

Senate File 533

H-1720

1 Amend Senate File 533, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 <DIVISION I

6 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY  
7 2012-2013

8 Section 1. ADULT MH/MR/DD SERVICES ALLOWED  
9 GROWTH FUNDING — FY 2012-2013. Notwithstanding  
10 section 331.439, subsection 3, the allowed growth  
11 factor adjustment for county mental health, mental  
12 retardation, and developmental disabilities service  
13 expenditures for the fiscal year beginning July 1,  
14 2012, shall be established by statute which shall be  
15 enacted within thirty calendar days of the convening  
16 of the Eighty-fourth General Assembly, 2012 Session,  
17 on January 9, 2012. 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 9, 2012.

22 DIVISION II

23 STANDING APPROPRIATIONS AND RELATED MATTERS

24 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2012-2013.

25 1. For the budget process applicable to the fiscal  
26 year beginning July 1, 2012, on or before October 1,  
27 2011, in lieu of the information specified in section  
28 8.23, subsection 1, unnumbered paragraph 1, and  
29 paragraph "a", all departments and establishments of  
30 the government shall transmit to the director of the  
31 department of management, on blanks to be furnished  
32 by the director, estimates of their expenditure  
33 requirements, including every proposed expenditure, for  
34 the ensuing fiscal year, together with supporting data  
35 and explanations as called for by the director of the  
36 department of management after consultation with the  
37 legislative services agency.

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

46 Sec. 3. GENERAL ASSEMBLY.

47 1. The appropriations made pursuant to section  
48 2.12 for the expenses of the general assembly and  
49 legislative agencies for the fiscal year beginning July  
50 1, 2011, and ending June 30, 2012, are reduced by the

1 following amount:  
2 ..... \$ 3,750,000  
3 2. The budgeted amounts for the general assembly  
4 for the fiscal year beginning July 1, 2011, may be  
5 adjusted to reflect unexpended budgeted amounts from  
6 the previous fiscal year.  
7 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.  
8 Notwithstanding the standing appropriations in the  
9 following designated sections for the fiscal year  
10 beginning July 1, 2011, and ending June 30, 2012, the  
11 amounts appropriated from the general fund of the state  
12 pursuant to these sections for the following designated  
13 purposes shall not exceed the following amounts:  
14 1. For performance of duty by the executive council  
15 in sections 7D.29, 8A.321, and 29C.20:  
16 ..... \$ 3,000,000  
17 2. For operational support grants and community  
18 cultural grants under section 99F.11, subsection 3,  
19 paragraph "d", subparagraph (1):  
20 ..... \$ 416,702  
21 3. For regional tourism marketing under section  
22 99F.11, subsection 3, paragraph "d", subparagraph (2):  
23 ..... \$ 310,306  
24 4. For the center for congenital and inherited  
25 disorders central registry under section 144.13A,  
26 subsection 4, paragraph "a":  
27 ..... \$ 171,121  
28 5. For primary and secondary child abuse prevention  
29 programs under section 144.13A, subsection 4, paragraph  
30 "a":  
31 ..... \$ 217,772  
32 6. For programs for at-risk children under section  
33 279.51:  
34 ..... \$ 6,204,258  
35 The amount of any reduction in this subsection shall  
36 be prorated among the programs specified in section  
37 279.51, subsection 1, paragraphs "a", "b", and "c".  
38 7. For payment for nonpublic school transportation  
39 under section 285.2:  
40 ..... \$ 7,060,931  
41 If total approved claims for reimbursement for  
42 nonpublic school pupil transportation exceed the amount  
43 appropriated in accordance with this subsection, the  
44 department of education shall prorate the amount of  
45 each approved claim.  
46 8. For reimbursement for the homestead property tax  
47 credit under section 425.1:  
48 ..... \$ 86,188,387  
49 9. For reimbursement for the family farm and  
50 agricultural land tax credits under sections 425A.1 and

1 426.1:  
2 ..... \$ 32,395,131  
3 10. For the enforcement of chapter 453D relating to  
4 tobacco product manufacturers under section 453D.8:  
5 ..... \$ 18,416  
6 Sec. 5. INSTRUCTIONAL SUPPORT STATE AID — FY  
7 2011-2012. In lieu of the appropriation provided in  
8 section 257.20, subsection 2, the appropriation for the  
9 fiscal year beginning July 1, 2011, and ending June 30,  
10 2012, for paying instructional support state aid under  
11 section 257.20 for fiscal year 2011-2012 is zero.  
12 Sec. 6. Section 257.35, Code 2011, is amended by  
13 adding the following new subsection:  
14 NEW SUBSECTION. 5A. Notwithstanding subsection 1,  
15 and in addition to the reduction applicable pursuant  
16 to subsection 2, the state aid for area education  
17 agencies and the portion of the combined district cost  
18 calculated for these agencies for the fiscal year  
19 beginning July 1, 2011, and ending June 30, 2012, shall  
20 be reduced by the department of management by twenty  
21 million dollars. The reduction for each area education  
22 agency shall be prorated based on the reduction that  
23 the agency received in the fiscal year beginning July  
24 1, 2003.  
25 Sec. 7. Section 453A.35, subsection 1, Code 2011,  
26 is amended to read as follows:  
27 1. a. The With the exception of revenues credited  
28 to the health care trust fund pursuant to paragraph  
29 "b", the proceeds derived from the sale of stamps and  
30 the payment of taxes, fees, and penalties provided for  
31 under this chapter, and the permit fees received from  
32 all permits issued by the department, shall be credited  
33 to the general fund of the state. However, of  
34 b. Of the revenues generated from the tax on  
35 cigarettes pursuant to section 453A.6, subsection  
36 1, and from the tax on tobacco products as specified  
37 in section 453A.43, subsections 1, 2, 3, and 4, and  
38 credited to the general fund of the state under this  
39 subsection, there is appropriated, annually, to the  
40 health care trust fund created in section 453A.35A, the  
41 first one hundred six million sixteen thousand four  
42 hundred dollars shall be credited to the health care  
43 trust fund created in section 453A.35A.  
44 Sec. 8. Section 453A.35A, subsection 1, Code 2011,  
45 is amended to read as follows:  
46 1. A health care trust fund is created in the  
47 office of the treasurer of state. The fund consists  
48 of the revenues generated from the tax on cigarettes  
49 pursuant to section 453A.6, subsection 1, and from  
50 the tax on tobacco products as specified in section

1 453A.43, subsections 1, 2, 3, and 4, that are credited  
2 to the ~~general fund of the state and appropriated to~~  
3 ~~the health care trust fund, annually, pursuant to~~  
4 section 453A.35. Moneys in the fund shall be separate  
5 from the general fund of the state and shall not be  
6 considered part of the general fund of the state.  
7 However, the fund shall be considered a special account  
8 for the purposes of section 8.53 relating to generally  
9 accepted accounting principles. Moneys in the fund  
10 shall be used only as specified in this section and  
11 shall be appropriated only for the uses specified.  
12 Moneys in the fund are not subject to section 8.33  
13 and shall not be transferred, used, obligated,  
14 appropriated, or otherwise encumbered, except as  
15 provided in this section. Notwithstanding section  
16 12C.7, subsection 2, interest or earnings on moneys  
17 deposited in the fund shall be credited to the fund.

#### 18 DIVISION III

#### 19 SALARIES, COMPENSATION, AND RELATED MATTERS

20 Sec. 9. BONUS PAY. For the fiscal years beginning  
21 July 1, 2011, and July 1, 2012, employees of the  
22 executive branch, judicial branch, and legislative  
23 branch shall not receive bonus pay unless otherwise  
24 authorized by law, required pursuant to a contract  
25 of employment entered into before July 1, 2011,  
26 or required pursuant to a collective bargaining  
27 agreement. This section does not apply to employees  
28 of the state board of regents who receive bonuses  
29 funded by nonpublic moneys. For purposes of this  
30 section, "bonus pay" means any additional remuneration  
31 provided an employee in the form of a bonus, including  
32 but not limited to a retention bonus, recruitment  
33 bonus, exceptional job performance pay, extraordinary  
34 job performance pay, exceptional performance pay,  
35 extraordinary duty pay, or extraordinary or special  
36 duty pay, and any extra benefit not otherwise provided  
37 to other similarly situated employees.

38 Sec. 10. SALARY INCREASES — CERTAIN REVOLVING  
39 FUNDS.

40 1. For the fiscal years beginning July 1, 2011, and  
41 July 1, 2012, there is appropriated from the gaming  
42 enforcement revolving fund an amount necessary for  
43 funding annual pay adjustments and related benefits  
44 for agents and officers of the division of criminal  
45 investigation's racetrack, excursion boat, or gambling  
46 structure enforcement activities.

47 2. For the fiscal years beginning July 1, 2011,  
48 and July 1, 2012, there is appropriated from the  
49 gaming regulatory revolving fund, if enacted by the  
50 Eighty-fourth General Assembly, 2011 session, an

1 amount necessary for funding annual pay adjustments and  
2 related benefits for positions in the racing and gaming  
3 commission of the department of inspections and appeals  
4 who are assigned to administration and enforcement of  
5 the excursion boat and gambling structure laws.

6 Sec. 11. STATE TROOPER MEAL ALLOWANCE. For the  
7 fiscal years beginning July 1, 2011, and July 1, 2012,  
8 the sworn peace officers in the department of public  
9 safety who are not covered by a collective bargaining  
10 agreement negotiated pursuant to chapter 20 shall  
11 receive the same per diem meal allowance as the sworn  
12 peace officers in the department of public safety  
13 who are covered by a collective bargaining agreement  
14 negotiated pursuant to chapter 20.

15 Sec. 12. SALARY MODEL ADMINISTRATOR. The salary  
16 model administrator shall work in conjunction with  
17 the legislative services agency to maintain the  
18 state's salary model used for analyzing, comparing,  
19 and projecting state employee salary and benefit  
20 information, including information relating to  
21 employees of the state board of regents. The  
22 department of revenue, the department of administrative  
23 services, the five institutions under the jurisdiction  
24 of the state board of regents, the judicial district  
25 departments of correctional services, and the state  
26 department of transportation shall provide salary data  
27 to the department of management and the legislative  
28 services agency to operate the state's salary  
29 model. The format and frequency of provision of the  
30 salary data shall be determined by the department of  
31 management and the legislative services agency. The  
32 information shall be used in collective bargaining  
33 processes under chapter 20 and in calculating the  
34 funding needs contained within the annual salary  
35 adjustment legislation. A state employee organization  
36 as defined in section 20.3, subsection 4, may request  
37 information produced by the model, but the information  
38 provided shall not contain information attributable to  
39 individual employees.

40 Sec. 13. GROUP HEALTH INSURANCE PREMIUM COSTS FOR  
41 STATE EMPLOYEES.

42 1. The state's executive and judicial branch  
43 authorities responsible for negotiating the collective  
44 bargaining agreements entered into under chapter 20  
45 shall engage in discussions with the applicable state  
46 employee organizations to renegotiate provisions  
47 involving health insurance coverage of state employees  
48 and their families in order to achieve cost savings  
49 for the state. The discussions shall include but are  
50 not limited to a requirement for a state employee who

1 is covered by a collective bargaining agreement and  
2 is a member of state group health insurance plan for  
3 employees of the state established under chapter 509A  
4 to pay at least one hundred dollars per month of the  
5 total premium for such health plan coverage for single  
6 persons or increase the amount paid per month for  
7 family coverage by the same amount that would be paid  
8 for the single person's coverage.

9 2. If collective bargaining agreements are  
10 renegotiated to achieve cost savings pursuant to  
11 subsection 1, the cost savings provisions shall  
12 also apply to state employees who are not covered by  
13 collective bargaining as provided in chapter 20 and  
14 are members of a state group health insurance plan for  
15 employees of the state established under chapter 509A.

16 3. Beginning on the effective date of this section,  
17 a state legislator or legislative staff member who is  
18 a member of a state group health insurance plan for  
19 employees of the state established under chapter 509A  
20 shall pay at least one hundred dollars per month of the  
21 total premium for such health care coverage for single  
22 persons or increase the amount paid per month for  
23 family coverage by the same amount that would be paid  
24 for the single persons coverage. The payment amount  
25 shall be determined by the legislative council, subject  
26 to the minimum amount specified in this subsection.

27 **Sec. 14. NEW SECTION. 8A.440 Group health**  
28 **insurance premium costs.**

29 1. Collective bargaining agreements entered into  
30 pursuant to chapter 20 for state employees shall  
31 provide that a state employee covered by that agreement  
32 who is a member of a state group health insurance plan  
33 for employees of the state established under chapter  
34 509A shall pay at least one hundred dollars per month  
35 of the total premium for such insurance for single  
36 persons or increase the amount paid per month for  
37 family coverage by the same amount that would be paid  
38 for the single person's coverage.

39 2. A state employee not covered by a collective  
40 bargaining agreement as provided in chapter 20 who  
41 is a member of a state group health insurance plan  
42 for employees of the state established under chapter  
43 509A shall pay the same amount per month of the  
44 total premium for such insurance as is paid under  
45 the collective bargaining agreement that covers  
46 the greatest number of state employees in the state  
47 government entity employing the state employee.

48 **Sec. 15. APPLICABILITY.** The section of this  
49 division of this Act enacting section 8A.440, applies  
50 to collective bargaining agreements entered into on

1 or after the effective date of that section of this  
2 division of this Act.

3 Sec. 16. EFFECTIVE UPON ENACTMENT. The following  
4 sections of this division of this Act, being deemed of  
5 immediate importance, take effect upon enactment:

6 1. The section of this division relating to group  
7 health insurance premium costs for state employees.

8 2. The section of this division enacting section  
9 8A.440.

10 3. The section of this division relating to  
11 applicability.

12 DIVISION IV  
13 CORRECTIVE PROVISIONS

14 Sec. 17. Section 8.6, subsection 9A, as enacted by  
15 2011 Iowa Acts, House File 45, section 39, is amended  
16 to read as follows:

17 9A. *Budget and tax rate databases.* To develop  
18 and make available to the public a searchable budget  
19 database and internet site as required under chapter  
20 8G, ~~division subchapter I~~, and to develop and make  
21 available to the public a searchable tax rate database  
22 and internet site as required under chapter 8G,  
23 ~~division subchapter II~~.

24 Sec. 18. Section 8.57E, subsection 3, paragraph a,  
25 as enacted by 2011 Iowa Acts, Senate File 209, section  
26 30, is amended to read as follows:

27 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund  
28 may be used for cash flow purposes during a fiscal year  
29 provided that any moneys so allocated are returned to  
30 the fund by the end of that fiscal year.

31 Sec. 19. Section 8G.13, as enacted by 2011 Iowa  
32 Acts, House File 45, section 50, is amended to read as  
33 follows:

34 **8G.13 Updating database.**

35 To facilitate the department of management's efforts  
36 in creating and maintaining a searchable database of  
37 the taxes identified in section 8G.12, subsection 3 1,  
38 for all taxing jurisdictions in the state, each taxing  
39 jurisdiction may annually be required to report its tax  
40 rates to the department of management or the department  
41 of revenue and shall report any changes to its tax  
42 rates within thirty days of the change.

43 Sec. 20. Section 16.193, subsection 3, paragraph a,  
44 Code 2011, as amended by 2011 Iowa Acts, Senate File  
45 475, section 11, is amended to read as follows:

46 a. During the term of the Iowa jobs program and  
47 Iowa jobs II program, the Iowa finance authority shall  
48 collect data on all of the projects approved for the  
49 ~~program~~ programs. The department of management and  
50 the state agencies associated with the projects shall

1 assist the authority with the data collection and in  
2 developing the report required by this subsection. The  
3 authority shall report quarterly to the governor and  
4 the general assembly concerning the data.

5 Sec. 21. Section 68A.401, subsection 4, Code 2011,  
6 as amended by 2011 Iowa Acts, Senate File 475, section  
7 17, is amended to read as follows:

8 4. Political committees expressly advocating the  
9 nomination, election, or defeat of candidates for  
10 both federal office and any elected office created  
11 by law or the Constitution of the State of Iowa  
12 shall file statements and reports with the board in  
13 addition to any federal reports required to be filed  
14 with the board. However, a political committee that  
15 is registered and filing full disclosure reports of  
16 all financial activities with the federal election  
17 commission may file verified statements as provided in  
18 section ~~68B.201A~~ 68A.201A.

19 Sec. 22. Section 139A.19, subsection 3, as enacted  
20 by 2011 Iowa Acts, House File 467, section 20, is  
21 amended to read as follows:

22 3. This section does not preclude a hospital,  
23 clinic, other health facility, or a health care  
24 provider from providing notification to a care  
25 provider under circumstances in which the hospital's,  
26 clinic's, other health facility's, or health care  
27 provider's policy provides for notification of the  
28 hospital's, ~~elinies clinic's~~, other health facility's,  
29 or health care provider's own employees of exposure  
30 to a contagious or infectious disease that is not  
31 life-threatening if the notice does not reveal a  
32 patient's name, unless the patient consents.

33 Sec. 23. Section 175.3, subsection 1, paragraph a,  
34 Code 2011, as amended by 2011 Iowa Acts, Senate File  
35 429, section 1, is amended to read as follows:

36 a. The agricultural development authority is  
37 established within the department of agriculture and  
38 land stewardship. The ~~agency~~ authority is constituted  
39 as a public instrumentality and agency of the state  
40 exercising public and essential governmental functions.

41 Sec. 24. Section 207.22, subsection 3, paragraph b,  
42 Code 2011, as amended by 2011 Iowa Acts, Senate File  
43 475, section 47, is amended to read as follows:

44 b. Acquisition of coal refuse disposal sites and  
45 all coal refuse thereon will serve the purposes of  
46 ~~Tit. IV of Pub. L. No. 95-87, Tit. IV, codified at 30~~  
47 U.S.C. ch. 25, subch. IV, or that public ownership  
48 is desirable to meet emergency situations and prevent  
49 recurrences of the adverse effect of past coal mining  
50 practices.



1     Sec. 25. Section 232.71D, subsection 3, paragraph  
2 a, unnumbered paragraph 1, as enacted by 2011 Iowa  
3 Acts, House File 562, section 3, is amended to read as  
4 follows:

5     Unless any of the circumstances listed in paragraph  
6 "b" are applicable, cases to which any of the following  
7 circumstances apply shall not be placed ~~on~~ in the  
8 central registry:

9     Sec. 26. Section 256.7, subsection 26, paragraph a,  
10 subparagraph (1), as enacted by 2011 Iowa Acts, Senate  
11 File 453, section 1, is amended to read as follows:

12     (1) The rules establishing high school graduation  
13 requirements shall authorize a school district  
14 or accredited nonpublic school to consider that  
15 any student who satisfactorily completes a high  
16 school-level unit of English or language arts,  
17 mathematics, science, or social studies has  
18 satisfactorily completed a unit of the high school  
19 graduation requirements for that area as specified in  
20 this lettered paragraph, and ~~to~~ shall authorize the  
21 school district or accredited nonpublic school to issue  
22 high school credit for the unit to the student.

23     Sec. 27. Section 327B.5, Code 2011, is amended to  
24 read as follows:

25     **327B.5 Penalty.**

26     Any person violating the provisions of this chapter  
27 shall, upon conviction, be subject to a scheduled  
28 fine as provided in section 805.8A, subsection 13,  
29 ~~paragraphs~~ paragraph "f" and ~~"g"~~.

30     Sec. 28. Section 422.110, subsection 5, paragraph  
31 a, subparagraph (2), if enacted by 2011 Iowa Acts,  
32 Senate File 531, section 17, is amended to read as  
33 follows:

34     (2) The E-15 plus gasoline promotion tax credit  
35 pursuant to section 422.11Y.

36     Sec. 29. Section 422.11Y, subsection 1, paragraph  
37 d, if enacted by 2011 Iowa Acts, Senate File 531,  
38 section 35, is amended to read as follows:

39     d. "*Tax credit*" means the E-15 plus gasoline  
40 promotion tax credit as provided in this section.

41     Sec. 30. Section 422.11Y, subsection 3, unnumbered  
42 paragraph 1, if enacted by 2011 Iowa Acts, Senate File  
43 531, section 35, is amended to read as follows:

44     The taxes imposed under this division, less the  
45 credits allowed under section 422.12, shall be reduced  
46 by the amount of the E-15 plus gasoline promotion tax  
47 credit for each tax year that the taxpayer is eligible  
48 to claim a tax credit under this subsection.

49     Sec. 31. Section 422.11Y, subsection 6, paragraph  
50 b, subparagraph (2), if enacted by 2011 Iowa Acts,

1 Senate File 531, section 35, is amended to read as  
2 follows:

3 (2) The retail dealer may claim the ethanol  
4 promotion tax credit as provided in paragraph "a" for  
5 the same ethanol gallonage used to calculate and claim  
6 the E-15 plus gasoline promotion tax credit.

7 Sec. 32. Section 423.4, subsection 9, unnumbered  
8 paragraph 1, if enacted by 2011 Iowa Acts, Senate File  
9 531, section 59, is amended to read as follows:

10 A person who qualifies as a biodiesel producer as  
11 provided in this subsection may apply to the director  
12 for a refund of the amount of the sales or use tax  
13 imposed and paid upon purchases made by the person.

14 Sec. 33. Section 483A.24A, Code 2011, as amended by  
15 2011 Iowa Acts, Senate File 194, section 10, is amended  
16 to read as follows:

17 **483A.24A License refunds — military service.**

18 Notwithstanding any provision of this chapter to  
19 the contrary, a service member deployed for military  
20 service, ~~both~~ as defined in section 29A.1, subsection  
21 3, shall receive a refund of that portion of any  
22 license fee paid by the service member representing the  
23 service member's period of military service.

24 Sec. 34. Section 501.101, subsection 01, as enacted  
25 by 2011 Iowa Acts, House File 348, section 7, is  
26 amended to read as follows:

27 01. "*Alternative voting method*" means a method of  
28 voting other than a written ballot, including voting  
29 by electronic, telephonic, internet, or other means  
30 that reasonably ~~allow~~ allows members the opportunity  
31 to vote.

32 Sec. 35. Section 501A.703, subsection 5, paragraph  
33 d, Code 2011, as amended by 2011 Iowa Acts, House File  
34 348, section 19, is amended to read as follows:

35 d. If the ballot of the member is received by  
36 the cooperative on or before the date of the regular  
37 members' meeting or as otherwise prescribed for an  
38 alternative, voting method, the ballot or alternative  
39 voting method shall be accepted and counted as the vote  
40 of the absent member.

41 Sec. 36. Section 511.8, subsection 22, paragraph i,  
42 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,  
43 Senate File 406, section 25, is amended to read as  
44 follows:

45 Securities held in the legal reserve of a life  
46 insurance company or association pledged as collateral  
47 for financial instruments used in highly effective  
48 hedging transactions as defined in the national  
49 association of insurance commissioners' ~~Statement~~  
50 statement of Statutory Accounting Principles No.

1 statutory accounting principles no. 86 shall continue  
2 to be eligible for inclusion ~~on~~ in the legal reserve of  
3 the life insurance company or association subject to  
4 all of the following:

5 Sec. 37. Section 514J.109, subsection 3, paragraph  
6 f, if enacted by 2011 Iowa Acts, House File 597,  
7 section 9, is amended to read as follows:

8 f. The covered person or the covered person's  
9 authorized representative has provided all the  
10 information and forms required by the commissioner that  
11 are necessary to process an external review request  
12 pursuant to this section.

13 Sec. 38. Section 521F.4, subsection 1, paragraph b,  
14 as enacted by 2011 Iowa Acts, Senate File 406, section  
15 44, is amended to read as follows:

16 b. The filing of a risk-based capital report by  
17 a health organization which indicates that the health  
18 organization has total adjusted capital which is  
19 greater than or equal to its company-action-level  
20 risk-based capital but less than the product of its  
21 authorized-control-level risk-based capital and three  
22 and triggers the trend test determined in accordance  
23 with the trend test ~~calculations~~ calculation included  
24 in the health risk-based capital instructions.

25 Sec. 39. Section 524.310, subsection 5, paragraph  
26 b, Code 2011, as amended by 2011 Iowa Acts, Senate File  
27 475, section 120, is amended to read as follows:

28 b. A corporate or company name reserved,  
29 registered, or protected as provided in section  
30 489.109, 490.402, 490.403, ~~490A.402~~, 504.402, or  
31 504.403.

32 Sec. 40. Section 717.3, subsection 5, paragraph b,  
33 Code 2011, as enacted by 2011 Iowa Acts, Senate File  
34 478, section 6, is amended to read as follows:

35 b. That the department shall assume supervision of  
36 and provide for the sustenance of the livestock ~~and~~ as  
37 provided in section 717.4.

38 Sec. 41. Section 717.4, subsection 2, as enacted by  
39 2011 Iowa Acts, Senate File 478, section 7, is amended  
40 to read as follows:

41 2. The court ordered lien shall be for the benefit  
42 of the department. The amount of the lien shall not  
43 be ~~not~~ more than for expenses incurred in providing  
44 sustenance to the livestock pursuant to section 717.3  
45 and providing for the disposition of the livestock  
46 pursuant to section 717.5.

47 Sec. 42. Section 717.4A, as enacted by 2011 Iowa  
48 Acts, Senate File 478, section 8, is amended to read  
49 as follows:

50 **717.4A Livestock in immediate need of sustenance —**

1 **livestock remediation fund.**

2 The department may utilize the moneys deposited  
3 into the livestock remediation fund pursuant to  
4 section 459.501 to pay for any expenses associated  
5 with providing sustenance to or the disposition of the  
6 livestock pursuant to a court order entered pursuant to  
7 section 717.3 or 717.5. The department shall utilize  
8 moneys from the fund only to the extent that the  
9 department determines that expenses cannot be timely  
10 paid by utilizing the available provisions of sections  
11 717.4 and 717.5. The department shall deposit any  
12 unexpended and unobligated moneys in the fund. The  
13 department shall pay to the fund the proceeds from the  
14 disposition of the livestock and associated products  
15 less expenses incurred by the department in providing  
16 for the sustenance and disposition of the livestock, as  
17 provided in section 717.5.

18 **Sec. 43. EFFECTIVE DATES.**

19 1. The section of this division of this Act  
20 amending section 422.110, subsection 5, paragraph a,  
21 subparagraph (2), if enacted by 2011 Iowa Acts, Senate  
22 File 531, section 17, takes effect January 1, 2012.

23 2. Section 423.4, subsection 9, unnumbered  
24 paragraph 1, if enacted by 2011 Iowa Acts, Senate File  
25 531, section 59, takes effect January 1, 2012.

26 **Sec. 44. APPLICABILITY.**

27 1. The section of this division of this Act  
28 amending section 422.110, subsection 5, paragraph a,  
29 subparagraph (2), if enacted by 2011 Iowa Acts, Senate  
30 File 531, section 17, applies to tax years beginning on  
31 and after January 1, 2012.

32 2. The section of this division of this Act  
33 amending section 422.11Y, subsection 1, paragraph d, if  
34 enacted by 2011 Iowa Acts, Senate File 531, section 35,  
35 applies to tax years beginning on and after January 1,  
36 2012, and to that part of a retail dealer's tax year or  
37 tax years occurring during that portion of the calendar  
38 year beginning on and after July 1, 2011, and ending  
39 on December 31, 2011.

40 3. The section of this division of this Act  
41 amending section 422.11Y, subsection 3, unnumbered  
42 paragraph 1, if enacted by 2011 Iowa Acts, Senate File  
43 531, section 35, applies to tax years beginning on and  
44 after January 1, 2012, and to that part of a retail  
45 dealer's tax year or tax years occurring during that  
46 portion of the calendar year beginning on and after  
47 July 1, 2011, and ending on December 31, 2011.

48 4. The section of this division of this Act  
49 amending section 422.11Y, subsection 6, paragraph b,  
50 subparagraph (2), if enacted by 2011 Iowa Acts, Senate

1 File 531, section 35, applies to tax years beginning on  
2 and after January 1, 2012, and to that part of a retail  
3 dealer's tax year or tax years occurring during that  
4 portion of the calendar year beginning on and after  
5 July 1, 2011, and ending on December 31, 2011.

6 DIVISION V

7 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

8 Sec. 45. APPROPRIATION — BATTLESHIP IOWA, BB-61.

9 1. There is appropriated from the general fund of  
10 the state to the department of cultural affairs for the  
11 fiscal year beginning July 1, 2010, and ending June 30,  
12 2011, the following amount, or so much thereof as is  
13 necessary, to be credited to the BB-61 fund created in  
14 2010 Iowa Acts, chapter 1194:

15 ..... \$ 3,000,000

16 2. If the department of the navy, pursuant to a  
17 process outlined in a notice published in the federal  
18 register on May 24, 2010, volume 75, number 99, awards  
19 possession or conditionally awards possession of the  
20 battleship Iowa, BB-61, to a nonprofit group that is  
21 eligible to receive the battleship, the department of  
22 cultural affairs shall award a grant to the nonprofit  
23 group in an amount equal to \$3 million in addition to  
24 any moneys awarded as a grant from the BB-61 fund.

25 3. Notwithstanding section 8.33, moneys  
26 appropriated in this section that remain unencumbered  
27 or unobligated at the close of the fiscal year shall  
28 not revert but shall remain available for expenditure  
29 for the purposes designated for succeeding fiscal  
30 years.

31 Sec. 46. STATE AGENCY OFFICE SUPPLIES PURCHASE,  
32 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND  
33 MARKETING — APPLICABILITY. The limitation on  
34 expenditures made for office supplies, purchases  
35 of equipment, office equipment, and equipment  
36 noninventory, printing and binding, and marketing  
37 implemented pursuant to 2011 Iowa Acts, House File 45,  
38 section 2, does not apply to a department or agency  
39 receiving a supplemental appropriation for the fiscal  
40 year beginning July 1, 2010, pursuant to 2011 Iowa  
41 Acts, Senate File 209, division III.

42 Sec. 47. Section 321J.2, subsection 4, paragraph b,  
43 Code 2011, is amended to read as follows:

44 b. Assessment of a minimum fine of one thousand  
45 eight hundred fifty seventy-five dollars and a maximum  
46 fine of six thousand two hundred fifty dollars.  
47 Surcharges and fees shall be assessed pursuant to  
48 chapter 911.

49 Sec. 48. REPEAL. Chapter 327K, Code 2011, is  
50 repealed.

1     Sec. 49. EFFECTIVE UPON ENACTMENT. The section  
2 of this division of this Act appropriating moneys to  
3 the department of cultural affairs for purposes of a  
4 grant for the battleship Iowa, BB-61, being deemed of  
5 immediate importance, takes effect upon enactment.

6     Sec. 50. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
7 APPLICABILITY. The provision of this division of this  
8 Act relating to a limitation on state agency office  
9 supplies purchase, equipment purchases, printing and  
10 binding, and marketing as enacted by 2011 Iowa Acts,  
11 House File 45, being deemed of immediate importance,  
12 takes effect upon enactment and applies retroactively  
13 to March 7, 2011.

14                                   DIVISION VI

15                   GROW IOWA VALUES FUND AND PROGRAM

16     Sec. 51. Section 15.103, subsection 6, Code 2011,  
17 is amended to read as follows:

18     6. As part of the organizational structure of the  
19 department, the board shall establish a due diligence  
20 committee and a loan and credit guarantee committee  
21 composed of members of the board. The committees shall  
22 serve in an advisory capacity to the board and shall  
23 carry out any duties assigned by the board in relation  
24 to programs administered by the department. The loan  
25 and credit guarantee committee shall advise the board  
26 on the winding up of loan guarantees made under the  
27 loan and credit guarantee program established pursuant  
28 to section 15E.224, Code 2009, ~~and on the proper~~  
29 ~~amount of the allocation described in section 15G.111,~~  
30 ~~subsection 4, paragraph "g".~~

31     Sec. 52. Section 15.104, subsection 1, Code 2011,  
32 is amended by striking the subsection.

33     Sec. 53. Section 15.104, subsection 8, paragraphs  
34 b and i, Code 2011, are amended by striking the  
35 paragraphs.

36     Sec. 54. Section 15.104, subsection 8, paragraph j,  
37 Code 2011, is amended to read as follows:

38     *j. Renewable fuel programs.* A detailed accounting  
39 of expenditures in support of renewable fuel  
40 infrastructure programs, as provided in sections  
41 15G.203 and 15G.204. ~~The renewable fuel infrastructure~~  
42 ~~board established in section 15G.202 shall approve that~~  
43 ~~portion of the department's annual report regarding~~  
44 ~~projects supported from the grow Iowa values fund~~  
45 ~~created in section 15G.111. This paragraph is repealed~~  
46 on July 1, 2012.

47     Sec. 55. Section 15.327, Code 2011, is amended by  
48 adding the following new subsections:

49     NEW SUBSECTION. 01. "*Base employment level*" means  
50 the number of full-time equivalent positions at a

1 business, as established by the department and a  
2 business using the business's payroll records, as of  
3 the date a business applies for financial assistance  
4 under the program.

5 NEW SUBSECTION. 3A. "*County wage*" means the  
6 average hourly compensation rates, excluding the value  
7 of nonwage benefits for comparable jobs, from the most  
8 recent four quarters of wage and employment information  
9 from the quarterly covered wage and employment  
10 data report issued by the department of workforce  
11 development.

12 NEW SUBSECTION. 7A. "*Full-time equivalent position*"  
13 means a non-part-time position for the number of hours  
14 or days per week considered to be full-time work for  
15 the kind of service or work performed for an employer.  
16 Typically, a full-time equivalent position requires  
17 two thousand eighty hours of work in a calendar year,  
18 including all paid holidays, vacations, sick time, and  
19 other paid leave.

20 NEW SUBSECTION. 7B. "*Maintenance period*" means the  
21 period of time between the project completion date and  
22 maintenance period completion date.

23 NEW SUBSECTION. 12A. "*Regional wage*" means the  
24 average hourly compensation rates, excluding the value  
25 of nonwage benefits for comparable jobs, from the most  
26 recent four quarters of wage and employment information  
27 from the quarterly covered wage and employment  
28 data report issued by the department of workforce  
29 development.

30 Sec. 56. Section 15.327, subsections 1, 4, 7, 8,  
31 10, 12, and 13, Code 2011, are amended by striking  
32 the subsections and inserting in lieu thereof the  
33 following:

34 1. "*Benefit*" means nonwage compensation provided  
35 to an employee. Benefits typically include medical  
36 and dental insurance plans, pension, retirement,  
37 and profit-sharing plans, child care services,  
38 life insurance coverage, vision insurance coverage,  
39 disability insurance coverage, and any other nonwage  
40 compensation as determined by the board.

41 4. "*Created job*" means a new, permanent, full-time  
42 equivalent position added to a business's payroll in  
43 excess of the business's base employment level.

44 7. "*Fiscal impact ratio*" means a ratio calculated  
45 by estimating the amount of taxes to be received from  
46 a business by the state and dividing the estimate by  
47 the estimated cost to the state of providing certain  
48 financial incentives to the business, reflecting  
49 a ten-year period of taxation and incentives and  
50 expressed in terms of current dollars. For purposes

1 of the program, "fiscal impact ratio" does not include  
2 taxes received by political subdivisions.

3 8. "Maintenance period completion date" means the  
4 date on which the maintenance period ends.

5 10. "Project completion date" means the date by  
6 which a recipient of financial assistance has agreed  
7 to meet all the terms and obligations contained in an  
8 agreement with the department as described in section  
9 15.330.

10 12. "Qualifying wage threshold" means the county  
11 wage or the regional wage, as calculated pursuant to  
12 subsections 3A and 12A, whichever is lower.

13 13. "Retained job" means a full-time equivalent  
14 position, in existence at the time an employer applies  
15 for financial assistance which remains continuously  
16 filled or authorized to be filled as soon as possible  
17 and which is at risk of elimination if the project  
18 for which the employer is seeking assistance does not  
19 proceed.

20 Sec. 57. Section 15.329, subsection 2, Code 2011,  
21 is amended to read as follows:

22 2. A business providing a sufficient package of  
23 benefits to each employee holding a created or retained  
24 job shall qualify for a credit against the qualifying  
25 wage threshold requirements described in subsection  
26 1, paragraph "c". The credit shall be calculated and  
27 applied in the following manner: ~~described in section~~  
28 ~~15G.112, subsection 4, paragraph "b".~~

29 a. By multiplying the qualifying wage threshold of  
30 the county in which the business is located by one and  
31 three-tenths.

32 b. By multiplying the result of paragraph "a" by  
33 one-tenth.

34 c. The amount of the result of paragraph "b" shall  
35 be credited against the amount of the one hundred  
36 thirty percent qualifying wage threshold requirement  
37 that the business is required to meet under subsection  
38 1, paragraph "c".

39 d. The credit shall not be applied against the  
40 one hundred percent of qualifying wage threshold  
41 requirement described in subsection 1, paragraph "c".

42 Sec. 58. Section 15.330, subsection 4, Code 2011,  
43 is amended to read as follows:

44 4. A project completion date, a maintenance period  
45 completion date, the number of jobs to be created  
46 or retained, or certain other terms and obligations  
47 described in ~~section 15G.112, subsection 1, paragraph~~  
48 ~~"d"~~ an agreement, as the department deems necessary in  
49 order to make the requirements in project agreements  
50 uniform. The department, with the approval of



1 the board, may adopt rules as necessary for making  
2 such requirements uniform. Such rules shall be in  
3 compliance with the provisions of this part ~~and with~~  
4 ~~the provisions of chapter 15G.~~

5 Sec. 59. Section 15.335A, subsection 1, unnumbered  
6 paragraph 1, Code 2011, is amended to read as follows:

7 Tax incentives are available to eligible businesses  
8 as provided in this section. The incentives are based  
9 upon the number of jobs created or retained that pay  
10 at least one hundred thirty percent of the qualifying  
11 wage threshold as computed pursuant to section  
12 ~~15G.112~~ 15.329, subsection 4 1, and the amount of the  
13 qualifying investment made according to the following  
14 schedule:

15 Sec. 60. Section 15.335A, subsection 2, paragraphs  
16 b, c, f, and g, Code 2011, are amended by striking the  
17 paragraphs.

18 Sec. 61. Section 15.335A, subsection 5, Code 2011,  
19 is amended to read as follows:

20 5. The department shall negotiate the amount of tax  
21 incentives provided to an applicant under the program  
22 in accordance with this section ~~and section 15G.112, as~~  
23 ~~applicable.~~

24 Sec. 62. Section 15A.7, subsection 3, Code 2011, is  
25 amended to read as follows:

26 3. That the employer shall agree to pay wages for  
27 the jobs for which the credit is taken of at least the  
28 county wage or the regional wage, as calculated ~~by the~~  
29 ~~department pursuant to section 15G.112, subsection 3~~  
30 15.327, subsections 3A and 12A, whichever is lower.  
31 Eligibility for the supplemental credit shall be based  
32 on a one-time determination of starting wages by the  
33 community college.

34 Sec. 63. Section 15E.193, subsection 1, paragraphs  
35 b through d, Code 2011, are amended to read as follows:

36 b. (1) The business shall provide a sufficient  
37 package of benefits to each employee holding a created  
38 or retained job. For purposes of this paragraph,  
39 "*created job*" and "*retained job*" have the same meaning  
40 as defined in section ~~15G.101~~ 15.327.

41 (2) The board, upon the recommendation of the  
42 department, shall adopt rules determining what  
43 constitutes a sufficient package of benefits.

44 c. The business shall pay a wage that is at least  
45 ninety percent of the qualifying wage threshold. For  
46 purposes of this paragraph, "*qualifying wage threshold*"  
47 has the same meaning as defined in section ~~15G.101~~  
48 15.327.

49 d. Creates or retains at least ten full-time  
50 equivalent positions and maintains them until the

1 maintenance period completion date. For purposes of  
2 this paragraph, "maintenance period completion date" and  
3 "full-time equivalent position" have the same meanings  
4 as defined in section ~~15G.101~~ 15.327.

5 Sec. 64. Section 15E.231, unnumbered paragraph 1,  
6 Code 2011, is amended to read as follows:

7 ~~In order for an~~ An economic development region ~~to~~  
8 ~~receive moneys under the grow Iowa values financial~~  
9 ~~assistance program established in section 15G.112,~~  
10 an shall establish a regional development plan. An  
11 economic development region's regional development  
12 plan must be approved by the department. An economic  
13 development region shall consist of not less than  
14 three counties, unless two contiguous counties have a  
15 combined population of at least three hundred thousand  
16 based on the most recent federal decennial census. An  
17 economic development region shall establish a focused  
18 economic development effort that shall include a  
19 regional development plan relating to one or more of  
20 the following areas:

21 Sec. 65. Section 15E.232, subsections 1, 3, 4,  
22 5, 6, and 7, Code 2011, are amended by striking the  
23 subsections.

24 Sec. 66. Section 15E.351, subsection 1, Code 2011,  
25 is amended to read as follows:

26 1. The department shall establish and administer  
27 a business accelerator program to provide financial  
28 assistance for the establishment and operation of a  
29 business accelerator for technology-based, value-added  
30 agricultural, information solutions, alternative  
31 and renewable energy including the alternative and  
32 renewable energy sectors listed in section 476.42,  
33 subsection 1, paragraph "a", or advanced manufacturing  
34 start-up businesses or for a satellite of an existing  
35 business accelerator. The program shall be designed  
36 to foster the accelerated growth of new and existing  
37 businesses through the provision of technical  
38 assistance. ~~The department, subject to the approval of~~  
39 ~~the economic development board, may provide financial~~  
40 ~~assistance under this section from moneys allocated~~  
41 ~~for regional financial assistance pursuant to section~~  
42 ~~15G.111, subsection 9.~~

43 Sec. 67. Section 159A.6B, subsection 2, Code 2011,  
44 is amended to read as follows:

45 2. The office may execute contracts in order to  
46 provide technical support and outreach services for  
47 purposes of assisting and educating interested persons  
48 as provided in this section. The office may also  
49 contract with a consultant to provide part or all  
50 of these services. The office may require that a

1 person receiving assistance pursuant to this section  
2 contribute up to fifty percent of the amount required  
3 to support the costs of contracting with the consultant  
4 to provide assistance to the person. ~~The office~~  
5 ~~shall assist the person in completing any technical~~  
6 ~~information required in order to receive assistance~~  
7 ~~by the department of economic development pursuant~~  
8 ~~to the value-added agriculture component of the grow~~  
9 ~~Iowa values financial assistance program established~~  
10 ~~pursuant to section 15G.112.~~

11 Sec. 68. Section 455B.104, subsection 2, Code 2011,  
12 is amended by striking the subsection.

13 Sec. 69. 2010 Iowa Acts, chapter 1184, section 26,  
14 is amended to read as follows:

15 SEC. 26. GROW IOWA VALUES FUND.

16 1. There is appropriated from the rebuild Iowa  
17 infrastructure fund to the department of economic  
18 development for deposit in the grow Iowa values fund,  
19 for the fiscal year beginning July 1, 2010, and ending  
20 June 30, 2011, the following amount, notwithstanding  
21 section 8.57, subsection 6, paragraph "c":

22 ..... \$ 38,000,000

23 2. On the effective date of this section of this  
24 2011 Iowa Act, any unobligated and unencumbered moneys  
25 appropriated in this section and section 27 of this  
26 2010 Iowa Act, shall revert to the general fund of the  
27 state. Any repayments of moneys loaned from moneys  
28 appropriated in this section and section 27 of this  
29 2010 Iowa Act, and received after the effective date of  
30 this 2011 Iowa Act, shall be credited to the general  
31 fund of the state.

32 Sec. 70. 2010 Iowa Acts, chapter 1184, section 27,  
33 is amended to read as follows:

34 SEC. 27. GROW IOWA VALUES FUND APPROPRIATION  
35 REDUCTION.

36 1. In lieu of the \$50,000,000 appropriated for the  
37 fiscal year beginning July 1, 2010, and ending June 30,  
38 2011, from the grow Iowa values fund to the department  
39 of economic development pursuant to section 15G.111,  
40 subsection 3, there is appropriated from the grow Iowa  
41 values fund to the department of economic development  
42 for the fiscal year beginning July 1, 2010, and ending  
43 June 30, 2011, \$38,000,000 for the purposes of making  
44 expenditures pursuant to chapter 15G.

45 2. On the effective date of this section of this  
46 2011 Iowa Act, an entity receiving moneys appropriated  
47 pursuant to this section, with the exception of moneys  
48 allocated pursuant to section 28, subsections 2 and  
49 5, of this 2010 Iowa Act, shall cease obligating or  
50 encumbering such moneys.

1     Sec. 71. REPEAL. Section 15E.233, Code 2011, is  
2 repealed.  
3     Sec. 72. REPEAL. Sections 15G.101 and 15G.109  
4 through 15G.115, Code 2011, are repealed.  
5     Sec. 73. REPEAL. Section 266.19, Code 2011, is  
6 repealed.  
7     Sec. 74. REPEAL. Section 455B.433, Code 2011, is  
8 repealed.  
9     Sec. 75. EFFECTIVE DATE. The provisions of this  
10 division of this Act amending 2010 Iowa Acts, chapter  
11 1184, being deemed of immediate importance, take effect  
12 upon enactment.>  
13     2. By renumbering as necessary.

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COMMITTEE ON APPROPRIATIONS  
RAECKER of Polk, Chairperson