection.

1 Service on the secretary of state under this subsection
2 must be made in the same manner and has the same
3 consequences as in section 489.116, subsections ~~3~~ 2 and
4 3.

5 Sec. 56. Section 508C.3, subsection 1, paragraph b,
6 subparagraph (2), subparagraph division (b), Code 2009,
7 as amended by 2010 Iowa Acts, Senate File 2272, section
8 1, if enacted, is amended to read as follows:

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

14 Sec. 57. Section 514C.26, subsection 1, paragraph
15 c, subparagraph (2), subparagraph division (j), as
16 enacted by 2010 Iowa Acts, House File 2075, section 1,
17 is amended to read as follows:

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

25 Sec. 58. Section 543B.29, subsection 1, paragraph
26 e, subparagraph (2), if enacted by 2010 Iowa Acts,
27 Senate File 2326, section 5, is amended to read as
28 follows:

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

39 Sec. 59. Section 562A.29A, subsection 1, paragraph
40 b, as enacted by 2010 Iowa Acts, Senate File 2300,
41 section 3, is amended to read as follows:

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

45 Sec. 60. Section 685.6, subsection 9, paragraph d,
46 as enacted by 2010 Iowa Acts, Senate File 2088, section
47 343, is amended to read as follows:

48 d. At any time during which any custodian is in
49 custody or control of any documentary material or
50 answers to interrogatories produced, or transcripts of

1 oral testimony given, by any person in compliance with
2 any civil investigative demand issued under subsection
3 1, such person, and in the case of an express demand
4 for any product of discovery, the person from whom such
5 discovery was obtained, may file, in the district court
6 of the state for the judicial district within which the
7 office of such custodian is located, and serve upon
8 such custodian, a petition for an order of such court
9 to require the performance by the custodian of any duty
10 imposed upon the custodian by this section.

11 Sec. 61. Section 692A.102, subsection 1, paragraph
12 c, subparagraph (30), Code Supplement 2009, is amended
13 to read as follows:

14 (30) Enticing away a minor in violation of section
15 710.10, if the violation includes an intent to commit
16 sexual abuse, sexual exploitation, sexual contact, or
17 sexual conduct directed towards a minor.

18 Sec. 62. Section 805.6, subsection 3, paragraph a,
19 if enacted by 2010 Iowa Acts, Senate File 2340, section
20 63, is amended to read as follows:

21 a. The uniform citation and complaint shall
22 contain spaces for the parties' names; the address
23 of the alleged offender; the registration number of
24 the offender's vehicle; the information required by
25 section 805.2, a warning which states: I hereby
26 swear and affirm that the information provided by me
27 on this citation is true under penalty of providing
28 false information; and a statement that providing false
29 information is a violation of section 719.3; a list
30 of the scheduled fines prescribed by sections 805.8A,
31 805.8B, and 805.8C, either separately or by group, and
32 a statement of the court costs payable in scheduled
33 violation cases, whether or not a court appearance
34 is required or is demanded; a brief explanation of
35 sections 805.9 and 805.10; and a space where the
36 defendant may sign an admission of the violation when
37 permitted by section 805.9; and the uniform citation
38 and complaint shall require that the defendant appear
39 before a court at a specified time and place. The
40 uniform citation and complaint also may contain a space
41 for the imprint of a credit card, and may contain any
42 other information which the commissioner of public
43 safety, the director of transportation, and the
44 director of the department of natural resources may
45 determine.

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

50 9. Supplies of uniform citation and complaint forms

1 existing or on order on July 1, 2010, may be used until
2 exhausted.

3 Sec. 64. Section 901A.1, subsection 1, paragraph c,
4 Code 2009, is amended to read as follows:

5 c. Enticing a minor ~~away~~ in violation of section
6 710.10, subsection 1.

7 Sec. 65. The portion of 2010 Iowa Acts, House
8 File 2399, section 2, if enacted, that enacts section
9 476.53, subsection 3, paragraph a, subparagraph (1),
10 unnumbered paragraph 1, is amended by striking the
11 unnumbered paragraph and inserting in lieu thereof the
12 following:

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

25 Sec. 66. 2010 Iowa Acts, Senate File 431, section
26 5, if enacted, is amended by striking the section and
27 inserting in lieu thereof the following:

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

31 A mandatory minimum sentence of incarceration
32 imposed pursuant to a violation of section 321J.2,
33 subsection 1; furthermore, the court shall not suspend
34 any part of a sentence not involving incarceration
35 imposed pursuant to section 321J.2, subsection 2 3,
36 4, or 5, beyond the mandatory minimum if any of the
37 following apply:

38 Sec. 67. 2010 Iowa Acts, Senate File 2237, section
39 180, subsection 4, paragraph a, as enacted, is amended
40 to read as follows:

41 a. The Code editor is directed to strike the words
42 "title" or "Title" and insert "Tit." within federal
43 Act references in sections 13.31, subsections 1 and
44 6; 15E.192, subsection 2; 15E.195, subsections 1 and
45 2; 30.1, subsection 3; 47.1, subsection 5; 96.11,
46 subsection 10, paragraph "c"; 97C.1; 97C.2, subsections
47 2, 5, and 7; 97C.3, unnumbered paragraph 1, and
48 subsections 1 and 2; 135C.9, subsection 1, paragraph
49 "b"; 142A.8, subsection 2; 203C.1, subsection 26;
50 207.21, subsections 1, 4, and 5; 207.22, subsection

1 3, paragraph "b"; 217.38; 228.1, subsection 7;
2 230.20, subsection 6; 232.1A; 234.6, subsection 1;
3 249.1, subsection 3; 249A.2, subsections 1, 4, 6, 7,
4 and 8; 249A.20A, subsection 5; 249A.24, subsection
5 2, paragraph "b"; 249B.1, subsections 6 and 7;
6 249F.1, subsection 1; 249F.8; 249J.3, subsection 8;
7 249J.10, subsection 3; 249J.22, subsection 3; 252B.6,
8 subsection 3; 252B.9, subsection 2, paragraph "b",
9 subparagraph (1), subsection 3, paragraphs "c", "d",
10 "e", subparagraph (1), and "f"; 252B.14, subsection
11 5; 252D.20; 252E.15; 259.2, unnumbered paragraph 2;
12 259.9; 260C.18A, subsection 2, paragraph "c"; 306B.1,
13 subsections 3 and 4; 307.10, subsection 13; 321.105,
14 subsection 5; 321.450, subsections 1 and 3; 403.6,
15 subsection 7; 455B.133, subsection 3 and subsection
16 8, paragraph "a"; 459A.102, subsection 19; 483A.4,
17 subsection 1; 486A.101, subsection 2, paragraph "a";
18 488.102, subsection 3, paragraph "a"; 490A.102,
19 subsection 2; 514.7, subsections 2 through 4; 514B.1,
20 subsection 5, paragraphs "b" ~~through~~ through "d";
21 514C.8, subsection 1; 514F.4, subsection 2, paragraph
22 "a"; 514I.9, subsection 1; 523A.401, subsection 5,
23 paragraph "a"; 523A.402, subsection 5, paragraph "a";
24 523A.602, subsection 3; 534.205, subsection 1; 541A.1,
25 subsection 8, paragraph "b", subparagraph (2); and
26 541A.6, Code 2009.

27 Sec. 68. 2010 Iowa Acts, Senate File 2366, section
28 23, subsection 2, if enacted, is amended to read as
29 follows:

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

36 Sec. 69. REPEAL. 2010 Iowa Acts, House File 2280,
37 section 25, is repealed.

38 Sec. 70. REPEAL. 2010 Iowa Acts, House File 2452,
39 section 3, is repealed.

40 Sec. 71. REPEAL. 2010 Iowa Acts, Senate File 2340,
41 section 117, is repealed.

42 Sec. 72. CONDITIONAL EFFECTIVE DATE. The sections
43 of this division of this Act amending sections
44 489.1005, 489.1009, and 489.1013, take effect only if
45 2010 Iowa Acts, House File 2478, is enacted.

46 Sec. 73. CONDITIONAL EFFECTIVE DATE. The sections
47 of this division of this Act amending section 692A.102,
48 subsection 1, paragraph "c", subparagraph (30), and
49 section 901A.1, subsection 1, paragraph "c", take
50 effect only if 2010 Iowa Acts, House File 2438, is

1 enacted.

2 Sec. 74. CONTINGENT EFFECTIVE DATE. The section
3 of this division of this Act amending section 805.6,
4 subsection 7, takes effect only if 2010 Iowa Acts,
5 Senate File 2197, is enacted.

6 Sec. 75. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
7 APPLICABILITY. The following sections of this division
8 of this Act, being deemed of immediate importance,
9 take effect upon enactment and apply retroactively as
10 follows:

11 1. The section of this division of this Act
12 amending section 162.10D, subsection 2, as enacted by
13 2010 Iowa Acts, House File 2280, section 18, applies
14 retroactively to March 9, 2010.

15 2. The section of this division of this Act
16 amending section 216A.113, subsection 1, as enacted by
17 2010 Iowa Acts, Senate File 2088, section 139, applies
18 retroactively to March 10, 2010.

19 3. The section of this division of this Act
20 amending section 256.51, subsection 1, paragraph "a",
21 Code 2009, as amended by 2010 Iowa Acts, Senate File
22 2088, section 316, applies retroactively to March 10,
23 2010.

24 4. The section of this division of this Act
25 amending section 435.26B, subsection 1, paragraph "c",
26 if enacted by 2010 Iowa Acts, Senate File 2199, section
27 13, applies retroactively to the effective date of 2010
28 Iowa Acts, Senate File 2199.

29 5. The section of this division of this Act
30 amending section 562A.29A, subsection 1, paragraph "b",
31 as enacted by 2010 Iowa Acts, Senate File 2300, section
32 3, applies retroactively to March 2, 2010.

33 6. The section of this division of this Act
34 amending the portion of 2010 Iowa Acts, House File
35 2399, section 2, that enacts section 476.53, subsection
36 3, paragraph "a", subparagraph (1), unnumbered
37 paragraph 1, applies retroactively to March 9, 2010.

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

41 Sec. 76. EFFECTIVE DATE. The following sections of
42 this division of this Act take effect December 1, 2010:

43 1. The section of this division of this Act
44 amending section 321J.2, subsection 3, paragraph "d",
45 subparagraphs (1) and (2), if enacted by 2010 Iowa
46 Acts, Senate File 431, section 1.

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

50 3. The section of this division of this Act

1 amending 2010 Iowa Acts, Senate File 431, section 5, if
2 2010 Iowa Acts, Senate File 431, is enacted.

3 DIVISION VII

4 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

5 Sec. 77. SAC AND FOX INDIAN SETTLEMENT —

6 EDUCATIONAL EXPENSES. There is appropriated from the
7 Iowa comprehensive petroleum underground storage tank
8 fund to the department of education for the fiscal year
9 beginning July 1, 2010, and ending June 30, 2011, the
10 following amount, or so much thereof as is necessary,
11 to be used for the purposes designated:

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

18 \$ 90,000

19 Sec. 78. CASH RESERVE FUND APPROPRIATIONS. There
20 is appropriated from the cash reserve fund created in
21 section 8.56 to the following departments and agencies
22 for the fiscal year beginning July 1, 2010, and ending
23 June 30, 2011, the following amounts to be used for the
24 purposes designated:

25 1. DEPARTMENT OF HUMAN SERVICES

26 For the medical assistance program:

27 \$187,800,000

28 2. DEPARTMENT OF MANAGEMENT

29 For salaries, support, maintenance, and
30 miscellaneous purposes:

31 \$ 260,000

32 Sec. 79. APPROPRIATION ADJUSTMENTS — DEPARTMENT
33 OF ADMINISTRATIVE SERVICES. The appropriations to the
34 department of administrative services for the fiscal
35 year beginning July 1, 2010, in 2010 Iowa Acts, Senate
36 File 2367, from the general fund of the state shall
37 be increased by \$2,761,100. The number of full-time
38 equivalent positions authorized for the department of
39 administrative services for the fiscal year beginning
40 July 1, 2010, in 2010 Iowa Acts, Senate File 2367,
41 shall be increased by 34.40.

42 Sec. 80. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF
43 MANAGEMENT. The appropriations to the department of
44 management for the fiscal year beginning July 1, 2010,
45 in 2010 Iowa Acts, Senate File 2367, from the general
46 fund of the state shall be decreased by \$2,761,100.
47 The number of full-time equivalent positions authorized
48 for the department of management for the fiscal year
49 beginning July 1, 2010, in 2010 Iowa Acts, Senate File
50 2367, shall be decreased by 34.40.

1 Sec. 81. RAILROAD COMPANY — LIMITED LIABILITY. A
2 railroad company which alters facilities described in
3 section 327F.2 pursuant to a written agreement with
4 a political subdivision with a population of more
5 than 15,100, but less than 15,150, according to the
6 2000 certified federal census, to construct a flood
7 mitigation project shall receive the limitation on
8 liability contained in section 670.4, subsection 8, for
9 any damages caused by the alteration due to a flood.

10 Sec. 82. BRAILLE AND SIGHT SAVING SCHOOL STUDY.

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

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

23 a. Parents of students who are blind or visually
24 impaired.

25 b. Constituent organizations for the blind or
26 visually impaired.

27 c. The department of education.

28 d. The department for the blind.

29 e. The department of human services.

30 f. Area education agencies.

31 g. School boards and school board administrators.

32 h. The governor's developmental disabilities
33 council.

34 i. Administration of the statewide system for
35 vision services.

36 j. Administration of the Iowa school for the deaf.

37 3. By August 31, 2010, the state board of regents
38 shall submit a report of the study to the legislative
39 council.

40 Sec. 83. PLUMBERS, MECHANICAL PROFESSIONALS, AND
41 CONTRACTORS — EFFECTIVE UPON ENACTMENT.

42 1. Notwithstanding the provisions of section
43 105.18, subsection 2, paragraph "c", subparagraph (3),
44 to the contrary, the plumbing and mechanical systems
45 board shall, through September 30, 2010, allow a person
46 who has not previously held a license issued under
47 section 105.18 to sit for the state master licensing
48 examination for the applicable discipline if that
49 person submits evidence of work experience which the
50 board deems to be equivalent to forty-eight months

1 experience as a licensed master in the applicable
2 discipline.

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

5 Sec. 84. Section 8D.13, subsection 5, Code 2009, is
6 amended to read as follows:

7 5. a. The state shall lease all fiberoptic cable
8 facilities or facilities with ~~DS-3~~ sufficient capacity
9 as determined by the commission for Part III
10 connections, for which state funding is provided. ~~The~~
11 ~~state shall lease all fiberoptic cable facilities or~~
12 ~~facilities with DS-3 or DS-1 capacity for the judicial~~
13 ~~branch, judicial district department departments of~~
14 ~~correctional services, and state agency connections for~~
15 ~~which state funding is provided. In determining the~~
16 ~~capacity to be provided, the commission shall consult~~
17 ~~with the authorized users associated with the Part~~
18 ~~III connections, the judicial branch, the judicial~~
19 ~~district departments of correctional services, and~~
20 ~~state agencies associated with connections for which~~
21 ~~state funding is provided.~~ Such facilities shall be
22 leased from qualified providers. The state shall not
23 own such facilities, except for those facilities owned
24 by the state as of January 1, 1994.

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

29 Sec. 85. Section 16.100A, subsection 6, paragraph
30 d, Code Supplement 2009, is amended to read as follows:

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

36 Sec. 86. Section 16.181, subsection 1, paragraph a,
37 Code Supplement 2009, is amended to read as follows:

38 a. A housing trust fund is created within the
39 authority. The moneys in the housing trust fund are
40 annually appropriated to the authority to be used
41 for the development and preservation of affordable
42 housing for low-income people in the state and for the
43 Iowa mortgage help initiative. Payment of interest,
44 recaptures of awards, or other repayments to the
45 housing trust fund shall be deposited in the fund.
46 Notwithstanding section 12C.7, interest or earnings on
47 moneys in the housing trust fund or appropriated to the
48 fund shall be credited to the fund. Notwithstanding
49 section 8.33, unencumbered and unobligated moneys
50 remaining in the fund at the close of each fiscal

1 year shall not revert but shall remain available for
2 expenditure for the same purposes in the succeeding
3 fiscal year.

4 Sec. 87. NEW SECTION. 16.188 Workforce housing
5 assistance grant fund.

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

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

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

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

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

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

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

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

47 c. In any fiscal year, an area shall not receive
48 grants totaling more than twenty-five percent of the
49 moneys expended from the fund in that fiscal year. For
50 purposes of this paragraph, "area" means the same area

1 used to determine the median income under paragraph
2 "a".

3 4. Annually, on or before January 15 of each year,
4 the authority shall report to the legislative services
5 agency and the department of management the status of
6 all projects that received moneys from the workforce
7 housing assistance grant fund. The report shall
8 include a description of each project, the progress
9 of work completed, the total estimated cost of each
10 project, a list of all revenue sources being used to
11 fund each project, the amount of funds expended, the
12 amount of funds obligated, and the date each project
13 was completed or an estimated completion date of each
14 project, where applicable.

15 5. Payment of moneys from appropriations from the
16 fund shall be made in a manner that does not adversely
17 affect the tax exempt status of any outstanding bonds
18 issued by the treasurer of state pursuant to section
19 12.87.

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

22 Sec. 88. Section 20.19, Code 2009, is amended to
23 read as follows:

24 **20.19 Impasse procedures — agreement of parties.**

25 As the first step in the performance of their duty
26 to bargain, the public employer and the employee
27 organization shall endeavor to agree upon impasse
28 procedures. Such agreement shall provide for
29 implementation of these impasse procedures not later
30 than one hundred twenty days prior to the certified
31 budget submission date of the public employer.
32 However, if public employees represented by the
33 employee organization are teachers licensed under
34 chapter 272, and the public employer is a school
35 district or area education agency, the agreement shall
36 provide for implementation of impasse procedures not
37 later than one hundred twenty days prior to May 31
38 of the year when the collective bargaining agreement
39 is to become effective. If the public employer is a
40 community college, the agreement shall provide for
41 implementation of impasse procedures not later than
42 one hundred twenty days prior to May 31 of the year
43 when the collective bargaining agreement is to become
44 effective. If the public employer is not subject to
45 the budget certification requirements of section 24.17
46 and other applicable sections, the agreement shall
47 provide for implementation of impasse procedures not
48 later than one hundred twenty days prior to the date
49 the next fiscal or budget year of the public employer
50 commences. If the parties fail to agree upon impasse

1 procedures under the provisions of this section, the
2 impasse procedures provided in sections 20.20 to 20.22
3 shall apply.

4 Sec. 89. Section 20.20, Code 2009, is amended to
5 read as follows:

6 **20.20 Mediation.**

7 In the absence of an impasse agreement negotiated
8 pursuant to section 20.19 or the failure of either
9 party to utilize its procedures, one hundred twenty
10 days prior to the certified budget submission date,
11 or one hundred twenty days prior to May 31 of the
12 year when the collective bargaining agreement is to
13 become effective if public employees represented
14 by the employee organization are teachers licensed
15 under chapter 272 and the public employer is a school
16 district or area education agency, the board shall,
17 upon the request of either party, appoint an impartial
18 and disinterested person to act as mediator. If the
19 public employer is a community college, and in the
20 absence of an impasse agreement negotiated pursuant
21 to section 20.19 or the failure of either party to
22 utilize its procedures, one hundred twenty days prior
23 to May 31 of the year when the collective bargaining
24 agreement is to become effective, the board, upon the
25 request of either party, shall appoint an impartial and
26 disinterested person to act as mediator. If the public
27 employer is not subject to the budget certification
28 requirements of section 24.17 or other applicable
29 sections and in the absence of an impasse agreement
30 negotiated pursuant to section 20.19, or the failure
31 of either party to utilize its procedures, one hundred
32 twenty days prior to the date the next fiscal or budget
33 year of the public employer commences, the board, upon
34 the request of either party, shall appoint an impartial
35 and disinterested person to act as a mediator. It
36 shall be the function of the mediator to bring the
37 parties together to effectuate a settlement of the
38 dispute, but the mediator may not compel the parties
39 to agree.

40 Sec. 90. Section 99B.12A, unnumbered paragraph 1,
41 Code 2009, is amended to read as follows:

42 ~~An organization that is exempt from federal income~~
43 ~~taxes under section 501(c)(3), 501(c)(4), 501(c)(5),~~
44 ~~501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or~~
45 ~~501(c)(19) of the Internal Revenue Code as defined~~
46 ~~in section 422.3, A person shall be authorized to~~
47 ~~conduct a bingo occasion without a license as otherwise~~
48 ~~required by this chapter if all of the following~~
49 ~~requirements are met:~~

50 Sec. 91. Section 99B.17, Code 2009, is amended to

1 read as follows:

2 **99B.17 Gambling on credit unlawful — exception.**

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

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

31 Sec. 92. Section 155A.6A, subsection 3, Code 2009,
32 is amended to read as follows:

33 3. a. Beginning July 1, 2009, a person who is in
34 the process of acquiring national certification as a
35 pharmacy technician and who is in training to become a
36 pharmacy technician shall register with the board as a
37 pharmacy technician. The registration shall be issued
38 for a period not to exceed one year and shall not be
39 renewable.

40 b. A person who is registered as a pharmacy
41 technician or a pharmacy technician trainee prior
42 to January 1, 2010, who has worked as a pharmacy
43 technician or pharmacy technician trainee for a minimum
44 of two thousand hours in the previous eighteen months
45 under the direction of a licensed pharmacist or who has
46 received certification as a pharmacy technician through
47 a certification program accredited by the national
48 commission for certifying agencies, is exempt from
49 meeting any examination requirement for registration
50 pursuant to subsection 2.

1 Sec. 93. Section 174.1, subsection 2, paragraphs b
2 and c, Code 2009, are amended to read as follows:
3 b. The organization owns buildings and other
4 improvements situated on the fairgrounds which have
5 been specially constructed for purposes of conducting a
6 fair event.
7 c. The market value of the fairgrounds and
8 buildings and other improvements located on the
9 fairgrounds is at least ~~eighty~~ twenty-five thousand
10 dollars.
11 Sec. 94. Section 174.1, subsection 3, Code 2009, is
12 amended to read as follows:
13 3. "*Fair event*" means an annual gathering of the
14 public on fairgrounds that incorporates agricultural
15 exhibits, demonstrations, shows, or competitions ~~and~~
16 ~~which includes all of the following:~~
17 ~~a.~~ Programs that include programs or projects
18 sponsored by 4-H clubs, future farmers of America, or
19 the Iowa cooperative extension service in agriculture
20 and home economics of Iowa state university. Other
21 activities may include any of the following:
22 ~~b.~~ a. Commercial exhibits sponsored by
23 manufacturers or other businesses.
24 ~~c.~~ b. Educational programs or exhibits sponsored
25 by governmental entities or nonprofit organizations.
26 ~~d.~~ c. Competition in culinary arts, fine arts, or
27 home craft arts.
28 Sec. 95. 2010 Iowa Acts, Senate File 2378, section
29 20, subsection 1, if enacted, is amended to read as
30 follows:
31 1. A public safety enforcement fund is created in
32 the state treasury under the control of the treasurer
33 of state. Notwithstanding section 602.8108, after
34 the necessary amount is remitted for deposit in the
35 Iowa prison infrastructure fund as provided in section
36 602.8108A, the state court administrator shall allocate
37 to the treasurer of state for deposit in the public
38 safety enforcement fund the ~~first~~ next nine million
39 one hundred thousand dollars of the moneys received
40 under section 602.8108, subsection 2, during the fiscal
41 year beginning July 1, 2010, and ending June 30, 2011.
42 Moneys deposited into the fund are appropriated to
43 the treasurer of state for allocation as provided in
44 subsection 2.
45 Sec. 96. Section 232.188, subsection 5, paragraph
46 b, unnumbered paragraph 1, Code 2009, is amended to
47 read as follows:
48 Notwithstanding section 8.33, moneys designated for
49 a project's decategorization services funding pool that
50 remain unencumbered or unobligated at the close of the

1 fiscal year shall not revert but shall remain available
2 for expenditure as directed by the project's governance
3 board for child welfare and juvenile justice systems
4 enhancements and other purposes of the project until
5 ~~the close of the succeeding fiscal year and for the~~
6 next two succeeding fiscal years. Such moneys shall
7 be known as "*carryover funding*". Moneys may be made
8 available to a funding pool from one or more of the
9 following sources:

10 Sec. 97. Section 256.7, subsection 29, Code
11 Supplement 2009, is amended to read as follows:

12 29. Adopt rules establishing nutritional content
13 standards for foods and beverages sold or provided on
14 the school grounds of any school district or accredited
15 nonpublic school during the school day exclusive of the
16 food provided by any federal school food program or
17 pursuant to an agreement with any agency of the federal
18 government in accordance with the provisions of chapter
19 283A, and exclusive of foods sold for fundraising
20 purposes and foods and beverages sold at concession
21 stands. The standards shall be consistent with the
22 dietary guidelines for Americans issued by the United
23 States department of agriculture food and nutrition
24 service. Nothing in this subsection shall prohibit a
25 local school district from adopting their own standards
26 for food and beverages sold or provided on the school
27 grounds during the school day, provided such standards
28 are not more restrictive than those implemented by the
29 department.

30 Sec. 98. Section 455A.13, Code 2009, is amended to
31 read as follows:

32 **455A.13 State nurseries.**

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

40 ~~1.~~ 2. The department shall develop programs to
41 encourage the wise management and preservation of
42 existing woodlands and shall continue its efforts to
43 encourage forestation and reforestation on private and
44 public lands in the state.

45 ~~2.~~ 3. The department shall encourage a cooperative
46 relationship between the state forest nurseries and
47 private nurseries in the state in order to achieve
48 these goals.

49 Sec. 99. Section 466B.4, subsection 2, Code
50 Supplement 2009, is amended to read as follows:

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

17 Sec. 100. NEW SECTION. **466B.12 Flood plain**
18 **managers.**

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

25 Sec. 101. NEW SECTION. **466B.13 Flood education.**

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

34 Sec. 102. Section 729.6, subsection 1, Code 2009,
35 is amended by adding the following new paragraph:

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

38 Sec. 103. Section 729.6, subsection 1, paragraph c,
39 Code 2009, as amended by 2010 Iowa Acts, Senate File
40 2215, if enacted, is amended to read as follows:

41 *c.* "*Genetic testing*" means the same as genetic
42 test as defined in 29 U.S.C. § 1191b(d)(7). "*Genetic*
43 *testing*" does not mean routine physical measurement, a
44 routine chemical, blood, or urine analysis, a biopsy,
45 an autopsy, or clinical specimen obtained solely for
46 the purpose of conducting an immediate clinical or
47 diagnostic test to detect an existing disease, illness,
48 impairment, or disorder, or a test for drugs or for
49 human immunodeficiency virus infections.

50 Sec. 104. EFFECTIVE UPON ENACTMENT AND RETROACTIVE

1 APPLICABILITY. The provision of this division of this
2 Act amending section 155A.6A, subsection 3, being
3 deemed of immediate importance, takes effect upon
4 enactment and applies retroactively to January 1, 2010.

5 DIVISION VIII

6 BICYCLES

7 Sec. 105. NEW SECTION. 321.281 Actions against
8 bicyclists.

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

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

16 3. A person who violates this section commits a
17 simple misdemeanor punishable as a scheduled violation
18 under section 805.8A, subsection 14, paragraph "k".

19 Sec. 106. Section 805.8A, subsection 14, Code
20 Supplement 2009, is amended by adding the following new
21 paragraph:

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

25 DIVISION IX

26 FIRE SUPPRESSION SYSTEMS

27 Sec. 107. Section 100.35, Code 2009, is amended to
28 read as follows:

29 100.35 Rules of marshal.

30 1. The fire marshal shall adopt, and may amend
31 rules under chapter 17A, which include standards
32 relating to exits and exit lights, fire escapes,
33 fire protection, fire safety and the elimination of
34 fire hazards, in and for churches, schools, hotels,
35 theaters, amphitheaters, hospitals, health care
36 facilities as defined in section 135C.1, boarding homes
37 or housing, rest homes, dormitories, college buildings,
38 lodge halls, club rooms, public meeting places, places
39 of amusement, apartment buildings, food establishments
40 as defined in section 137F.1, and all other buildings
41 or structures in which persons congregate from time to
42 time, whether publicly or privately owned. Violation
43 of a rule adopted by the fire marshal is a simple
44 misdemeanor. However, upon proof that the fire marshal
45 gave written notice to the defendant of the violation,
46 and proof that the violation constituted a clear and
47 present danger to life, and proof that the defendant
48 failed to eliminate the condition giving rise to the
49 violation within thirty days after receipt of notice
50 from the fire marshal, the penalty is that provided

1 by law for a serious misdemeanor. Each day of the
2 continuing violation of a rule after conviction of
3 a violation of the rule is a separate offense. A
4 conviction is subject to appeal as in other criminal
5 cases.

6 2. Rules by the fire marshal affecting the
7 construction of new buildings, additions to buildings
8 or rehabilitation of existing buildings and related to
9 fire protection, shall be substantially in accord with
10 the provisions of the nationally recognized building
11 and related codes adopted as the state building code
12 pursuant to section 103A.7 or with codes adopted by
13 a local subdivision which are in substantial accord
14 with the codes comprising the state building code. The
15 rules adopted by the fire marshal shall not require
16 the installation of fire sprinklers or a related
17 fire suppression system in a one-family or two-family
18 residential dwelling or a residential building that
19 contains no more than four dwelling units.

20 3. The rules adopted by the state fire marshal
21 under this section shall provide standards for fire
22 resistance of cellulose insulation sold or used in this
23 state, whether for public or private use. The rules
24 shall provide for approval of the cellulose insulation
25 by at least one nationally recognized independent
26 testing laboratory.

27 Sec. 108. Section 103A.7, subsection 2, paragraph
28 d, Code Supplement 2009, is amended to read as follows:

29 d. Protection of the health, safety, and welfare
30 of occupants and users. The rules adopted by the
31 state building code commissioner shall not require
32 the installation of fire sprinklers or a related
33 fire suppression system in a one-family or two-family
34 residential dwelling or a residential building that
35 contains no more than four dwelling units.

36 Sec. 109. EFFECTIVE UPON ENACTMENT. This division
37 of this Act, being deemed of immediate importance,
38 takes effect upon enactment.

39 DIVISION X

40 RENEWABLE FUELS AND COPRODUCTS

41 Sec. 110. Section 159A.6, subsection 1, Code
42 Supplement 2009, is amended to read as follows:

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

49 DIVISION XI

50 IDENTIFICATION OF WORKER MISCLASSIFICATION

1 Sec. 111. Section 421.17, Code 2009, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 31. If the director has reason
4 to believe, as a result of an investigation or audit,
5 that a taxpayer may have misclassified workers, then
6 to assist the department of workforce development, the
7 director is authorized to provide to the department
8 of workforce development the following confidential
9 information with respect to such a taxpayer:

10 a. Withholding and payroll tax information.

11 b. The taxpayer's identity, including taxpayer
12 identification number and date of birth.

13 c. The results or most recent status of the audit
14 or investigation.

15 Sec. 112. Section 422.20, subsection 3, paragraph
16 a, Code 2009, is amended to read as follows:

17 a. Unless otherwise expressly permitted by section
18 8A.504, section 96.11, subsection 6, section 421.17,
19 subsections 22, 23, and 26, and 31, sections 252B.9,
20 321.120, 421.19, 421.28, 422.72, and 452A.63, and
21 this section, a tax return, return information,
22 or investigative or audit information shall not be
23 divulged to any person or entity, other than the
24 taxpayer, the department, or internal revenue service
25 for use in a matter unrelated to tax administration.

26 Sec. 113. Section 422.72, subsection 3, paragraph
27 a, Code 2009, is amended to read as follows:

28 a. Unless otherwise expressly permitted by section
29 8A.504, section 96.11, subsection 6, section 421.17,
30 subsections 22, 23, and 26, and 31, sections 252B.9,
31 321.120, 421.19, 421.28, 422.20, and 452A.63, and
32 this section, a tax return, return information,
33 or investigative or audit information shall not be
34 divulged to any person or entity, other than the
35 taxpayer, the department, or internal revenue service
36 for use in a matter unrelated to tax administration.

37 Sec. 114. EFFECTIVE UPON ENACTMENT. This division
38 of this Act, being deemed of immediate importance,
39 takes effect upon enactment.>

ROBERT E. DVORSKY