

Senate Amendment to House Amendment to  
Senate File 533

H-1752

1 Amend the House amendment, S-3372, to Senate File  
2 533, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. By striking page 1, line 5, through page 52,  
5 line 48, and inserting:

6 <DIVISION I

7 STANDING APPROPRIATIONS AND RELATED MATTERS — FY  
8 2011-2012

9 Section 1. BUDGET PROCESS FOR FISCAL YEAR  
10 2012-2013.

11 1. For the budget process applicable to the fiscal  
12 year beginning July 1, 2012, on or before October 1,  
13 2011, in lieu of the information specified in section  
14 8.23, subsection 1, unnumbered paragraph 1, and  
15 paragraph "a", all departments and establishments of  
16 the government shall transmit to the director of the  
17 department of management, on blanks to be furnished  
18 by the director, estimates of their expenditure  
19 requirements, including every proposed expenditure, for  
20 the ensuing fiscal year, together with supporting data  
21 and explanations as called for by the director of the  
22 department of management after consultation with the  
23 legislative services agency.

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

32 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.  
33 Notwithstanding the standing appropriations in the  
34 following designated sections for the fiscal year  
35 beginning July 1, 2011, and ending June 30, 2012, the  
36 amounts appropriated from the general fund of the state  
37 pursuant to these sections for the following designated  
38 purposes shall not exceed the following amounts:

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

42 ..... \$ 416,702

43 2. For regional tourism marketing under section  
44 99F.11, subsection 3, paragraph "d", subparagraph (2):

45 ..... \$ 810,306

46 3. For the center for congenital and inherited  
47 disorders central registry under section 144.13A,  
48 subsection 4, paragraph "a":

49 ..... \$ 171,121

50 4. For primary and secondary child abuse prevention

1 programs under section 144.13A, subsection 4, paragraph  
2 "a":

3 ..... \$ 217,772

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

6 ..... \$ 10,728,891

7 The amount of any reduction in this subsection shall  
8 be prorated among the programs specified in section  
9 279.51, subsection 1, paragraphs "a", "b", and "c".

10 6. For payment for nonpublic school transportation  
11 under section 285.2:

12 ..... \$ 7,060,931

13 If total approved claims for reimbursement for  
14 nonpublic school pupil transportation exceed the amount  
15 appropriated in accordance with this subsection, the  
16 department of education shall prorate the amount of  
17 each approved claim.

18 7. For reimbursement for the homestead property tax  
19 credit under section 425.1:

20 ..... \$ 86,188,387

21 8. For reimbursement for the family farm and  
22 agricultural land tax credits under sections 425A.1 and  
23 426.1:

24 ..... \$ 32,395,131

25 9. For the enforcement of chapter 453D relating to  
26 tobacco product manufacturers under section 453D.8:

27 ..... \$ 18,416

28 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID — FY  
29 2011-2012. In lieu of the appropriation provided in  
30 section 257.20, subsection 2, the appropriation for the  
31 fiscal year beginning July 1, 2011, and ending June 30,  
32 2012, for paying instructional support state aid under  
33 section 257.20 for fiscal year 2011-2012 is zero.

34 Sec. 4. Section 256.30, unnumbered paragraph  
35 1, Code 2011, is amended by striking the unnumbered  
36 paragraph and inserting in lieu thereof the following:

37 For the fiscal year beginning July 1, 2011, and  
38 ending June 30, 2012, and for each succeeding fiscal  
39 year, there is appropriated from the general fund of  
40 the state to the department the sum of one hundred  
41 thousand dollars. The department shall distribute the  
42 appropriation to the tribal council of the Sac and Fox  
43 Indian settlement for expenses of educating American  
44 Indian children residing in the Sac and Fox Indian  
45 settlement on land held in trust by the secretary of  
46 the interior of the United States in excess of federal  
47 moneys paid to the tribal council for educating the  
48 American Indian children when moneys are appropriated  
49 for that purpose. The tribal council shall administer  
50 the moneys distributed pursuant to this section and

1 shall submit an annual report and other reports as  
2 required by the department to the department on the  
3 expenditure of the moneys.

4 Sec. 5. Section 257.35, Code 2011, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 5A. Notwithstanding subsection 1,  
7 and in addition to the reduction applicable pursuant  
8 to subsection 2, the state aid for area education  
9 agencies and the portion of the combined district cost  
10 calculated for these agencies for the fiscal year  
11 beginning July 1, 2011, and ending June 30, 2012, shall  
12 be reduced by the department of management by twenty  
13 million dollars. The reduction for each area education  
14 agency shall be prorated based on the reduction that  
15 the agency received in the fiscal year beginning July  
16 1, 2003.

17 DIVISION II

18 SALARIES, COMPENSATION, AND RELATED MATTERS — FY  
19 2011-2012

20 Sec. 6. APPOINTED STATE OFFICERS.

21 1. The governor shall establish a salary for  
22 appointed nonelected persons in the executive branch  
23 of state government holding a position enumerated in  
24 and within the salary ranges provided in 2008 Iowa  
25 Acts, chapter 1191, section 14, by considering, among  
26 other items, the experience of the individual in  
27 the position, changes in the duties of the position,  
28 the incumbent's performance of assigned duties, and  
29 subordinates' salaries. However, the attorney general  
30 shall establish the salary for the consumer advocate,  
31 the chief justice of the supreme court shall establish  
32 the salary for the state court administrator, the  
33 ethics and campaign disclosure board shall establish  
34 the salary of the executive director, and the Iowa  
35 public broadcasting board shall establish the salary of  
36 the administrator of the public broadcasting division  
37 of the department of education, each within the salary  
38 range provided in 2008 Iowa Acts, chapter 1191, section  
39 14.

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

44 3. A person whose salary is established pursuant  
45 to this section and who is a full-time, year-round  
46 employee of the state shall not receive any other  
47 remuneration from the state or from any other source  
48 for the performance of that person's duties unless  
49 the additional remuneration is first approved by the  
50 governor or authorized by law. However, this provision

1 does not exclude the reimbursement for necessary travel  
2 and expenses incurred in the performance of duties or  
3 fringe benefits normally provided to employees of the  
4 state.

5 Sec. 7. COLLECTIVE BARGAINING AGREEMENTS

6 FUNDED. The various state departments, boards,  
7 commissions, councils, and agencies, including the  
8 state board of regents, for the fiscal year beginning  
9 July 1, 2011, and ending June 30, 2012, shall provide  
10 from available sources pay adjustments, expense  
11 reimbursements, and related benefits to fully fund the  
12 following:

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

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

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

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

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

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

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

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

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

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

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

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

49 13. The collective bargaining agreement negotiated  
50 pursuant to chapter 20 for employees in the state

1 university of Iowa graduate student bargaining unit.  
2 14. The collective bargaining agreement negotiated  
3 pursuant to chapter 20 for employees in the state  
4 university of Iowa hospital and clinics tertiary health  
5 care bargaining unit.

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

11 Sec. 8. STATE EMPLOYEES — STATE BOARD OF  
12 REGENTS. For the fiscal year beginning July 1, 2011,  
13 and ending June 30, 2012, funds shall be provided from  
14 available sources of the state board of regents for  
15 funding of collective bargaining agreements for state  
16 board of regents employees covered by such agreements  
17 and for the following state board of regents employees  
18 not covered by a collective bargaining agreement:

19 1. Regents merit system employees and merit  
20 supervisory employees.

21 2. Faculty members and professional and scientific  
22 employees.

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

40 Sec. 10. STATE TROOPER MEAL ALLOWANCE. For the  
41 fiscal year beginning July 1, 2011, the sworn peace  
42 officers in the department of public safety who are not  
43 covered by a collective bargaining agreement negotiated  
44 pursuant to chapter 20 shall receive the same per  
45 diem meal allowance as the sworn peace officers in  
46 the department of public safety who are covered by a  
47 collective bargaining agreement negotiated pursuant to  
48 chapter 20.

49 Sec. 11. SALARY MODEL ADMINISTRATOR. The salary  
50 model administrator shall work in conjunction with

1 the legislative services agency to maintain the  
2 state's salary model used for analyzing, comparing,  
3 and projecting state employee salary and benefit  
4 information, including information relating to  
5 employees of the state board of regents. The  
6 department of revenue, the department of administrative  
7 services, the five institutions under the jurisdiction  
8 of the state board of regents, the judicial district  
9 departments of correctional services, and the state  
10 department of transportation shall provide salary data  
11 to the department of management and the legislative  
12 services agency to operate the state's salary  
13 model. The format and frequency of provision of the  
14 salary data shall be determined by the department of  
15 management and the legislative services agency. The  
16 information shall be used in collective bargaining  
17 processes under chapter 20 and in calculating the  
18 funding needs contained within the annual salary  
19 adjustment legislation. A state employee organization  
20 as defined in section 20.3, subsection 4, may request  
21 information produced by the model, but the information  
22 provided shall not contain information attributable to  
23 individual employees.

#### 24 DIVISION III

#### 25 PERFORMANCE OF DUTY

26 Sec. 12. Section 7D.10, Code 2011, is amended to  
27 read as follows:

#### 28 7D.10 Court costs.

29 If sufficient funds for court costs have not been  
30 appropriated to a state department, or if sufficient  
31 funds are not otherwise available for such purposes  
32 within the budget of a state department, upon  
33 authorization by the executive council may pay, out of  
34 any money in the state treasury there is appropriated  
35 from moneys in the general fund of the state not  
36 otherwise appropriated, an amount sufficient to pay  
37 expenses incurred, or costs taxed to the state, in  
38 any proceeding brought by or against any of the state  
39 departments or in which the state is a party or is  
40 interested. This section shall not be construed to  
41 authorize the payment of travel or other personal  
42 expenses of state officers or employees.

43 Sec. 13. Section 7D.10A, as amended by 2011 Iowa  
44 Acts, Senate File 478, section 11, as enacted, is  
45 amended to read as follows:

#### 46 7D.10A Allocation Payment to livestock remediation 47 fund.

48 If moneys are not sufficient to support the  
49 livestock remediation fund as provided in chapter 459,  
50 subchapter V, the executive council may ~~allocate from~~

1 ~~moneys in the general fund of the state, which are~~  
2 ~~not otherwise obligated or encumbered, authorize as~~  
3 ~~an expense paid from the appropriations addressed in~~  
4 ~~section 7D.29 the payment of an amount to the livestock~~  
5 ~~remediation fund as provided under section 459.501,~~  
6 ~~subsection 5. However, not more than a total of~~  
7 ~~one million dollars shall be allocated shall be paid~~  
8 ~~pursuant to this section to the livestock remediation~~  
9 ~~fund at any time.~~

10 Sec. 14. Section 7D.29, Code 2011, is amended to  
11 read as follows:

12 **7D.29 Performance of duty — expense.**

13 1. ~~The executive council shall not employ others,~~  
14 ~~or ~~incur~~ authorize any expense, for the purpose of~~  
15 ~~performing any duty imposed upon the council when~~  
16 ~~the duty may, without neglect of their usual duties,~~  
17 ~~be performed by the members, or by their regular~~  
18 ~~employees, but, subject to this limitation, the council~~  
19 ~~may ~~incur~~ authorize the necessary expense to perform~~  
20 ~~or cause to be performed any legal duty imposed on~~  
21 ~~the council, and pay the same out of any money in the~~  
22 ~~state treasury not otherwise appropriated. The expenses~~  
23 ~~authorized by the executive council in accordance~~  
24 ~~with this section and the expenses authorized by the~~  
25 ~~executive council in accordance with other statutory~~  
26 ~~provisions referencing the appropriations addressed in~~  
27 ~~this section shall be paid as follows:~~

28 a. From the appropriation made from the Iowa  
29 economic emergency fund in section 8.55 for purposes of  
30 paying such expenses.

31 b. To the extent the appropriation from the  
32 Iowa economic emergency fund described in paragraph  
33 "a" is insufficient to pay such expenses, there is  
34 appropriated from moneys in the general fund of the  
35 state not otherwise appropriated the amount necessary  
36 to fund that deficiency.>

37 2. At least two weeks prior to the executive  
38 council's approval of a payment authorization under  
39 this section, the secretary of the executive council  
40 shall notify the legislative services agency that  
41 the authorization request will be considered by  
42 the executive council and shall provide background  
43 information justifying the request.

44 3. The executive council shall receive requests  
45 from the Iowa department of public health relative to  
46 the purchase, storing, and distribution of vaccines and  
47 medication for prevention, prophylaxis, or treatment.  
48 Upon review and after compliance with subsection 2,  
49 the executive council may approve the request and may  
50 ~~incur~~ authorize payment of the necessary expense and

1 ~~pay the same out of any money in the state treasury not~~  
2 ~~otherwise appropriated. The expense authorized by the~~  
3 ~~executive council under this subsection shall be paid~~  
4 ~~from the appropriations referred to in subsection 1.~~

5 Sec. 15. Section 7D.30, Code 2011, is amended to  
6 read as follows:

7 **7D.30 Necessary record.**

8 Before ~~incurring~~ authorizing any expense authorized  
9 ~~by~~ in accordance with section 7D.29, the executive  
10 council shall, in each case, by resolution, entered  
11 upon its records, set forth the necessity for incurring  
12 authorizing such expense, the special fitness of the  
13 one employed to perform such work, the definite rate of  
14 compensation or salary allowed, and the total amount of  
15 money that may be expended. Compensation or salary for  
16 personal services in such cases must be determined by  
17 unanimous vote of all members of the council.

18 Sec. 16. Section 8.55, subsection 3, paragraph a,  
19 Code 2011, is amended to read as follows:

20 a. Except as provided in paragraphs "b", and "c", and  
21 "od", the moneys in the Iowa economic emergency fund  
22 shall only be used pursuant to an appropriation made  
23 by the general assembly. An appropriation shall only  
24 be made for the fiscal year in which the appropriation  
25 is made. The moneys shall only be appropriated by the  
26 general assembly for emergency expenditures.

27 Sec. 17. Section 8.55, subsection 3, Code 2011, is  
28 amended by adding the following new paragraph:

29 NEW PARAGRAPH. od. There is appropriated from the  
30 Iowa economic emergency fund to the executive council  
31 an amount sufficient to pay the expenses authorized by  
32 the executive council, as addressed in section 7D.29.

33 Sec. 18. Section 8A.321, subsection 4, Code 2011,  
34 is amended to read as follows:

35 4. Contract, with the approval of the executive  
36 council, for the repair, remodeling, or, if the  
37 condition warrants, demolition of all buildings and  
38 grounds of the state at the seat of government, at  
39 the state laboratories facility in Ankeny, and the  
40 institutions of the department of human services and  
41 the department of corrections for which no specific  
42 appropriation has been made, if the cost of repair,  
43 remodeling, or demolition will not exceed one hundred  
44 thousand dollars when completed. The cost of repair  
45 projects for which no specific appropriation has  
46 been made shall be paid ~~from the fund~~ as an expense  
47 authorized by the executive council as provided in  
48 section 7D.29.

49 Sec. 19. Section 8A.321, subsection 6, paragraphs a  
50 and b, Code 2011, are amended to read as follows:



1 a. Lease all buildings and office space necessary  
2 to carry out the provisions of this subchapter or  
3 necessary for the proper functioning of any state  
4 agency at the seat of government. For state agencies  
5 at the seat of government, the director may lease  
6 buildings and office space in Polk county or in a  
7 county contiguous to Polk county. If no specific  
8 appropriation has been made, the proposed lease shall  
9 be submitted to the executive council for ~~approval~~  
10 authorization and if authorized lease expense shall  
11 be paid from the appropriations addressed in section  
12 7D.29. The cost of any lease for which no specific  
13 appropriation has been made shall be paid from the fund  
14 provided in section 7D.29.

15 b. When the general assembly is not in session, the  
16 director may request ~~moneys~~ an expense authorization  
17 from the executive council for moving state agencies  
18 located at the seat of government from one location  
19 to another. The request may include moving costs,  
20 telecommunications costs, repair costs, or any other  
21 costs relating to the move. The executive council may  
22 ~~approve and shall pay the costs from funds~~ authorize  
23 the expenses provided and may authorize the expenses to  
24 be paid from the appropriations addressed in section  
25 7D.29 if it determines the agency or department has  
26 no available does not have funds available for these  
27 expenses.

28 Sec. 20. Section 11.32, as amended by 2011 Iowa  
29 Acts, House File 536, section 26, as enacted, is  
30 amended to read as follows:

31 **11.32 Certified accountants employed.**

32 Nothing in this chapter shall prohibit the auditor  
33 of state, with the prior written permission of the  
34 state executive council, from employing certified  
35 public accountants for specific assignments. The  
36 auditor of state may employ such accountants for any  
37 assignment ~~now~~ expressly reserved to the auditor of  
38 state. Payments, after approval by the executive  
39 council, ~~will~~ shall be made to the accountants so  
40 employed from funds from which the auditor of state  
41 would have been paid had the auditor of state performed  
42 the assignment, or if ~~no~~ such specific funds are  
43 ~~indicated not available~~, then ~~payment will be made~~  
44 ~~from the funds of~~ authorization of the expense by the  
45 executive council shall be requested, and if authorized  
46 shall be paid from the appropriations addressed in  
47 section 7D.29.

48 Sec. 21. Section 13.3, Code 2011, is amended to  
49 read as follows:

50 **13.3 Disqualification — substitute.**

1 1. If, for any reason, the attorney general be  
2 is disqualified from appearing in any action or  
3 proceeding, the executive council shall ~~appoint some~~  
4 authorize the appointment of a suitable person for that  
5 purpose and defray the. There is appropriated from  
6 moneys in the general fund not otherwise appropriated  
7 an amount necessary to pay the reasonable expense  
8 thereof from any unappropriated funds in the state  
9 treasury for the person appointed. The department  
10 involved in the action or proceeding shall be requested  
11 to recommend a suitable person to represent the  
12 department and when the executive council concurs in  
13 the recommendation, the person recommended shall be  
14 appointed.

15 2. If the governor or a department is represented  
16 by an attorney other than the attorney general in a  
17 court proceeding as provided in this section, at the  
18 conclusion of the court proceedings, the court shall  
19 review the fees charged to the state to determine  
20 if the fees are fair and reasonable. The executive  
21 council shall not ~~reimburse~~ authorize reimbursement  
22 of attorney fees in excess of those determined by the  
23 court to be fair and reasonable.

24 Sec. 22. Section 13.7, Code 2011, is amended to  
25 read as follows:

26 **13.7 Special counsel.**

27 Compensation shall not be allowed to any person for  
28 services as an attorney or counselor to an executive  
29 department of the state government, or the head ~~thereof~~  
30 of an executive department of state government, or to  
31 a state board or commission. However, the executive  
32 council may employ authorize employment of legal  
33 assistance, at a reasonable compensation, in a pending  
34 action or proceeding to protect the interests of the  
35 state, but only upon a sufficient showing, in writing,  
36 made by the attorney general, that the department of  
37 justice cannot for reasons stated by the attorney  
38 general perform the service, which. The reasons  
39 and action of the council shall be entered upon its  
40 records. ~~When~~ If the attorney general determines that  
41 the department of justice cannot perform legal service  
42 in an action or proceeding, the executive council  
43 shall request the department involved in the action or  
44 proceeding to recommend legal counsel to represent the  
45 department. If the attorney general concurs with the  
46 department that the person recommended is qualified  
47 and suitable to represent the department, the person  
48 recommended shall be employed. If the attorney general  
49 does not concur in the recommendation, the department  
50 shall submit a new recommendation. This section does

1 not affect the general counsel for the utilities board  
2 of the department of commerce, the legal counsel of the  
3 department of workforce development, or the general  
4 counsel for the property assessment appeal board.

5 Sec. 23. Section 29A.27, unnumbered paragraph 8,  
6 Code 2011, is amended to read as follows:

7 All payments ~~herein~~ provided for under this section  
8 shall be paid on the approval of the adjutant general  
9 from the contingent fund of the executive council  
10 created in section 29C.20.

11 Sec. 24. Section 29C.8, subsection 3, paragraph  
12 f, subparagraph (3), Code 2011, is amended to read as  
13 follows:

14 (3) Upon notification of a compensable loss to a  
15 member of a homeland security and emergency management  
16 response team, the department of administrative  
17 services shall process the claim and seek ~~funding~~  
18 authorization from the executive council for to pay  
19 as an expense paid from the appropriations addressed  
20 in section 7D.29 those costs associated with covered  
21 benefits.

22 Sec. 25. Section 29C.20, subsection 1, paragraph a,  
23 unnumbered paragraph 1, Code 2011, is amended to read  
24 as follows:

25 A contingent fund is created in the state treasury  
26 for the use of the executive council ~~which~~. Funding  
27 for the contingent fund, if authorized by the executive  
28 council, shall be paid from the appropriations  
29 addressed in section 7D.29. Moneys in the contingent  
30 fund may be expended for the following purposes:

31 Sec. 26. Section 96.13, subsection 3, paragraph c,  
32 Code 2011, is amended to read as follows:

33 c. The department may appear before the executive  
34 council and request ~~funds~~ authorization of moneys to  
35 meet unanticipated emergencies as an expense from the  
36 appropriations addressed in section 7D.29.

37 Sec. 27. Section 135.143, subsection 5, Code 2011,  
38 is amended to read as follows:

39 5. Upon notification of a compensable loss, the  
40 department of administrative services shall seek  
41 ~~funding~~ authorization from the executive council for  
42 to pay as an expense from the appropriations addressed  
43 in section 7D.29 those costs associated with covered  
44 workers' compensation benefits.

45 Sec. 28. Section 135.144, subsection 11, Code 2011,  
46 is amended to read as follows:

47 11. If a public health disaster or other public  
48 health emergency situation exists which poses an  
49 imminent threat to the public health, safety, and  
50 welfare, the department, in conjunction with the

1 governor, may provide financial assistance, from funds  
2 appropriated to the department that are not otherwise  
3 encumbered, to political subdivisions as needed to  
4 alleviate the disaster or the emergency. If the  
5 department does not have sufficient unencumbered funds,  
6 the governor may request that the executive council,  
7 ~~pursuant to the authority of section 7D.29, commit~~  
8 ~~sufficient funds, to authorize the payment of up to one~~  
9 ~~million dollars, that are not otherwise encumbered from~~  
10 ~~the general fund, as needed and available, for as an~~  
11 ~~expense from the appropriations addressed in section~~  
12 ~~7D.29 to alleviate the disaster or the emergency.~~ If  
13 additional financial assistance is required in excess  
14 of one million dollars, approval by the legislative  
15 council is also required.

16 Sec. 29. Section 163.3A, subsection 4, paragraph b,  
17 Code 2011, is amended to read as follows:

18 b. The department shall provide and update a list  
19 of the registered members of each emergency response  
20 team, including the members' names and identifying  
21 information, to the department of administrative  
22 services. Upon notification of a compensable loss  
23 suffered by a registered member, the department  
24 of administrative services shall seek ~~funding~~  
25 authorization from the executive council for to pay as  
26 an expense from the appropriations addressed in section  
27 7D.29 those costs associated with covered benefits.

28 Sec. 30. Section 163.10, Code 2011, is amended to  
29 read as follows:

30 **163.10 Quarantining or destroying animals.**

31 The department may quarantine or destroy any  
32 animal exposed to or afflicted with an infectious or  
33 contagious disease. However, cattle exposed to or  
34 infected with tuberculosis shall not be destroyed  
35 without the owner's consent, unless there are  
36 sufficient moneys to reimburse the owner for the  
37 cattle, which may be paid ~~from the appropriation as~~  
38 an expense authorized as provided in section 163.15,  
39 from moneys in the brucellosis and tuberculosis  
40 eradication fund created in section 165.18, or from  
41 moneys made available by the United States department  
42 of agriculture.

43 Sec. 31. Section 163.15, subsection 2, paragraph  
44 a, subparagraph (3), Code 2011, is amended to read as  
45 follows:

46 (3) A claim for an indemnity by the owner and a  
47 claim for compensation and expenses by the appraisers  
48 shall be filed with the department and submitted by the  
49 secretary of agriculture to the executive council for  
50 ~~its approval or disapproval~~ authorization of payment

1 of the claim as an expense from the appropriations  
2 addressed in section 7D.29.

3 Sec. 32. Section 163.15, subsection 2, paragraph  
4 a, subparagraph (4), Code 2011, is amended by striking  
5 the subparagraph.

6 Sec. 33. Section 163.15, subsection 2, paragraph b,  
7 unnumbered paragraph 1, Code 2011, is amended to read  
8 as follows:

9 A formula established by rule adopted by the  
10 department that is effective as determined by  
11 the department in accordance with chapter 17A and  
12 applicable upon approval of the ~~plan~~ program of  
13 eradication ~~approved~~ by the executive council. The  
14 formula shall be applicable to indemnify owners if the  
15 executive council, upon recommendation by the secretary  
16 of agriculture, determines that an animal population  
17 in this state is threatened with infection from an  
18 exceptionally contagious disease.

19 Sec. 34. Section 163.15, subsection 2, paragraph  
20 b, subparagraph (4), Code 2011, is amended to read as  
21 follows:

22 (4) ~~Upon approval by the~~ The executive council,  
23 ~~there is appropriated to the department from any~~  
24 ~~moneys in the general fund of the state not otherwise~~  
25 ~~appropriated moneys sufficient to carry out the~~  
26 may authorize payment under the provisions of this  
27 paragraph "b" as an expense from the appropriations  
28 addressed in section 7D.29.

29 Sec. 35. Section 307.45, subsection 3, Code 2011,  
30 is amended to read as follows:

31 3. Assessments against property owned by the state  
32 and not under the jurisdiction and control of the  
33 department's administrator of highways shall be made in  
34 the same manner as those made against private property  
35 and payment shall be ~~made~~ subject to authorization by  
36 the executive council from any funds of the state not  
37 otherwise appropriated. There is appropriated from  
38 moneys in the general fund not otherwise appropriated  
39 an amount necessary to pay the expense authorized by  
40 the executive council.

41 Sec. 36. Section 384.56, subsection 1, Code 2011,  
42 is amended to read as follows:

43 1. Cities may assess the cost of a public  
44 improvement which extends through, abuts upon, or is  
45 adjacent to lands owned by the state, and ~~the executive~~  
46 ~~council shall pay~~ payment for the assessable portion  
47 of the cost of the improvement through or along the  
48 lands as provided shall be subject to authorization by  
49 the executive council. ~~The executive council shall~~  
50 ~~pay assessments as~~ and payable in the manner provided

1 in section 307.45 for property owned by the state and  
2 not under the jurisdiction and control of the state  
3 department of transportation.

4 Sec. 37. Section 459.501, subsection 5, as amended  
5 by 2011 Iowa Acts, Senate File 478, section 1, as  
6 enacted, is amended to read as follows:

7 5. The following shall apply to moneys in the fund:

8 a. (1) ~~The executive council may allocate moneys~~  
9 ~~from the general fund of the state as~~ authorize payment  
10 of moneys as an expense paid from the appropriations  
11 addressed in section 7D.29 and in the manner provided  
12 in section 7D.10A in an amount necessary to support the  
13 fund, including the following:

14 (a) The payment of claims as provided in section  
15 459.505.

16 (b) The allocation of moneys to the department  
17 of agriculture and land stewardship for the payment  
18 of expenses incurred by the department of agriculture  
19 and land stewardship associated with providing for the  
20 sustenance and disposition of livestock pursuant to  
21 chapter 717.

22 (2) Notwithstanding subparagraph (1), the  
23 ~~allocation of moneys from the general fund of the state~~  
24 ~~executive council's authorization for payment shall be~~  
25 ~~made provided~~ only if the amount of moneys in the fund,  
26 which are not obligated or encumbered, and not counting  
27 the department's estimate of the cost to the fund for  
28 pending or unsettled claims, the amount to be allocated  
29 to the department of agriculture and land stewardship,  
30 and any amount required to be credited to the general  
31 fund of the state under this subsection, is less than  
32 one million dollars.

33 b. The department of natural resources shall  
34 credit an amount to the ~~general fund of the state~~  
35 ~~from which the expense authorized by the executive~~  
36 ~~council as provided in paragraph "a" was appropriated~~  
37 ~~which is equal to an amount allocated to support the~~  
38 ~~livestock remediation fund by the executive council~~  
39 ~~under paragraph "a".~~ However, the department shall  
40 only be required to credit the moneys to the ~~general~~  
41 ~~such fund of the state~~ if the moneys in the livestock  
42 remediation fund which are not obligated or encumbered,  
43 and not counting the department's estimate of the  
44 cost to the livestock remediation fund for pending or  
45 unsettled claims, the amount to be allocated to the  
46 department of agriculture and land stewardship, and  
47 any amount required to be transferred to the ~~general~~  
48 fund ~~under~~ from which appropriated as described in this  
49 paragraph, are in excess of two million five hundred  
50 thousand dollars. The department is not required to

1 credit the total amount to the ~~general fund of the~~  
2 state from which appropriated as described in this  
3 paragraph during any one fiscal year.

4 Sec. 38. Section 468.43, unnumbered paragraph 4,  
5 Code 2011, is amended to read as follows:

6 The assessments against lands under the jurisdiction  
7 of the department of natural resources shall be paid as  
8 an expense from the appropriations addressed in section  
9 7D.29, if authorized by the executive council upon  
10 certification of the amount by the county treasurer.  
11 ~~There is appropriated from any funds in the general~~  
12 ~~fund of the state not otherwise appropriated amounts~~  
13 ~~sufficient to pay the certified assessments.~~

14 Sec. 39. Section 568.16, Code 2011, is amended to  
15 read as follows:

16 **568.16 Purchase money refunded.**

17 If the grantee of the state, or the grantee's  
18 successors, administrators, or assigns, shall be  
19 deprived of the land conveyed by the state under this  
20 chapter by the final decree of a court of record for  
21 the reason that the conveyance by the state passed  
22 no title whatever to the land therein did not pass  
23 title to the land described, because title thereto to  
24 the land had previously for any reason been vested  
25 in others, then the money so paid by the state for  
26 the said land shall be refunded by the state to the  
27 person or persons entitled thereto to the refund,  
28 provided the said grantee, or the grantee's successors,  
29 administrators, or assigns, shall file a certified  
30 copy of the transcript of the said final decree with  
31 the executive council within one year from the date  
32 of the issuance of such decree, and shall also file  
33 satisfactory proof with the executive council that the  
34 action over the title to the land was commenced within  
35 ten years from the date of the issuance of patent or  
36 deed by the state. The amount of money to be refunded  
37 under the provisions of this section shall be certified  
38 authorized and paid by the executive council to the  
39 director of the department of administrative services,  
40 who shall draw a warrant therefor, and the same shall  
41 be paid out of the general fund as an expense from the  
42 appropriations addressed in section 7D.29.

43 Sec. 40. Section 602.10133, Code 2011, is amended  
44 to read as follows:

45 **602.10133 Costs and expenses.**

46 The court costs incident to such proceedings,  
47 and the reasonable expense of said the judges in  
48 attending said the hearing after being approved by  
49 the supreme court shall be paid as court costs an  
50 expense authorized by the executive council from the

1 appropriations addressed in section 7D.29.

2 Sec. 41. Section 663.44, Code 2011, is amended to  
3 read as follows:

4 **663.44 Costs.**

5 1. If the plaintiff is discharged, the costs shall  
6 be assessed to the defendant, unless the defendant  
7 is an officer holding the plaintiff in custody under  
8 a commitment, or under other legal process, in which  
9 case the costs shall be assessed to the county. If the  
10 plaintiff's application is refused, the costs shall be  
11 assessed against the plaintiff, and, in the discretion  
12 of the court, against the person who filed the petition  
13 in the plaintiff's behalf.

14 2. ~~However, where~~ Notwithstanding subsection 1, if  
15 the plaintiff is confined in any state institution, and  
16 is discharged in habeas corpus proceedings, or ~~where~~ if  
17 the habeas corpus proceedings fail, and costs and fees  
18 cannot be collected from the person liable to pay ~~the~~  
19 ~~same costs and fees,~~ such the costs and fees shall be  
20 paid by the county in which such state institution is  
21 located. The facts of such payment and the proceedings  
22 on which it is based, with a statement of the amount  
23 of fees or costs incurred, with approval in writing  
24 by the presiding judge appended to ~~such the~~ statement  
25 or endorsed ~~thereon~~ on the statement, shall ~~then~~ be  
26 certified by the clerk of the district court under the  
27 seal of office to the state executive council. The  
28 executive council shall ~~then~~ review the proceedings and  
29 authorize reimbursement for all such fees and costs  
30 or such part ~~thereof~~ of the fees and costs as the  
31 executive council ~~shall find~~ finds justified, and shall  
32 notify the director of the department of administrative  
33 services to draw a warrant to such county treasurer  
34 ~~on the state general fund~~ for the amount authorized.  
35 There is appropriated from moneys in the general fund  
36 not otherwise appropriated an amount necessary to pay  
37 the reimbursement authorized by the executive council.  
38 The costs and fees referred to above shall include  
39 any award of fees made to a court appointed attorney  
40 representing an indigent party bringing the habeas  
41 corpus action.

42 **DIVISION IV**

43 **STANDING APPROPRIATIONS AND RELATED MATTERS — FY**  
44 **2012-2013**

45 **Sec. 42. BUDGET PROCESS FOR FISCAL YEAR 2013-2014.**

46 1. For the budget process applicable to the fiscal  
47 year beginning July 1, 2013, on or before October 1,  
48 2012, in lieu of the information specified in section  
49 8.23, subsection 1, unnumbered paragraph 1, and  
50 paragraph "a", all departments and establishments of



1 the government shall transmit to the director of the  
2 department of management, on blanks to be furnished  
3 by the director, estimates of their expenditure  
4 requirements, including every proposed expenditure, for  
5 the ensuing fiscal year, together with supporting data  
6 and explanations as called for by the director of the  
7 department of management after consultation with the  
8 legislative services agency.

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

17 Sec. 43. LIMITATION OF STANDING APPROPRIATIONS.  
18 Notwithstanding the standing appropriations in the  
19 following designated sections for the fiscal year  
20 beginning July 1, 2012, and ending June 30, 2013, the  
21 amounts appropriated from the general fund of the state  
22 pursuant to these sections for the following designated  
23 purposes shall not exceed the following amounts:

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

27 ..... \$ 208,351

28 2. For regional tourism marketing under section  
29 99F.11, subsection 3, paragraph "d", subparagraph (2):

30 ..... \$ 405,153

31 3. For the center for congenital and inherited  
32 disorders central registry under section 144.13A,  
33 subsection 4, paragraph "a":

34 ..... \$ 85,560

35 4. For primary and secondary child abuse prevention  
36 programs under section 144.13A, subsection 4, paragraph  
37 "a":

38 ..... \$ 108,886

39 5. For programs for at-risk children under section  
40 279.51:

41 ..... \$ 10,728,891

42 The amount of any reduction in this subsection shall  
43 be prorated among the programs specified in section  
44 279.51, subsection 1, paragraphs "a", "b", and "c".

45 6. For payment for nonpublic school transportation  
46 under section 285.2:

47 ..... \$ 3,530,465

48 If total approved claims for reimbursement for  
49 nonpublic school pupil transportation exceed the amount  
50 appropriated in accordance with this subsection, the

1 department of education shall prorate the amount of  
2 each approved claim.

3 7. For reimbursement for the homestead property tax  
4 credit under section 425.1:

5 ..... \$ 86,188,387

6 8. For reimbursement for the family farm and  
7 agricultural land tax credits under sections 425A.1 and  
8 426.1:

9 ..... \$ 32,395,131

10 9. For the enforcement of chapter 453D relating to  
11 tobacco product manufacturers under section 453D.8:

12 ..... \$ 9,208

13 Sec. 44. INSTRUCTIONAL SUPPORT STATE AID — FY  
14 2012-2013. In lieu of the appropriation provided in  
15 section 257.20, subsection 2, the appropriation for the  
16 fiscal year beginning July 1, 2012, and ending June 30,  
17 2013, for paying instructional support state aid under  
18 section 257.20 for fiscal year 2012-2013 is zero.

19 DIVISION V

20 SALARIES, COMPENSATION, AND RELATED MATTERS — FY

21 2012-2013

22 Sec. 45. COLLECTIVE BARGAINING AGREEMENTS  
23 FUNDED. The various state departments, boards,  
24 commissions, councils, and agencies, including the  
25 state board of regents, for the fiscal year beginning  
26 July 1, 2012, and ending June 30, 2013, shall provide  
27 from available sources pay adjustments, expense  
28 reimbursements, and related benefits to fully fund the  
29 following:

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

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

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

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

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

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

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

1 8. The collective bargaining agreement negotiated  
2 pursuant to chapter 20 for employees in the  
3 community-based corrections bargaining unit.  
4 9. The collective bargaining agreements negotiated  
5 pursuant to chapter 20 for employees in the judicial  
6 branch of government bargaining units.  
7 10. The collective bargaining agreement negotiated  
8 pursuant to chapter 20 for employees in the patient  
9 care bargaining unit.  
10 11. The collective bargaining agreement negotiated  
11 pursuant to chapter 20 for employees in the science  
12 bargaining unit.  
13 12. The collective bargaining agreement negotiated  
14 pursuant to chapter 20 for employees in the university  
15 of northern Iowa faculty bargaining unit.  
16 13. The collective bargaining agreement negotiated  
17 pursuant to chapter 20 for employees in the state  
18 university of Iowa graduate student bargaining unit.  
19 14. The collective bargaining agreement negotiated  
20 pursuant to chapter 20 for employees in the state  
21 university of Iowa hospital and clinics tertiary health  
22 care bargaining unit.  
23 15. The annual pay adjustments, related benefits,  
24 and expense reimbursements referred to in the sections  
25 of this division of this Act addressing state board of  
26 regents employees who are not covered by a collective  
27 bargaining agreement.

28 Sec. 46. STATE EMPLOYEES — STATE BOARD OF  
29 REGENTS. For the fiscal year beginning July 1, 2012,  
30 and ending June 30, 2013, funds shall be provided from  
31 available sources of the state board of regents for  
32 funding of collective bargaining agreements for state  
33 board of regents employees covered by such agreements  
34 and for the following state board of regents employees  
35 not covered by a collective bargaining agreement:

36 1. Regents merit system employees and merit  
37 supervisory employees.  
38 2. Faculty members and professional and scientific  
39 employees.

40 Sec. 47. BONUS PAY. For the fiscal year beginning  
41 July 1, 2012, and ending June 30, 2013, employees of  
42 the executive branch, judicial branch, and legislative  
43 branch shall not receive bonus pay unless otherwise  
44 authorized by law, required pursuant to a contract  
45 of employment entered into before July 1, 2012,  
46 or required pursuant to a collective bargaining  
47 agreement. This section does not apply to employees  
48 of the state board of regents. For purposes of this  
49 section, "bonus pay" means any additional remuneration  
50 provided an employee in the form of a bonus, including

1 but not limited to a retention bonus, recruitment  
2 bonus, exceptional job performance pay, extraordinary  
3 job performance pay, exceptional performance pay,  
4 extraordinary duty pay, or extraordinary or special  
5 duty pay, and any extra benefit not otherwise provided  
6 to other similarly situated employees.

7     Sec. 48. STATE TROOPER MEAL ALLOWANCE. For the  
8 fiscal year beginning July 1, 2012, the sworn peace  
9 officers in the department of public safety who are not  
10 covered by a collective bargaining agreement negotiated  
11 pursuant to chapter 20 shall receive the same per  
12 diem meal allowance as the sworn peace officers in  
13 the department of public safety who are covered by a  
14 collective bargaining agreement negotiated pursuant to  
15 chapter 20.

16     Sec. 49. SALARY MODEL ADMINISTRATOR. The salary  
17 model administrator shall work in conjunction with  
18 the legislative services agency to maintain the  
19 state's salary model used for analyzing, comparing,  
20 and projecting state employee salary and benefit  
21 information, including information relating to  
22 employees of the state board of regents. The  
23 department of revenue, the department of administrative  
24 services, the five institutions under the jurisdiction  
25 of the state board of regents, the judicial district  
26 departments of correctional services, and the state  
27 department of transportation shall provide salary data  
28 to the department of management and the legislative  
29 services agency to operate the state's salary  
30 model. The format and frequency of provision of the  
31 salary data shall be determined by the department of  
32 management and the legislative services agency. The  
33 information shall be used in collective bargaining  
34 processes under chapter 20 and in calculating the  
35 funding needs contained within the annual salary  
36 adjustment legislation. A state employee organization  
37 as defined in section 20.3, subsection 4, may request  
38 information produced by the model, but the information  
39 provided shall not contain information attributable to  
40 individual employees.

41                                   DIVISION VI

42                                   CORRECTIVE PROVISIONS

43     Sec. 50. Section 8.6, subsection 9A, as enacted by  
44 2011 Iowa Acts, House File 45, section 39, is amended  
45 to read as follows:

46     9A. *Budget and tax rate databases.* To develop  
47 and make available to the public a searchable budget  
48 database and internet site as required under chapter  
49 8G, ~~division~~ subchapter I, and to develop and make  
50 available to the public a searchable tax rate database

1 and internet site as required under chapter 8G,  
2 ~~division~~ subchapter II.

3 Sec. 51. Section 8.57E, subsection 3, paragraph a,  
4 as enacted by 2011 Iowa Acts, Senate File 209, section  
5 30, is amended to read as follows:

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

10 Sec. 52. Section 8G.13, as enacted by 2011 Iowa  
11 Acts, House File 45, section 50, is amended to read as  
12 follows:

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

14 To facilitate the department of management's efforts  
15 in creating and maintaining a searchable database of  
16 the taxes identified in section 8G.12, subsection 3 1,  
17 for all taxing jurisdictions in the state, each taxing  
18 jurisdiction may annually be required to report its tax  
19 rates to the department of management or the department  
20 of revenue and shall report any changes to its tax  
21 rates within thirty days of the change.

22 Sec. 53. Section 16.193, subsection 3, paragraph a,  
23 Code 2011, as amended by 2011 Iowa Acts, Senate File  
24 475, section 11, is amended to read as follows:

25 a. During the term of the Iowa jobs program and  
26 Iowa jobs II program, the Iowa finance authority shall  
27 collect data on all of the projects approved for the  
28 ~~program~~ programs. The department of management and  
29 the state agencies associated with the projects shall  
30 assist the authority with the data collection and in  
31 developing the report required by this subsection. The  
32 authority shall report quarterly to the governor and  
33 the general assembly concerning the data.

34 Sec. 54. Section 68A.401, subsection 4, Code 2011,  
35 as amended by 2011 Iowa Acts, Senate File 475, section  
36 17, is amended to read as follows:

37 4. Political committees expressly advocating the  
38 nomination, election, or defeat of candidates for  
39 both federal office and any elected office created  
40 by law or the Constitution of the State of Iowa  
41 shall file statements and reports with the board in  
42 addition to any federal reports required to be filed  
43 with the board. However, a political committee that  
44 is registered and filing full disclosure reports of  
45 all financial activities with the federal election  
46 commission may file verified statements as provided in  
47 section ~~68B.201A~~ 68A.201A.

48 Sec. 55. Section 139A.19, subsection 3, as enacted  
49 by 2011 Iowa Acts, House File 467, section 20, is  
50 amended to read as follows:

1 3. This section does not preclude a hospital,  
2 clinic, other health facility, or a health care  
3 provider from providing notification to a care  
4 provider under circumstances in which the hospital's,  
5 clinic's, other health facility's, or health care  
6 provider's policy provides for notification of the  
7 hospital's, ~~clinics~~ clinic's, other health facility's,  
8 or health care provider's own employees of exposure  
9 to a contagious or infectious disease that is not  
10 life-threatening if the notice does not reveal a  
11 patient's name, unless the patient consents.

12 Sec. 56. Section 175.3, subsection 1, paragraph a,  
13 Code 2011, as amended by 2011 Iowa Acts, Senate File  
14 429, section 1, is amended to read as follows:

15 a. The agricultural development authority is  
16 established within the department of agriculture and  
17 land stewardship. The agency authority is constituted  
18 as a public instrumentality and agency of the state  
19 exercising public and essential governmental functions.

20 Sec. 57. Section 207.22, subsection 3, paragraph b,  
21 Code 2011, as amended by 2011 Iowa Acts, Senate File  
22 475, section 47, is amended to read as follows:

23 b. Acquisition of coal refuse disposal sites and  
24 all coal refuse thereon will serve the purposes of  
25 ~~Tit. IV of~~ Pub. L. No. 95-87, Tit. IV, codified at 30  
26 U.S.C. ch. 25, subch. IV, or that public ownership  
27 is desirable to meet emergency situations and prevent  
28 recurrences of the adverse effect of past coal mining  
29 practices.

30 Sec. 58. Section 232.71D, subsection 3, paragraph  
31 a, unnumbered paragraph 1, as enacted by 2011 Iowa  
32 Acts, House File 562, section 3, is amended to read as  
33 follows:

34 Unless any of the circumstances listed in paragraph  
35 "b" are applicable, cases to which any of the following  
36 circumstances apply shall not be placed ~~on~~ in the  
37 central registry:

38 Sec. 59. Section 256.7, subsection 26, paragraph a,  
39 subparagraph (1), as enacted by 2011 Iowa Acts, Senate  
40 File 453, section 1, is amended to read as follows:

41 (1) The rules establishing high school graduation  
42 requirements shall authorize a school district  
43 or accredited nonpublic school to consider that  
44 any student who satisfactorily completes a high  
45 school-level unit of English or language arts,  
46 mathematics, science, or social studies has  
47 satisfactorily completed a unit of the high school  
48 graduation requirements for that area as specified in  
49 this lettered paragraph, and ~~to~~ shall authorize the  
50 school district or accredited nonpublic school to issue

1 high school credit for the unit to the student.

2 Sec. 60. Section 321.34, subsection 20C, paragraph  
3 a, if enacted by 2011 Iowa Acts, House File 651,  
4 section 2, is amended to read as follows:

5 a. The department, in consultation with the  
6 adjutant general, shall design combat infantryman  
7 badge, combat action badge, combat action ribbon, air  
8 force combat action medal, and combat medical badge  
9 distinguishing processed emblems. Upon receipt of two  
10 hundred fifty orders for ~~special~~ combat infantryman  
11 badge, combat action badge, combat action ribbon, air  
12 force combat action medal, or combat medical badge  
13 special registration plates, accompanied by a start-up  
14 fee of twenty dollars per order, the department  
15 shall begin issuing special registration plates with  
16 the applicable distinguishing processed emblem as  
17 provided in paragraphs "b" and "c". The minimum  
18 order requirement shall apply separately to each of  
19 the special registration plates created under this  
20 subsection.

21 Sec. 61. Section 321.34, subsection 25, paragraph  
22 a, if enacted by 2011 Iowa Acts, House File 651,  
23 section 2, is amended to read as follows:

24 a. The department, in consultation with  
25 the adjutant general, shall design a civil war  
26 sesquicentennial distinguishing processed emblem. Upon  
27 receipt of two hundred fifty orders for ~~special~~ civil  
28 war sesquicentennial special registration plates,  
29 accompanied by a start-up fee of twenty dollars per  
30 order, the department shall begin issuing special  
31 registration plates with a civil war sesquicentennial  
32 processed emblem as provided in paragraph "b".

33 Sec. 62. Section 327B.5, Code 2011, is amended to  
34 read as follows:

35 **327B.5 Penalty.**

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

40 Sec. 63. Section 422.110, subsection 5, paragraph  
41 a, subparagraph (2), if enacted by 2011 Iowa Acts,  
42 Senate File 531, section 17, is amended to read as  
43 follows:

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

46 Sec. 64. Section 422.11Y, subsection 1, paragraph  
47 d, if enacted by 2011 Iowa Acts, Senate File 531,  
48 section 35, is amended to read as follows:

49 d. "Tax credit" means the E-15 plus gasoline  
50 promotion tax credit as provided in this section.

1     Sec. 65. Section 422.11Y, subsection 3, unnumbered  
2 paragraph 1, if enacted by 2011 Iowa Acts, Senate File  
3 531, section 35, is amended to read as follows:

4     The taxes imposed under this division, less the  
5 credits allowed under section 422.12, shall be reduced  
6 by the amount of the E-15 plus gasoline promotion tax  
7 credit for each tax year that the taxpayer is eligible  
8 to claim a tax credit under this subsection.

9     Sec. 66. Section 422.11Y, subsection 6, paragraph  
10 b, subparagraph (2), if enacted by 2011 Iowa Acts,  
11 Senate File 531, section 35, is amended to read as  
12 follows:

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

17     Sec. 67. Section 423.4, subsection 9, unnumbered  
18 paragraph 1, if enacted by 2011 Iowa Acts, Senate File  
19 531, section 59, is amended to read as follows:

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

24     Sec. 68. Section 483A.24A, Code 2011, as amended by  
25 2011 Iowa Acts, Senate File 194, section 10, is amended  
26 to read as follows:

27     **483A.24A License refunds — military service.**

28     Notwithstanding any provision of this chapter to  
29 the contrary, a service member deployed for military  
30 service, ~~both~~ as defined in section 29A.1, subsection  
31 3, shall receive a refund of that portion of any  
32 license fee paid by the service member representing the  
33 service member's period of military service.

34     Sec. 69. Section 501.101, subsection 01, as enacted  
35 by 2011 Iowa Acts, House File 348, section 7, is  
36 amended to read as follows:

37     01. "*Alternative voting method*" means a method of  
38 voting other than a written ballot, including voting  
39 by electronic, telephonic, internet, or other means  
40 that reasonably ~~allow~~ allows members the opportunity  
41 to vote.

42     Sec. 70. Section 501A.703, subsection 5, paragraph  
43 d, Code 2011, as amended by 2011 Iowa Acts, House File  
44 348, section 19, is amended to read as follows:

45     d. If the ballot of the member is received by  
46 the cooperative on or before the date of the regular  
47 members' meeting or as otherwise prescribed for an  
48 alternative, voting method, the ballot or alternative  
49 voting method shall be accepted and counted as the vote  
50 of the absent member.



1 Sec. 71. Section 511.8, subsection 22, paragraph i,  
2 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,  
3 Senate File 406, section 25, is amended to read as  
4 follows:

5 Securities held in the legal reserve of a life  
6 insurance company or association pledged as collateral  
7 for financial instruments used in highly effective  
8 hedging transactions as defined in the national  
9 association of insurance commissioners' ~~Statement~~  
10 ~~statement of Statutory Accounting Principles No.~~  
11 statutory accounting principles no. 86 shall continue  
12 to be eligible for inclusion ~~on~~ in the legal reserve of  
13 the life insurance company or association subject to  
14 all of the following:

15 Sec. 72. Section 514J.109, subsection 3, paragraph  
16 f, if enacted by 2011 Iowa Acts, House File 597,  
17 section 9, is amended to read as follows:

18 *f.* The covered person or the covered person's  
19 authorized representative has provided all the  
20 information and forms required by the commissioner that  
21 are necessary to process an external review request  
22 pursuant to this section.

23 Sec. 73. Section 521F.4, subsection 1, paragraph b,  
24 as enacted by 2011 Iowa Acts, Senate File 406, section  
25 44, is amended to read as follows:

26 *b.* The filing of a risk-based capital report by  
27 a health organization which indicates that the health  
28 organization has total adjusted capital which is  
29 greater than or equal to its company-action-level  
30 risk-based capital but less than the product of its  
31 authorized-control-level risk-based capital and three  
32 and triggers the trend test determined in accordance  
33 with the trend test ~~calculations~~ calculation included  
34 in the health risk-based capital instructions.

35 Sec. 74. Section 524.310, subsection 5, paragraph  
36 b, Code 2011, as amended by 2011 Iowa Acts, Senate File  
37 475, section 120, is amended to read as follows:

38 *b.* A corporate or company name reserved,  
39 registered, or protected as provided in section  
40 489.109, 490.402, 490.403, 490A.402, 504.402, or 504.403.

41 Sec. 75. Section 717.3, subsection 5, paragraph b,  
42 Code 2011, as enacted by 2011 Iowa Acts, Senate File  
43 478, section 6, is amended to read as follows:

44 *b.* That the department shall assume supervision of  
45 and provide for the sustenance of the livestock ~~and~~ as  
46 provided in section 717.4.

47 Sec. 76. Section 717.4, subsection 2, as enacted by  
48 2011 Iowa Acts, Senate File 478, section 7, is amended  
49 to read as follows:

50 2. The court ordered lien shall be for the benefit

1 of the department. The amount of the lien shall not  
2 be ~~not~~ more than for expenses incurred in providing  
3 sustenance to the livestock pursuant to section 717.3  
4 and providing for the disposition of the livestock  
5 pursuant to section 717.5.

6 Sec. 77. Section 717.4A, as enacted by 2011 Iowa  
7 Acts, Senate File 478, section 8, is amended to read  
8 as follows:

9 **717.4A Livestock in immediate need of sustenance —**  
10 **livestock remediation fund.**

11 The department may utilize the moneys deposited  
12 into the livestock remediation fund pursuant to  
13 section 459.501 to pay for any expenses associated  
14 with providing sustenance to or the disposition of the  
15 livestock pursuant to a court order entered pursuant to  
16 section 717.3 or 717.5. The department shall utilize  
17 moneys from the fund only to the extent that the  
18 department determines that expenses cannot be timely  
19 paid by utilizing the available provisions of sections  
20 717.4 and 717.5. The department shall deposit any  
21 unexpended and unobligated moneys in the fund. The  
22 department shall pay to the fund the proceeds from the  
23 disposition of the livestock and associated products  
24 less expenses incurred by the department in providing  
25 for the sustenance and disposition of the livestock, as  
26 provided in section 717.5.

27 Sec. 78. Section 903A.5, subsection 1, as enacted  
28 by 2011 Iowa Acts, House File 271, section 3, is  
29 amended to read as follows:

30 1. An inmate shall not be discharged from the  
31 custody of the director of the Iowa department of  
32 corrections until the inmate has served the full term  
33 for which the inmate was sentenced, less earned time  
34 and other credits earned and not forfeited, unless  
35 the inmate is pardoned or otherwise legally released.  
36 Earned time accrued and not forfeited shall apply  
37 to reduce a mandatory minimum sentence being served  
38 pursuant to section 124.406, 124.413, 902.7, 902.8,  
39 902.8A, or 902.11. An inmate shall be deemed to be  
40 serving the sentence from the day on which the inmate  
41 is received into the institution. If an inmate was  
42 confined to a county jail or other correctional or  
43 mental facility at any time prior to sentencing, or  
44 after sentencing but prior to the case having been  
45 decided on appeal, because of failure to furnish  
46 bail or because of being charged with a nonbailable  
47 offense, the inmate shall be given credit for the  
48 days already served upon the term of the sentence.  
49 However, if a person commits any offense while confined  
50 in a county jail or other correctional or mental

1 health facility, the person shall not be granted  
2 jail credit for that offense. Unless the inmate was  
3 confined in a correctional facility, the sheriff of  
4 the county in which the inmate was confined shall  
5 certify to the clerk of the district court from which  
6 the inmate was sentenced and to the department of  
7 corrections' records administrator at the Iowa medical  
8 and classification center the number of days so served.  
9 The department of corrections' records administrator,  
10 or the administrator's designee, shall apply jail  
11 credit as ordered by the court of proper jurisdiction  
12 or as authorized by this section and section 907.3,  
13 subsection 3.

14 Sec. 79. EFFECTIVE DATES.

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

19 2. Section 423.4, subsection 9, unnumbered  
20 paragraph 1, if enacted by 2011 Iowa Acts, Senate File  
21 531, section 59, takes effect January 1, 2012.

22 Sec. 80. APPLICABILITY.

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

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

36 3. The section of this division of this Act  
37 amending section 422.11Y, subsection 3, unnumbered  
38 paragraph 1, if enacted by 2011 Iowa Acts, Senate File  
39 531, section 35, applies to tax years beginning on and  
40 after January 1, 2012, and to that part of a retail  
41 dealer's tax year or tax years occurring during that  
42 portion of the calendar year beginning on and after  
43 July 1, 2011, and ending on December 31, 2011.

44 4. The section of this division of this Act  
45 amending section 422.11Y, subsection 6, paragraph b,  
46 subparagraph (2), if enacted by 2011 Iowa Acts, Senate  
47 File 531, section 35, applies to tax years beginning on  
48 and after January 1, 2012, and to that part of a retail  
49 dealer's tax year or tax years occurring during that  
50 portion of the calendar year beginning on and after

1 July 1, 2011, and ending on December 31, 2011.

2 DIVISION VII

3 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

4 Sec. 81. VISION SCREENING PROGRAM — DEPARTMENT  
5 OF PUBLIC HEALTH. There is appropriated from the  
6 general fund of the state to the department of public  
7 health for the fiscal year beginning July 1, 2011, and  
8 ending June 30, 2012, the following amount, or so much  
9 thereof as is necessary, to be used for the purposes  
10 designated:

11 For a grant to a national affiliated volunteer  
12 eye organization that has an established program for  
13 children and adults and that is solely dedicated to  
14 preserving sight and preventing blindness through  
15 education, nationally certified vision screening and  
16 training, and community and patient service programs:  
17 ..... \$ 100,000

18 Sec. 82. APPROPRIATION — FARMERS WITH  
19 DISABILITIES. There is appropriated from the general  
20 fund of the state to the department of agriculture and  
21 land stewardship for the fiscal year beginning July 1,  
22 2011, and ending June 30, 2012, the following amount,  
23 or so much thereof as is necessary, for a program for  
24 farmers with disabilities:  
25 ..... \$ 97,000

26 The moneys appropriated in this section shall be  
27 used for the public purpose of providing a grant to  
28 a national nonprofit organization with over 80 years  
29 of experience in assisting children and adults with  
30 disabilities and special needs. The moneys shall  
31 be used to support a nationally recognized program  
32 that began in 1986 and has been replicated in at  
33 least 30 other states, but which is not available  
34 through any other entity in this state, and that  
35 provides assistance to farmers with disabilities in  
36 all 99 counties to allow the farmers to remain in  
37 their own homes and be gainfully engaged in farming  
38 through provision of agricultural worksite and home  
39 modification consultations, peer support services,  
40 services to families, information and referral, and  
41 equipment loan services. Notwithstanding section  
42 8.33, moneys appropriated in this section that remain  
43 unencumbered or unobligated at the close of the fiscal  
44 year shall not revert but shall remain available for  
45 expenditure for the purposes designated until the close  
46 of the succeeding fiscal year.

47 Sec. 83. APPROPRIATION — BATTLESHIP IOWA, BB-61.  
48 1. There is appropriated from the general fund of  
49 the state to the department of cultural affairs for the  
50 fiscal year beginning July 1, 2010, and ending June 30,

1 2011, the following amount, or so much thereof as is  
2 necessary, to be credited to the BB-61 fund created in  
3 2010 Iowa Acts, chapter 1194:

4 ..... \$ 3,000,000

5 2. If the department of the navy, pursuant to a  
6 process outlined in a notice published in the federal  
7 register on May 24, 2010, volume 75, number 99, awards  
8 possession or conditionally awards possession of the  
9 battleship Iowa, BB-61, to a nonprofit group that is  
10 eligible to receive the battleship, the department of  
11 cultural affairs shall award a grant to the nonprofit  
12 group in an amount equal to \$3 million in addition to  
13 any moneys awarded as a grant from the BB-61 fund.

14 3. Notwithstanding section 8.33, moneys  
15 appropriated in this section that remain unencumbered  
16 or unobligated at the close of the fiscal year shall  
17 not revert but shall remain available for expenditure  
18 for the purposes designated for succeeding fiscal  
19 years.

20 Sec. 84. GROUP HOME GRANT. There is appropriated  
21 from the general fund of the state to the Iowa finance  
22 authority for the fiscal year beginning July 1, 2010,  
23 and ending June 30, 2011, the following amount, or  
24 so much thereof as is necessary, to be used for the  
25 purposes designated:

26 For a grant to a nonprofit organization providing  
27 residential services for persons with an intellectual  
28 disability at the intermediate care facility level  
29 and services under the medical assistance program  
30 habilitation and brain injury home and community-based  
31 services waivers, that is located in and providing such  
32 services in a county with a population between 90,000  
33 and 95,000, according to the latest certified federal  
34 census:

35 ..... \$ 100,000

36 The grant under this section shall be used for  
37 purchase or remodeling costs to develop a group home  
38 for not more than four individuals with intellectual  
39 disabilities or brain injury. Notwithstanding section  
40 8.33, moneys appropriated in this section that remain  
41 unencumbered or unobligated at the close of the fiscal  
42 year shall not revert but shall remain available for  
43 expenditure for the purposes designated until the close  
44 of the succeeding fiscal year.

45 Sec. 85. INVESTIGATIONS DIVISION OF DEPARTMENT  
46 OF INSPECTIONS AND APPEALS — CONTINGENT FTE  
47 AUTHORIZATION. If Senate File 313 or successor  
48 legislation providing for debt setoff or other  
49 recovery activities for nonpayment of premiums  
50 pursuant to section 249A.3, subsection 2, paragraph

1 "a", subparagraph (1), relating to a special income  
2 eligibility group under the Medicaid program, or  
3 pursuant to section 249J.8, subsection 1, relating  
4 to the expansion population eligibility group under  
5 the IowaCare program, is enacted by the Eighty-fourth  
6 General Assembly, 2011 Session, in addition to  
7 other full-time equivalent positions authorized for  
8 the investigations division of the department of  
9 inspections and appeals for the fiscal year beginning  
10 July 1, 2011, not more than 2.00 FTEs are authorized,  
11 to the extent funded through moneys available to the  
12 department of human services, to be used to implement  
13 such provisions of Senate File 313 or successor  
14 legislation.

15 Sec. 86. SPECIAL EDUCATION INSTRUCTIONAL  
16 PROGRAM. If a school district that is participating  
17 on a contractual basis in a special education  
18 instructional program operated by an area education  
19 agency, in which the area education agency employed  
20 teachers on behalf of the school district at the time  
21 the department of management calculated the teacher  
22 salary supplement cost per pupil under section 257.10,  
23 subsection 9, the professional development supplement  
24 cost per pupil under section 257.10, subsection 10,  
25 the area education agency teacher salary supplement  
26 cost per pupil under section 257.37A, subsection 1,  
27 and the area education agency professional development  
28 supplement cost per pupil under section 257.37A,  
29 subsection 2, for the fiscal year beginning July 1,  
30 2009, terminates the contract for participation in  
31 the special education instructional program, the area  
32 education agency operating the program shall notify the  
33 department of management of the contract termination by  
34 the following April 1. The department of management  
35 shall recalculate the cost per pupil amounts for  
36 the area education agency and the school district  
37 for the fiscal year succeeding the notification date  
38 for the teacher salary supplement cost per pupil  
39 under section 257.10, subsection 9, the professional  
40 development supplement cost per pupil under section  
41 257.10, subsection 10, the area education agency  
42 teacher salary supplement cost per pupil under section  
43 257.37A, subsection 1, and the area education agency  
44 professional development supplement cost per pupil  
45 under section 257.37A, subsection 2, by estimating the  
46 amount of the original allocations used in the cost  
47 per pupil calculation that would have been allocated  
48 to the school district rather than the area education  
49 agency had the special education instructional program  
50 not existed, and the department of management shall

1 increase the annual supplement cost per pupil for  
2 the school district and area education agency by the  
3 appropriate allowable growth for the appropriate fiscal  
4 years.

5 Sec. 87. TASK FORCE ON THE PREVENTION OF SEXUAL  
6 ABUSE OF CHILDREN.

7 1. A task force on the prevention of sexual abuse  
8 of children is established consisting of the following  
9 members:

10 a. Four members of the general assembly serving as  
11 ex officio, nonvoting members, with not more than one  
12 member from each chamber being from the same political  
13 party. The two senators shall be appointed, one  
14 each, by the majority leader of the senate and by the  
15 minority leader of the senate. The two representatives  
16 shall be appointed, one each, by the speaker of the  
17 house of representatives and by the minority leader of  
18 the house of representatives.

19 b. The director of human services or the director's  
20 designee.

21 c. The director of the department of education or  
22 the director's designee.

23 d. The director of public health or the director's  
24 designee.

25 e. The state court administrator or the state court  
26 administrator's designee.

27 f. A representative of the Iowa county attorneys  
28 association, appointed by the president of that  
29 association.

30 g. A representative of the chief juvenile court  
31 officers, appointed by the chief justice of the supreme  
32 court.

33 h. A representative of the Iowa state education  
34 association, appointed by the president of that  
35 organization.

36 i. A representative of prevent child abuse Iowa,  
37 appointed by the director of human services.

38 j. A representative of school administrators of  
39 Iowa, appointed by the president of that organization.

40 k. A representative of the Iowa association of  
41 school boards, appointed by the executive director of  
42 that organization.

43 l. A representative of the Iowa psychological  
44 association, appointed by the president of that  
45 association.

46 m. A representative of the Iowa coalition against  
47 sexual assault, appointed by the executive director of  
48 that coalition.

49 n. A representative of prevent child abuse  
50 Iowa, appointed by the executive director of that

1 organization.

2 o. A child abuse expert employed by or under  
3 contract with one of Iowa's nationally accredited child  
4 protection centers, appointed by the director of the  
5 regional child protection center located in Des Moines.

6 2. Members of the task force shall be individuals  
7 who are actively involved in the fields of child abuse  
8 prevention. To the extent possible, appointment of  
9 members shall reflect the geographic diversity of the  
10 state. The voting members of the task force shall  
11 serve without compensation and shall not be reimbursed  
12 for their expenses.

13 3. The director of prevent child abuse Iowa, or the  
14 director's designee, shall convene the organizational  
15 meeting of the task force. The task force shall  
16 elect from among its members a chairperson. Meetings  
17 shall be held at the call of the chairperson or at the  
18 request of two or more task force members. Six members  
19 shall constitute a quorum and the affirmative vote of  
20 six members shall be necessary for any action taken by  
21 the task force.

22 4. Prevent child abuse Iowa shall provide staff  
23 support to the task force.

24 5. The task force shall consult with employees of  
25 the department of human services, the Iowa coalition  
26 against sexual assault, the department of public  
27 safety, the state board of education, and any other  
28 state agency or department as necessary to accomplish  
29 the task force's responsibilities under this section.

30 6. The task force shall develop a model policy  
31 addressing sexual abuse of children that may include  
32 but is not limited to the following:

33 a. Age-appropriate curricula for students enrolled  
34 in prekindergarten through grade five.

35 b. Training options for school personnel on child  
36 sexual abuse.

37 c. Educational information for parents and  
38 guardians that may be provided in a school handbook and  
39 may include the warning signs of a child being abused,  
40 along with any needed assistance, referral, or resource  
41 information.

42 d. Counseling options and resources available  
43 statewide for students affected by sexual abuse.

44 e. Emotional and educational support services  
45 that may be available for a child subject to abuse to  
46 continue to be successful in school.

47 f. Methods for increasing teacher, student, and  
48 parent awareness of issues regarding sexual abuse of  
49 children, including but not limited to knowledge of  
50 likely warning signs indicating that a child may be a



1 victim of sexual abuse.

2 g. Actions that a child who is a victim of  
3 sexual abuse should take to obtain assistance and  
4 intervention.

5 7. The task force shall make recommendations for  
6 preventing the sexual abuse of children in Iowa. In  
7 making those recommendations, the task force shall do  
8 the following:

9 a. Gather information concerning child sexual abuse  
10 throughout the state.

11 b. Receive reports and testimony from individuals,  
12 state and local agencies, community-based  
13 organizations, and other public and private  
14 organizations.

15 c. Create goals for state policy that would prevent  
16 child sexual abuse.

17 d. Submit a final report with its recommendations  
18 to the governor and the general assembly on or before  
19 January 16, 2012. The recommendations may include  
20 proposals for specific statutory changes and methods  
21 to foster cooperation among state agencies and between  
22 the state, local school districts, and other local  
23 governments.

24 Sec. 88. RAILROAD COMPANY — LIMITED LIABILITY. A  
25 railroad company which alters facilities described in  
26 section 327F.2 pursuant to a written agreement executed  
27 on or before December 31, 2012, with a political  
28 subdivision with a population of more than 67,800,  
29 but less than 67,900, according to the 2010 certified  
30 federal census, to construct a flood mitigation project  
31 shall receive the limitation on liability contained  
32 in section 670.4, subsection 8, for its facilities  
33 described in section 327F.2 governed by the written  
34 agreement for any damages caused by the alteration due  
35 to a flood.

36 Sec. 89. STATE AGENCY OFFICE SUPPLIES PURCHASE,  
37 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND  
38 MARKETING — APPLICABILITY. The limitation on  
39 expenditures made for office supplies, purchases  
40 of equipment, office equipment, and equipment  
41 noninventory, printing and binding, and marketing  
42 implemented pursuant to 2011 Iowa Acts, House File 45,  
43 section 2, does not apply to a department or agency  
44 receiving a supplemental appropriation for the fiscal  
45 year beginning July 1, 2010, pursuant to 2011 Iowa  
46 Acts, Senate File 209, division III.

47 Sec. 90. ELECTIONS-RELATED SOFTWARE.

48 Any computer software developed by a county for  
49 purposes of election activities is the property of  
50 the county unless the county sells the rights to the

1 software.

2 Sec. 91. EFFECTIVE DATE — 2011 IOWA ACTS, SENATE  
3 FILE 205.

4 1. 2011 Iowa Acts, Senate File 205, section 3,  
5 amending section 321.47, subsection 2, being deemed of  
6 immediate importance, takes effect on the effective  
7 date of this section of this division of this Act.

8 2. 2011 Iowa Acts, Senate File 205, section 4,  
9 enacting section 321.113, subsection 5, being deemed  
10 of immediate importance, takes effect on the effective  
11 date of this section of this division of this Act.

12 3. 2011 Iowa Acts, Senate File 205, section 5,  
13 amending section 321.121, subsection 1, paragraph "b",  
14 being deemed of immediate importance, takes effect on  
15 the effective date of this section of this division of  
16 this Act.

17 4. 2011 Iowa Acts, Senate File 205, section 6,  
18 enacting section 321.122, subsection 1, paragraph "b",  
19 subparagraph (3), being deemed of immediate importance,  
20 takes effect on the effective date of this section of  
21 this division of this Act.

22 Sec. 92. Section 80B.6, subsection 1, as amended by  
23 2011 Iowa Acts, Senate File 236, section 1, is amended  
24 to read as follows:

25 1. An Iowa law enforcement academy council is  
26 created consisting of the following ~~thirteen~~ fifteen  
27 voting members appointed by the governor, subject to  
28 confirmation by the senate, to terms of four years  
29 commencing as provided in section 69.19:

30 a. Three residents of the state.

31 b. A sheriff of a county with a population of fifty  
32 thousand persons or more who is a member of the Iowa  
33 state sheriffs and deputies association.

34 c. A sheriff of a county with a population of less  
35 than fifty thousand persons who is a member of the Iowa  
36 state sheriffs and deputies association.

37 d. A deputy sheriff of a county who is a member of  
38 the Iowa state sheriffs and deputies association.

39 e. A member of the Iowa peace officers association.

40 f. A member of the Iowa state police association.

41 g. A member of the Iowa police chiefs association.

42 h. A police officer who is a member of a police  
43 department of a city with a population of fifty  
44 thousand persons or more.

45 i. A police officer who is a member of a police  
46 department of a city with a population of less than  
47 fifty thousand persons.

48 j. A member of the department of public safety.

49 k. A member of the office of motor vehicle  
50 enforcement of the department of transportation.

1 l. An employee of a county conservation board who  
2 is a certified peace officer.

3 m. A conservation peace officer employed under  
4 section 456A.13.

5 Sec. 93. Section 256C.5, subsection 1, paragraph c,  
6 Code 2011, is amended to read as follows:

7 *c. "Preschool budget enrollment" means the figure*  
8 *that is equal to ~~sixty~~ fifty percent of the actual*  
9 *enrollment of eligible students in the preschool*  
10 *programming provided by a school district approved*  
11 *to participate in the preschool program on October 1*  
12 *of the base year, or the first Monday in October if*  
13 *October 1 falls on a Saturday or Sunday.*

14 Sec. 94. Section 279.51, subsection 2, Code 2011,  
15 is amended to read as follows:

16 2. *a.* Funds allocated under subsection 1,  
17 paragraph "b", shall be used by the child development  
18 coordinating council for the following:

19 ~~a-~~ (1) To continue funding for programs previously  
20 funded by grants awarded under section 256A.3 and to  
21 provide additional grants under section 256A.3. The  
22 council shall seek to provide grants on the basis of  
23 the location within the state of children meeting  
24 at-risk definitions.

25 ~~b-~~ (2) At the discretion of the child development  
26 coordinating council, award grants for the following:

27 (+1) (a) To school districts to establish programs  
28 for three-year-old, four-year-old, and five-year-old  
29 at-risk children which are a combination of preschool  
30 and full-day kindergarten.

31 (+2) (b) To provide grants to provide educational  
32 support services to parents of at-risk children age  
33 birth through three years.

34 *b.* A grantee under this subsection may direct the  
35 use of moneys received to serve any qualifying child  
36 ranging in age from three years old to five years old,  
37 regardless of the age of population indicated on the  
38 grant request in its initial year of application. A  
39 grantee is encouraged to consider the degree to which  
40 the program complements existing programs and services  
41 for three-year-old, four-year-old, and five-year-old  
42 at-risk children available in the area, including other  
43 child care and preschool services, services provided  
44 through a school district, and services available  
45 through an area education agency.

46 Sec. 95. Section 303.19A, subsection 1, as enacted  
47 by 2011 Iowa Acts, House File 267, section 2, is  
48 amended to read as follows:

49 1. The state historic preservation officer shall  
50 only recommend that a rural electric cooperative or a

1 municipal utility constructing electric distribution  
2 and transmission facilities for which it is receiving  
3 federal funding conduct an archeological site survey  
4 of its proposed route when, based upon a review of  
5 existing information on historic properties within the  
6 area of potential effects of the construction, the  
7 state historic preservation officer has determined  
8 that a historic property, as defined by the federal  
9 National Historic Preservation Act of 1966, as amended,  
10 is likely to exist within the proposed route.

11 Sec. 96. Section 321J.2, subsection 4, paragraph b,  
12 Code 2011, is amended to read as follows:

13 b. Assessment of a minimum fine of one thousand  
14 eight hundred ~~fifty~~ seventy-five dollars and a maximum  
15 fine of six thousand two hundred fifty dollars.  
16 Surcharges and fees shall be assessed pursuant to  
17 chapter 911.

18 Sec. 97. Section 422.11S, subsection 7, paragraph  
19 a, subparagraph (2), Code 2011, is amended to read as  
20 follows:

21 (2) *"Total approved tax credits"* means for the  
22 tax year beginning in the 2006 calendar year, two  
23 million five hundred thousand dollars, for the tax  
24 year beginning in the 2007 calendar year, five million  
25 dollars, and for tax years beginning on or after  
26 January 1, 2008, seven million five hundred thousand  
27 dollars. However, for tax years beginning on or  
28 after January 1, 2012, and only if legislation is  
29 enacted by the eighty-fourth general assembly, 2011  
30 session, amending section 257.8, subsections 1 and 2,  
31 to establish both the state percent of growth and the  
32 categorical state percent of growth for the budget  
33 year beginning July 1, 2012, at three percent, "total  
34 approved tax credits" means ten million dollars.

35 Sec. 98. Section 453A.35, subsection 1, Code 2011,  
36 is amended to read as follows:

37 1. a. ~~The~~ With the exception of revenues credited  
38 to the health care trust fund pursuant to paragraph  
39 "b", the proceeds derived from the sale of stamps and  
40 the payment of taxes, fees, and penalties provided for  
41 under this chapter, and the permit fees received from  
42 all permits issued by the department, shall be credited  
43 to the general fund of the state. However, of

44 b. ~~Of the revenues generated from the tax on~~  
45 ~~cigarettes pursuant to section 453A.6, subsection~~  
46 ~~1, and from the tax on tobacco products as specified~~  
47 ~~in section 453A.43, subsections 1, 2, 3, and 4, and~~  
48 ~~credited to the general fund of the state under this~~  
49 ~~subsection, there is appropriated, annually, to the~~  
50 ~~health care trust fund created in section 453A.35A, the~~

1 first one hundred six million sixteen thousand four  
2 hundred dollars shall be credited to the health care  
3 trust fund created in section 453A.35A.

4 Sec. 99. Section 453A.35A, subsection 1, Code 2011,  
5 is amended to read as follows:

6 1. A health care trust fund is created in the  
7 office of the treasurer of state. The fund consists  
8 of the revenues generated from the tax on cigarettes  
9 pursuant to section 453A.6, subsection 1, and from  
10 the tax on tobacco products as specified in section  
11 453A.43, subsections 1, 2, 3, and 4, that are credited  
12 to the ~~general fund of the state and appropriated to~~  
13 ~~the health care trust fund, annually, pursuant to~~  
14 section 453A.35. Moneys in the fund shall be separate  
15 from the general fund of the state and shall not be  
16 considered part of the general fund of the state.  
17 However, the fund shall be considered a special account  
18 for the purposes of section 8.53 relating to generally  
19 accepted accounting principles. Moneys in the fund  
20 shall be used only as specified in this section and  
21 shall be appropriated only for the uses specified.  
22 Moneys in the fund are not subject to section 8.33  
23 and shall not be transferred, used, obligated,  
24 appropriated, or otherwise encumbered, except as  
25 provided in this section. Notwithstanding section  
26 12C.7, subsection 2, interest or earnings on moneys  
27 deposited in the fund shall be credited to the fund.

28 Sec. 100. Section 466B.31, subsection 2, paragraph  
29 a, Code 2011, is amended by adding the following new  
30 subparagraphs:

31 NEW SUBPARAGRAPH. (17) One member selected by the  
32 agribusiness association of Iowa.

33 NEW SUBPARAGRAPH. (18) One member selected by the  
34 Iowa floodplain and stormwater management association.

35 NEW SUBPARAGRAPH. (19) One member selected by Iowa  
36 rivers revival.

37 Sec. 101. Section 523I.102, subsection 6, paragraph  
38 c, Code 2011, is amended to read as follows:

39 c. A pioneer cemetery. However, a pioneer  
40 cemetery is a cemetery for purposes of sections  
41 523I.316, 523I.317, 523I.401, and 523I.402.

42 Sec. 102. Section 537A.5, subsection 1, as enacted  
43 by 2011 Iowa Acts, Senate File 396, section 1, is  
44 amended to read as follows:

45 1. As used in this section, "*construction contract*"  
46 means an agreement relating to the construction,  
47 alteration, improvement, development, demolition,  
48 excavation, rehabilitation, maintenance, or repair  
49 of buildings, ~~highways, roads, streets, bridges,~~  
50 ~~tunnels, transportation facilities, airports, water or~~

1 sewage treatment plants, power plants, or any other  
2 improvements to real property in this state, including  
3 shafts, wells, and structures, whether on ground, above  
4 ground, or underground, and includes agreements for  
5 architectural services, design services, engineering  
6 services, construction services, construction  
7 management services, development services, maintenance  
8 services, material purchases, equipment rental, and  
9 labor. "Construction contract" includes all public,  
10 private, foreign, or domestic agreements as described  
11 in this subsection other than such public agreements  
12 relating to highways, roads, and streets.

13 Sec. 103. Section 654.4B, subsection 2, paragraph  
14 b, Code 2011, is amended to read as follows:

15 b. This subsection is repealed July 1, ~~2011~~ 2012.

16 Sec. 104. APPLICABILITY. The section of this  
17 division of this Act amending section 256C.5,  
18 subsection 1, takes effect upon enactment, and applies  
19 to budget years beginning on or after July 1, 2011.

20 Sec. 105. EFFECTIVE UPON ENACTMENT. The following  
21 provision or provisions of this division of this Act,  
22 being deemed of immediate importance, take effect upon  
23 enactment:

24 1. The section of this division of this Act  
25 amending section 303.19A.

26 2. The section of this division of this Act  
27 amending section 654.4B.

28 3. The section of this division of this Act  
29 appropriating moneys to the department of cultural  
30 affairs for purposes of a grant for the battleship  
31 Iowa, BB-61.

32 4. The section of this division of this Act  
33 creating a task force on the prevention of sexual abuse  
34 of children.

35 5. The section of this division of this Act  
36 providing effective dates for certain provisions in  
37 2011 Iowa Acts, Senate File 205.

38 6. The section in this division of this Act making  
39 an appropriation to the Iowa finance authority for a  
40 group home grant.

41 7. The section of this division of this Act  
42 relating to a school district participating on a  
43 contractual basis in a special education instructional  
44 program operated by an area education agency.

45 Sec. 106. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
46 APPLICABILITY. The provision of this division of this  
47 Act relating to a limitation on state agency office  
48 supplies purchase, equipment purchases, printing and  
49 binding, and marketing as enacted by 2011 Iowa Acts,  
50 House File 45, being deemed of immediate importance,

1 takes effect upon enactment and applies retroactively  
2 to March 7, 2011.

3 DIVISION VIII  
4 APPROPRIATION TRANSFERS  
5 REBUILD IOWA INFRASTRUCTURE FUND

6 Sec. 107. 2010 Iowa Acts, chapter 1184, section 26,  
7 is amended to read as follows:

8 SEC. 26. There is appropriated from the rebuild  
9 Iowa infrastructure fund to the department of economic  
10 development for deposit in the grow Iowa values fund,  
11 for the fiscal year beginning July 1, 2010, and ending  
12 June 30, 2011, the following amount, notwithstanding  
13 section 8.57, subsection 6, paragraph "c":

14 ..... \$ 38,000,000

15 Of the moneys appropriated in this section, from  
16 the amount allocated to the department of economic  
17 development in accordance with 2010 Iowa Acts, chapter  
18 1184, section 28, subsection 1, \$1,200,000 shall  
19 be used for the department's Iowans helping Iowans  
20 business assistance program. Notwithstanding section  
21 8.33, moneys designated pursuant to this unnumbered  
22 paragraph that remain unencumbered or unobligated at  
23 the close of the fiscal year shall not revert but shall  
24 remain available for expenditure for the purposes  
25 designated until the close of the succeeding fiscal  
26 year.

27 CASH RESERVE FUND

28 Sec. 108. 2010 Iowa Acts, chapter 1193, section 90,  
29 subsection 1, is amended to read as follows:

30 1. DEPARTMENT OF HUMAN SERVICES

31 For the medical assistance program:

32 ..... \$187,800,000

33 a. Of the moneys appropriated in this subsection,  
34 the following amounts shall be transferred as follows:

35 (1) To the Iowa finance authority to be used for  
36 the Iowans helping Iowans housing assistance program:

37 ..... \$ 6,050,000

38 (2) To the department of human services to be  
39 used for the unmet needs program administered by the  
40 department:

41 ..... \$ 3,056,603

42 b. Notwithstanding section 8.33, moneys transferred  
43 pursuant to paragraph "a" that remain unencumbered  
44 or unobligated at the close of the fiscal year shall  
45 not revert but shall remain available for expenditure  
46 for the purposes designated until the close of the  
47 succeeding fiscal year.

48 Sec. 109. EFFECTIVE DATE — APPLICABILITY.

49 1. This division of this Act being deemed of  
50 immediate importance takes effect upon enactment, and

1 if approved by the governor on or after July 1, 2011,  
2 are retroactively applicable to the date specified in  
3 subsection 2.

4 2. The provisions of this division of this Act  
5 providing for transfers are retroactively applicable  
6 to August 27, 2010, and apply in lieu of the transfers  
7 made for the same purposes by the executive branch,  
8 as reported by the department of management in the  
9 transfer notice to the governor and lieutenant governor  
10 dated August 27, 2010.

11 DIVISION IX  
12 REORGANIZATION

13 Sec. 110. NEW SECTION. 8.75 Contract services —  
14 training.

15 1. Each department, as defined in section  
16 8.2, shall separately track the budget and actual  
17 expenditures for contract services and for employee  
18 training for each appropriation line item.

19 2. The terms of the contracts for contracted  
20 services entered into or revised during the fiscal year  
21 shall incorporate quality assurance and cost control  
22 measures.

23 3. The employee training tracking information  
24 shall be further divided into training categories.  
25 Each department's report on training tracking shall  
26 specifically address the use of electronically based  
27 training.

28 4. Each department shall report to the legislative  
29 services agency on January 15 and July 15 of each year  
30 concerning the budget, expenditure, quality assurance,  
31 and cost control information addressed by this section  
32 for the previous six calendar months.

33 Sec. 111. NEW SECTION. 8A.319 State government  
34 purchasing efforts — department of administrative  
35 services.

36 In order to facilitate efficient and cost-effective  
37 purchasing, the department of administrative services  
38 shall do the following:

39 1. Require state agencies to provide the department  
40 with a report regarding planned purchases on an annual  
41 basis and to report on an annual basis regarding  
42 efforts to standardize products and services within  
43 their own agencies and with other state agencies.

44 2. Require state employees who conduct bids for  
45 services to receive training on an annual basis about  
46 procurement rules and procedures and procurement best  
47 practices.

48 3. Identify procurement compliance employees within  
49 the department.

50 4. Review the process and basis for establishing



1 departmental fees for purchasing.

2 5. Establish a work group to collaborate on best  
3 practices to implement the best cost savings for the  
4 state concerning purchasing.

5 6. Explore interstate and intergovernmental  
6 purchasing opportunities and encourage the legislative  
7 and judicial branches to participate in consolidated  
8 purchasing and efficiencies wherever possible.

9 7. Expand the use of procurement cards throughout  
10 state government to facilitate purchasing of items by  
11 state agencies.

12 Sec. 112. DEPARTMENT OF ADMINISTRATIVE SERVICES  
13 INFORMATION TECHNOLOGY — UTILIZATION BY LEGISLATIVE  
14 AND JUDICIAL BRANCH. The department of administrative  
15 services shall consult with and explore opportunities  
16 with the legislative and judicial branches of  
17 government relative to the providing of information  
18 technology services to those branches of government.

19 Sec. 113. STATE AGENCY ELECTRONIC RENEWAL  
20 NOTICES. State agencies, as defined in section 8A.101,  
21 should, to the greatest extent possible, utilize  
22 electronic mail or similar electronic means to notify  
23 holders of licenses or permits issued by that state  
24 agency that the license or permit needs to be renewed.  
25 The chief information officer of the state shall assist  
26 state agencies in implementing the directive in this  
27 section.

28 Sec. 114. STATE AGENCY EFFICIENCY EFFORTS.

29 1. LEAN EFFORTS. State agencies shall budget for  
30 and plan to conduct lean projects as described in  
31 section 8.70. Each state agency shall coordinate its  
32 activities with the office of lean enterprise created  
33 in section 8.70 in developing plans to conduct lean  
34 projects.

35 2. SHARED RESOURCES. State agencies are encouraged  
36 to share resources and services, including staff,  
37 training, and educational services, to the greatest  
38 extent possible in order to best fulfill the duties of  
39 each agency at the least cost.

40 Sec. 115. JOINT APPROPRIATIONS SUBCOMMITTEES —  
41 REVIEW OF AGENCY FEES. Each joint appropriations  
42 subcommittee of the general assembly shall examine and  
43 review on an annual basis the fees charged by state  
44 agencies under the purview of that joint appropriations  
45 subcommittee.

46 Sec. 116. DEPARTMENT OF ADMINISTRATIVE SERVICES —  
47 STREAMLINED HIRING. The department of administrative  
48 services shall, in consultation with the department of  
49 management, examine the process by which state agencies  
50 hire personnel with the goal of simplifying and

1 reducing the steps needed for state agencies to hire  
2 personnel. The department shall provide information  
3 to the general assembly concerning steps taken to  
4 implement a more streamlined hiring process and any  
5 recommendations for legislative action.

6 Sec. 117. TOBACCO RETAIL COMPLIANCE CHECKS. For  
7 the fiscal year beginning July 1, 2011, and ending June  
8 30, 2012, the terms of a chapter 28D agreement, entered  
9 into between the division of tobacco use prevention  
10 and control of the department of public health and  
11 the alcoholic beverages division of the department of  
12 commerce, governing compliance checks conducted to  
13 ensure licensed retail tobacco outlet conformity with  
14 tobacco laws, regulations, and ordinances relating to  
15 persons under eighteen years of age, shall restrict the  
16 number of such checks to one check per retail outlet,  
17 and one additional check for any retail outlet found to  
18 be in violation during the first check.

19 Sec. 118. DEPARTMENT OF ADMINISTRATIVE SERVICES  
20 — CENTRALIZED PAYROLL SYSTEM. The department of  
21 administrative services shall examine the possibility  
22 of merging all state payroll systems into the  
23 centralized payroll system operated by the department.  
24 The department shall consult with those entities  
25 of state government not utilizing the centralized  
26 payroll system, including but not limited to the state  
27 department of transportation, about strategies for  
28 encouraging utilization of the state's centralized  
29 payroll system and by identifying those barriers  
30 preventing merging of the payroll systems. The  
31 department shall provide information to the joint  
32 appropriations subcommittee on administration and  
33 regulation concerning efforts by the department to  
34 merge payroll systems and any recommendations for  
35 legislative action to encourage, or eliminate barriers  
36 to, the provision of payroll services by the department  
37 to other state agencies.

#### 38 DIVISION X

#### 39 MEDICATION THERAPY MANAGEMENT

40 Sec. 119. 2010 Iowa Acts, chapter 1193, section  
41 166, subsections 2 and 3, are amended to read as  
42 follows:

43 2. a. Prior to July 1, 2010, the department of  
44 administrative services shall utilize a request for  
45 proposals process to contract for the provision of  
46 medication therapy management services beginning  
47 July 1, 2010, and prior to July 1, 2011, shall amend  
48 the contract to continue the provision of medication  
49 therapy management services beginning July 1, 2011,  
50 for eligible employees who meet any of the following

1 criteria:

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

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

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

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

20 ~~e. b.~~ The contract shall require the company  
21 to provide annual reports to the general assembly  
22 detailing the costs, savings, estimated cost avoidance  
23 and return on investment, and patient outcomes  
24 related to the medication therapy management services  
25 provided. The company shall guarantee demonstrated  
26 annual savings, including any savings associated with  
27 cost avoidance at least equal to the program's costs  
28 with any shortfall amount refunded to the state. As  
29 a proof of concept in the program for the period  
30 beginning July 1, 2010, and ending June 30, 2011, the  
31 company shall offer a dollar-for-dollar guarantee for  
32 drug product costs savings alone. Prior to entering  
33 into a contract with a company, the department and  
34 the company shall agree on the terms, conditions,  
35 and applicable measurement standards associated  
36 with the demonstration of savings. The department  
37 shall verify the demonstrated savings reported by  
38 the company was performed in accordance with the  
39 agreed upon measurement standards. The company shall  
40 be prohibited from using the company's employees to  
41 provide the medication therapy management services and  
42 shall instead be required to contract with licensed  
43 pharmacies, pharmacists, or physicians.

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

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

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

15 g. For the contract period beginning July 1, 2011,  
16 the department shall utilize the services of the  
17 college of pharmacy at a state university to validate  
18 reported drug cost savings.

19 h. The results of the pilot program for the period  
20 beginning July 1, 2010, and ending December 31, 2011,  
21 shall be submitted to the general assembly no later  
22 than March 1, 2012.

23 3. This section is repealed December 31, ~~2011~~ 2012.

24 Sec. 120. TRANSFER — MEDICATION THERAPY MANAGEMENT  
25 PROGRAM. There is transferred \$510,000 from the  
26 fees collected by the board of pharmacy pursuant to  
27 chapter 155A and retained by the board pursuant to the  
28 authority granted in section 147.82 to the department  
29 of administrative services for the fiscal year  
30 beginning July 1, 2011, and ending June 30, 2012, to be  
31 used to be used for the medication therapy management  
32 program.

33 Sec. 121. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
34 APPLICABILITY. This division of this Act, being deemed  
35 of immediate importance, takes effect upon enactment,  
36 and is retroactively applicable to June 15, 2011.

37 DIVISION XI

38 EARNED INCOME TAX CREDIT

39 Sec. 122. Section 422.12B, subsection 1, Code 2011,  
40 is amended to read as follows:

41 1. The taxes imposed under this division less the  
42 credits allowed under section 422.12 shall be reduced  
43 by an earned income credit equal to ~~seven~~ ten percent  
44 of the federal earned income credit provided in section  
45 32 of the Internal Revenue Code. Any credit in excess  
46 of the tax liability is refundable.

47 Sec. 123. RETROACTIVE APPLICABILITY. This division  
48 of this Act applies retroactively to January 1, 2011,  
49 for tax years beginning on or after that date.

50 DIVISION XII

1           REGULAR PROGRAM AND CATEGORICAL STATE PERCENT  
2           OF GROWTH FOR EDUCATION — FY 2012-2013

3       Sec. 124. Section 257.8, subsection 1, Code 2011,  
4 is amended to read as follows:

5       1. *State percent of growth.* ~~The state percent of~~  
6 ~~growth for the budget year beginning July 1, 2009, is~~  
7 ~~four percent.~~ The state percent of growth for the  
8 budget year beginning July 1, 2010, is two percent.  
9 The state percent of growth for the budget year

10 beginning July 1, 2012, is three percent. The state  
11 percent of growth for each subsequent budget year shall  
12 be established by statute which shall be enacted within  
13 thirty days of the submission in the year preceding the  
14 base year of the governor's budget under section 8.21.  
15 The establishment of the state percent of growth for  
16 a budget year shall be the only subject matter of the  
17 bill which enacts the state percent of growth for a  
18 budget year.

19       Sec. 125. Section 257.8, subsection 2, Code 2011,  
20 is amended to read as follows:

21       2. *Categorical state percent of growth.* The  
22 categorical state percent of growth for the budget  
23 year beginning July 1, 2010, is two percent. The  
24 categorical state percent of growth for the budget  
25 year beginning July 1, 2012, is three percent. The  
26 categorical state percent of growth for each budget  
27 year shall be established by statute which shall  
28 be enacted within thirty days of the submission in  
29 the year preceding the base year of the governor's  
30 budget under section 8.21. The establishment of the  
31 categorical state percent of growth for a budget year  
32 shall be the only subject matter of the bill which  
33 enacts the categorical state percent of growth for a  
34 budget year. The categorical state percent of growth  
35 may include state percents of growth for the teacher  
36 salary supplement, the professional development  
37 supplement, and the early intervention supplement.

38       Sec. 126. CODE SECTION 257.8 — APPLICABILITY. The  
39 requirements of section 257.8 regarding the time period  
40 of enactment and the subject matter of the legislation  
41 establishing the state percent of growth and the  
42 categorical state percent of growth for a budget year  
43 are not applicable to the division. The requirements  
44 of section 257.8 regarding enactment of the regular  
45 program state percent of growth and categorical state  
46 percent of growth within thirty days of the submission  
47 in the year preceding the base year of the governor's  
48 budget and the requirements that the subject matter  
49 of each bill establishing the state percent of growth  
50 or the categorical state percent of growth be the

1 only subject matter of the bill do not apply to this  
2 division of this Act.

3 Sec. 127. APPLICABILITY. This division of this Act  
4 is applicable for computing state aid under the state  
5 school foundation program for the school budget year  
6 beginning July 1, 2012.

7 DIVISION XIII

8 WITHHOLDING AGREEMENTS

9 Sec. 128. Section 403.19A, subsection 1, paragraphs  
10 c and f, Code 2011, are amended to read as follows:

11 c. "Employer" means a business creating or  
12 retaining targeted jobs in an urban renewal area of a  
13 pilot project city pursuant to a withholding agreement.

14 f. "Targeted job" means a job in a business which  
15 is or will be located in an urban renewal area of a  
16 pilot project city that pays a wage at least equal to  
17 the countywide average wage. "Targeted job" includes  
18 new or retained jobs from Iowa business expansions  
19 or retentions within the city limits of the pilot  
20 project city and those jobs resulting from established  
21 out-of-state businesses, as defined by the department  
22 of economic development, moving to or expanding in  
23 Iowa.

24 Sec. 129. Section 403.19A, subsection 3, paragraph  
25 c, subparagraph (1), Code 2011, is amended to read as  
26 follows:

27 (1) The pilot project city shall enter into a  
28 withholding agreement with each employer concerning  
29 the targeted jobs withholding credit. The withholding  
30 agreement shall provide for the total amount of  
31 withholding tax credits awarded. An agreement shall  
32 not provide for an amount of withholding credits that  
33 exceeds the amount of the qualifying investment made in  
34 the project. An agreement shall not be entered into by  
35 a pilot project city with a business currently located  
36 in this state unless the business either creates or  
37 retains ten new jobs or makes a qualifying investment  
38 of at least five hundred thousand dollars within  
39 the urban renewal area. The withholding agreement  
40 may have a term of up to ten years. An employer  
41 shall not be obligated to enter into a withholding  
42 agreement. An agreement shall not be entered into with  
43 an employer not already located in a pilot project  
44 city when another Iowa community is competing for the  
45 same project and both the pilot project city and the  
46 other Iowa community are seeking assistance from the  
47 department.

48 Sec. 130. Section 403.19A, subsection 3, paragraph  
49 f, Code 2011, is amended to read as follows:

50 f. If the employer ceases to meet the requirements

1 of the withholding agreement, the agreement shall be  
2 terminated and any withholding tax credits for the  
3 benefit of the employer shall cease. However, in  
4 regard to the number of ~~new~~ jobs that are to be created  
5 or retained, if the employer has met the number of  
6 ~~new~~ jobs to be created or retained pursuant to the  
7 withholding agreement and subsequently the number of  
8 ~~new~~ jobs falls below the required level, the employer  
9 shall not be considered as not meeting the ~~new~~ job  
10 requirement until eighteen months after the date of the  
11 decrease in the number of ~~new~~ jobs created or retained.

12 Sec. 131. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
13 APPLICABILITY. This division of this Act, being  
14 deemed of immediate importance, takes effect upon  
15 enactment and applies retroactively to July 1, 2006,  
16 for agreements entered into on or after that date.

17 DIVISION XIV

18 SCHOOL EMPLOYEE MISCONDUCT

19 Sec. 132. Section 272.2, subsection 1, paragraph  
20 b, Code 2011, is amended by striking the paragraph and  
21 inserting in lieu thereof the following:

22 *b.* Provide annually to any person who holds a  
23 license, certificate, authorization, or statement of  
24 recognition issued by the board, training relating  
25 to the knowledge and understanding of the board's  
26 code of professional conduct and ethics. The board  
27 shall develop a curriculum that addresses the code of  
28 professional conduct and ethics and shall annually  
29 provide regional training opportunities throughout the  
30 state.

31 Sec. 133. Section 272.15, subsection 1, Code 2011,  
32 is amended to read as follows:

33 1. *a.* The board of directors of a school district  
34 or area education agency, the superintendent of a  
35 school district or the chief administrator of an  
36 area education agency, and the authorities in charge  
37 of a nonpublic school shall report to the board the  
38 nonrenewal or termination, for reasons of alleged or  
39 actual misconduct, of a person's contract executed  
40 under sections 279.12, 279.13, 279.15 through 279.21,  
41 279.23, and 279.24, and the resignation of a person  
42 who holds a license, certificate, or authorization  
43 issued by the board as a result of or following an  
44 incident or allegation of misconduct that, if proven,  
45 would constitute a violation of the rules adopted by  
46 the board to implement section 272.2, subsection 14,  
47 paragraph "b", subparagraph (1), when the board or  
48 reporting official has a good faith belief that the  
49 incident occurred or the allegation is true. The  
50 board may deny a license or revoke the license of an

1 administrator if the board finds by a preponderance  
2 of the evidence that the administrator failed to  
3 report the termination or resignation of a school  
4 employee holding a license, certificate, statement of  
5 professional recognition, or coaching authorization,  
6 for reasons of alleged or actual misconduct, as defined  
7 by this section.

8 b. Information reported to the board in accordance  
9 with this section is privileged and confidential, and  
10 except as provided in section 272.13, is not subject to  
11 discovery, subpoena, or other means of legal compulsion  
12 for its release to a person other than the respondent  
13 and the board and its employees and agents involved in  
14 licensee discipline, and is not admissible in evidence  
15 in a judicial or administrative proceeding other  
16 than the proceeding involving licensee discipline.  
17 The board shall review the information reported to  
18 determine whether a complaint should be initiated. In  
19 making that determination, the board shall consider the  
20 factors enumerated in section 272.2, subsection 14,  
21 paragraph "a".

22 c. For purposes of this section, unless the context  
23 otherwise requires, "misconduct" means an action  
24 disqualifying an applicant for a license or causing  
25 the license of a person to be revoked or suspended  
26 in accordance with the rules adopted by the board to  
27 implement section 272.2, subsection 14, paragraph "b",  
28 subparagraph (1).

29 Sec. 134. Section 280.17, Code 2011, is amended to  
30 read as follows:

31 **280.17 Procedures for handling child abuse reports.**

32 1. The board of directors of a ~~public~~ school  
33 district and the authorities in ~~control~~ charge of  
34 a nonpublic school shall prescribe procedures, in  
35 accordance with the guidelines contained in the model  
36 policy developed by the department of education in  
37 consultation with the department of human services,  
38 and adopted by the department of education pursuant  
39 to chapter 17A, for the handling of reports of child  
40 abuse, as defined in section 232.68, subsection 2,  
41 paragraph "a", "c", or "e", alleged to have been  
42 committed by an employee or agent of the public or  
43 nonpublic school.

44 2. a. The board of directors of a school district  
45 and the authorities in charge of an accredited  
46 nonpublic school shall place on administrative leave a  
47 school employee who is the subject of an investigation  
48 of an alleged incident of abuse of a student conducted  
49 in accordance with 281 IAC 102.

50 b. If the results of an investigation of abuse of



1 a student by a school employee who holds a license,  
2 certificate, authorization, or statement of recognition  
3 issued by the board of educational examiners finds  
4 that the school employee's conduct constitutes a crime  
5 under any other statute, the board or the authorities,  
6 as appropriate, shall report the results of the  
7 investigation to the board of educational examiners.

8 Sec. 135. Section 280.27, Code 2011, is amended to  
9 read as follows:

10 **280.27 Reporting violence — immunity.**

11 An employee of a school district, an accredited  
12 nonpublic school, or an area education agency who  
13 participates in good faith and acts reasonably in  
14 the making of a report to, or investigation by, an  
15 appropriate person or agency regarding violence,  
16 threats of violence, physical or sexual abuse of a  
17 student, or other inappropriate activity against a  
18 school employee or student in a school building, on  
19 school grounds, or at a school-sponsored function shall  
20 be immune from civil or criminal liability relating  
21 to such action, as well as for participating in any  
22 administrative or judicial proceeding resulting from or  
23 relating to the report or investigation.

24 DIVISION XV

25 STATE FAIR AUTHORITY

26 Sec. 136. Section 173.1, subsection 4, Code 2011,  
27 is amended to read as follows:

28 4. A treasurer to be elected by the board ~~who shall~~  
29 ~~serve as a nonvoting member from the elected directors.~~

30 Sec. 137. REPEAL. Section 173.12, Code 2011, is  
31 repealed.

32 DIVISION XVI

33 CONTROLLED SUBSTANCES

34 Sec. 138. CONTROLLED SUBSTANCE COLLECTION AND  
35 DISPOSAL PROGRAM. A person in possession of or a  
36 retailer selling a controlled substance designated  
37 in section 124.204, subsection 4, paragraph "ai",  
38 subparagraphs (1) through (4), if enacted, shall  
39 be required to transfer such controlled substance  
40 to the department of public safety for destruction.  
41 The department of public safety shall establish a  
42 controlled substance collection and disposal program  
43 for a controlled substance designated in section  
44 124.204, subsection 4, paragraph "ai", subparagraphs  
45 (1) through (4). The department of public safety  
46 may partner with a third party, including a local  
47 enforcement agency, to implement and administer the  
48 program. The program shall be dissolved thirty days  
49 after the enactment date of section 124.204, subsection  
50 4, paragraph "ai", subparagraphs (1) through (4).

1       Sec. 139. APPLICABILITY — CRIMINAL  
2 PENALTIES. Criminal penalties do not apply to  
3 violations associated with the substances designated  
4 controlled substances in section 124.204, subsection  
5 4, paragraph "ai", subparagraphs (1) through (4), if  
6 enacted, until thirty days after the enactment date  
7 of section 124.204, subsection 4, paragraph "ai",  
8 subparagraphs (1) through (4).

9       Sec. 140. 2011 Iowa Acts, Senate File 510, section  
10 28, if enacted, is amended to read as follows:

11       SEC. 28. EFFECTIVE DATE. The following provision  
12 of this division of this Act takes effect thirty days  
13 after enactment, ~~notwithstanding section 3.7 of this~~  
14 Act or thirty days after the enactment of 2011 Iowa  
15 Acts, Senate File 538, if enacted, whichever is later:

16       The section of this division of this Act ~~amending~~  
17 enacting section 124.204, subsection 4, paragraph "ai",  
18 subparagraphs (1) through (4).

19       Sec. 141. 2011 Iowa Acts, Senate File 510, section  
20 29, if enacted, is amended to read as follows:

21       SEC. 29. EFFECTIVE UPON ENACTMENT. The following  
22 provision of this division of this Act, being deemed  
23 of immediate importance, ~~and notwithstanding section~~  
24 3.7 takes effect upon enactment of this Act or upon  
25 enactment of 2011 Iowa Acts, Senate File 538, if  
26 enacted, whichever is later:

27       The section of this Act ~~amending~~ enacting section  
28 124.204, subsection 4, paragraph "ai", subparagraph  
29 (5).

30       Sec. 142. EFFECTIVE UPON ENACTMENT. This division  
31 of this Act, being deemed of immediate importance,  
32 takes effect upon enactment of this Act or upon the  
33 enactment of 2011 Iowa Acts, Senate File 510, if  
34 enacted, whichever is later.

#### 35                                   DIVISION XVII

#### 36                                   RADIOS

37       Sec. 143. 2011 Iowa Acts, Senate File 509, section  
38 22, subsections 2 and 3, if enacted, are amended to  
39 read as follows:

40       2. ~~Of the amount appropriated in subsection 1,~~  
41 ~~the department of natural resources may enter into~~  
42 ~~a public-private partnership, through a competitive~~  
43 ~~bidding process, for the provision of the statewide~~  
44 ~~network and the purchase of compatible equipment. The~~  
45 mobile radios purchased by the department pursuant  
46 to subsection 1 shall be compatible with a statewide  
47 public safety radio network created pursuant to  
48 legislation enacted by the 2011 session of the general  
49 assembly. The department shall purchase the mobile  
50 radios after conducting a competitive bidding process.

1 3. On or before January 13, 2012, the department of  
2 natural resources in cooperation with the department of  
3 public safety shall provide a report to the legislative  
4 services agency and the department of management.  
5 The report shall detail the status of the moneys  
6 appropriated in subsection 1 and shall include the  
7 estimated needs of the department of natural resources  
8 to achieve interoperability and to meet the federal  
9 narrowbanding mandate, and any changes in estimated  
10 costs to meet those needs, ~~and the status of requests~~  
11 ~~for proposals to develop a public-private partnership.~~

12 Sec. 144. EFFECTIVE UPON ENACTMENT. This division  
13 of this Act, being deemed of immediate importance,  
14 takes effect upon enactment and, if approved by  
15 the governor on or after July 1, 2011, shall apply  
16 retroactively to June 30, 2011.

17 DIVISION XVIII

18 BUSINESS PROPERTY TAX CREDITS

19 Sec. 145. Section 331.512, Code 2011, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 13A. Carry out duties relating to  
22 the business property tax credit as provided in chapter  
23 426C.

24 Sec. 146. Section 331.559, Code 2011, is amended by  
25 adding the following new subsection:

26 NEW SUBSECTION. 14A. Carry out duties relating to  
27 the business property tax credit as provided in chapter  
28 426C.

29 Sec. 147. NEW SECTION. 426C.1 Definitions.

30 1. For the purposes of this chapter, unless the  
31 context otherwise requires:

32 a. "*Contiguous parcels*" means any of the following:

33 (1) Parcels that share one or more common  
34 boundaries.

35 (2) Parcels within the same building or structure  
36 regardless of whether the parcels share one or more  
37 common boundaries.

38 (3) Improvements to the land that are situated on  
39 one or more parcels of land that are assessed and taxed  
40 separately from the improvements if the parcels of land  
41 upon which the improvements are situated share one or  
42 more common boundaries.

43 b. "*Department*" means the department of revenue.

44 c. "*Fund*" means the business property tax credit  
45 fund created in section 426C.2.

46 d. "*Parcel*" means as defined in section 445.1.

47 e. "*Property unit*" means contiguous parcels all of  
48 which are located within the same county, with the same  
49 property tax classification, each of which contains  
50 permanent improvements, are owned by the same person,

1 and are operated by that person for a common use and  
2 purpose.

3 2. For purposes of this chapter, two or more  
4 parcels are considered to be owned by the same person  
5 if the owners of the parcels are business entities that  
6 share common ownership of each entity in an amount  
7 equal to or in excess of fifty percent.

8 **Sec. 148. NEW SECTION. 426C.2 Business property**  
9 **tax credit fund — appropriation.**

10 1. A business property tax credit fund is created  
11 in the state treasury under the authority of the  
12 department. For the fiscal year beginning July 1,  
13 2012, there is appropriated from the general fund of  
14 the state to the department to be credited to the  
15 fund, the sum of fifty million dollars to be used  
16 for business property tax credits authorized in this  
17 chapter. For the fiscal year beginning July 1, 2013,  
18 and each fiscal year thereafter, there is appropriated  
19 from the general fund of the state to the department  
20 to be credited to the fund an amount equal to the  
21 total amount appropriated by the general assembly to  
22 the fund in the previous fiscal year. In addition,  
23 the sum of fifty million dollars shall be added to the  
24 appropriation in each fiscal year beginning on or after  
25 July 1, 2013, if the revenue estimating conference  
26 certifies during its final meeting of the calendar year  
27 ending prior to the beginning of the fiscal year that  
28 the total amount of general fund revenues collected  
29 during the fiscal year ending during such calendar year  
30 was at least one hundred four percent of the total  
31 amount of general fund revenues collected during the  
32 previous fiscal year. However, the total appropriation  
33 to the fund shall not exceed two hundred million  
34 dollars for any one fiscal year.

35 2. Notwithstanding section 12C.7, subsection 2,  
36 interest or earnings on moneys deposited in the fund  
37 shall be credited to the fund. Moneys in the fund are  
38 not subject to the provisions of section 8.33 and shall  
39 not be transferred, used, obligated, appropriated,  
40 or otherwise encumbered except as provided in this  
41 chapter.

42 **Sec. 149. NEW SECTION. 426C.3 Claims for credit.**

43 1. Each person who wishes to claim the credit  
44 allowed under this chapter shall obtain the appropriate  
45 forms from the assessor and file the claim with the  
46 assessor. The director of revenue shall prescribe  
47 suitable forms and instructions for such claims, and  
48 make such forms and instructions available to the  
49 assessors.

50 2. a. Claims for the business property tax credit

1 shall be filed not later than March 15 preceding the  
2 fiscal year during which the taxes for which the credit  
3 is claimed are due and payable.

4     *b.* A claim filed after the deadline for filing  
5 claims shall be considered as a claim for the following  
6 year.

7     3. Upon the filing of a claim and allowance of the  
8 credit, the credit shall be allowed on the parcel or  
9 property unit for successive years without further  
10 filing as long as the parcel or property unit satisfies  
11 the requirements for the credit. If the parcel or  
12 property unit owner ceases to qualify for the credit  
13 under this chapter, the owner shall provide written  
14 notice to the assessor by the date for filing claims  
15 specified in subsection 2 following the date on which  
16 the parcel or property unit ceases to qualify for the  
17 credit.

18     4. When all or a portion of a parcel or property  
19 unit that is allowed a credit under this chapter is  
20 sold, transferred, or ownership otherwise changes, the  
21 buyer, transferee, or new owner who wishes to receive  
22 the credit shall refile the claim for credit. When a  
23 portion of a parcel or property unit that is allowed  
24 a credit under this chapter is sold, transferred, or  
25 ownership otherwise changes, the owner of the portion  
26 of the parcel or property unit for which ownership did  
27 not change shall refile the claim for credit.

28     5. The assessor shall remit the claims for  
29 credit to the county auditor with the assessor's  
30 recommendation for allowance or disallowance. If  
31 the assessor recommends disallowance of a claim,  
32 the assessor shall submit the reasons for the  
33 recommendation, in writing, to the county auditor. The  
34 county auditor shall forward the claims to the board  
35 of supervisors. The board shall allow or disallow the  
36 claims.

37     6. For each claim and allowance of a credit for  
38 a property unit, the county auditor shall calculate  
39 the average of all consolidated levy rates applicable  
40 to the several parcels within the property unit. All  
41 claims for credit which have been allowed by the board  
42 of supervisors, the actual value of the improvements  
43 to such parcels and property units applicable to  
44 the fiscal year for which the credit is claimed  
45 that are subject to assessment and taxation prior to  
46 imposition of any applicable assessment limitation,  
47 the consolidated levy rates for such parcels and the  
48 average consolidated levy rates for such property units  
49 applicable to the fiscal year for which the credit is  
50 claimed, and the taxing districts in which the parcel

1 or property unit is located, shall be certified on or  
2 before June 15, in each year, by the county auditor to  
3 the department.

4 7. The assessor shall maintain a permanent file of  
5 current business property tax credits. The assessor  
6 shall file a notice of transfer of property for which a  
7 credit has been allowed when notice is received from  
8 the office of the county recorder, from the person  
9 who sold or transferred the property, or from the  
10 personal representative of a deceased property owner.  
11 The county recorder shall give notice to the assessor  
12 of each transfer of title filed in the recorder's  
13 office. The notice from the county recorder shall  
14 describe the property transferred, the name of the  
15 person transferring title to the property, and the name  
16 of the person to whom title to the property has been  
17 transferred.

18 Sec. 150. NEW SECTION. 426C.4 Eligibility and  
19 amount of credit.

20 1. Each parcel classified and taxed as commercial  
21 property, industrial property, or railway property  
22 under chapter 434, and improved with permanent  
23 construction, is eligible for a credit under this  
24 chapter. A person may claim and receive one credit  
25 under this chapter for each eligible parcel unless  
26 the parcel is part of a property unit. A person  
27 may only claim and receive one credit under this  
28 chapter for each property unit. A credit approved  
29 for a property unit shall be allocated to the several  
30 parcels within the property unit in the proportion  
31 that each parcel's total amount of property taxes due  
32 and payable attributable to the improvements bears to  
33 the total amount of property taxes due and payable  
34 attributable to the improvements for the property unit.  
35 Only property units comprised of commercial property,  
36 comprised of industrial property, or comprised of  
37 railway property under chapter 434 are eligible for a  
38 credit under this chapter.

39 2. Using the actual value of the improvements and  
40 the consolidated levy rate for each parcel or the  
41 average consolidated levy rate for each property unit,  
42 as certified by the county auditor to the department  
43 under section 426C.3, subsection 6, the department  
44 shall calculate, for each fiscal year, an initial  
45 amount of actual value of improvements for use in  
46 determining the amount of the credit for each such  
47 parcel or property unit so as to provide the maximum  
48 possible credit according to the credit formula and  
49 limitations under subsection 3, and to provide a  
50 total dollar amount of credits against the taxes due

1 and payable in the fiscal year equal to ninety-eight  
2 percent of the moneys in the fund following the deposit  
3 of the total appropriation for the fiscal year.

4 3. a. The amount of the credit for each parcel or  
5 property unit for which a claim for credit under this  
6 chapter has been approved shall be calculated under  
7 paragraph "b" using the lesser of the initial amount  
8 of actual value of the improvements determined by the  
9 department under subsection 2, and the actual value  
10 of the improvements to the parcel or property unit as  
11 certified by the county auditor under section 426C.3,  
12 subsection 6.

13 b. The amount of the credit for each parcel or  
14 property unit for which a claim for credit under  
15 this chapter has been approved shall be equal to the  
16 amount of actual value determined under paragraph "a"  
17 multiplied by the difference, stated as a percentage,  
18 between the assessment limitation applicable to  
19 the parcel or property unit under section 441.21,  
20 subsection 5, and the assessment limitation applicable  
21 to residential property under section 441.21,  
22 subsection 4, divided by one thousand dollars, and then  
23 multiplied by the consolidated levy rate or average  
24 consolidated levy rate per one thousand dollars of  
25 taxable value applicable to the parcel or property unit  
26 for the fiscal year for which the credit is claimed as  
27 certified by the county auditor under section 426C.3,  
28 subsection 6.

29 **Sec. 151. NEW SECTION. 426C.5 Payment to counties.**

30 1. Annually the department shall certify to the  
31 county auditor of each county the amounts of the  
32 business property tax credits allowed in the county.  
33 Each county auditor shall then enter the credits  
34 against the tax levied on each eligible parcel or  
35 property unit in the county, designating on the tax  
36 lists the credit as being from the fund. Each taxing  
37 district shall receive its share of the business  
38 property tax credit allowed on each eligible parcel  
39 or property unit in such taxing district, in the  
40 proportion that the levy made by such taxing district  
41 upon the parcel or property unit bears to the total  
42 levy upon the parcel or property unit by all taxing  
43 districts imposing a property tax in such taxing  
44 district. However, the several taxing districts  
45 shall not draw the moneys so credited until after the  
46 semiannual allocations have been received by the county  
47 treasurer, as provided in this section. Each county  
48 treasurer shall show on each tax receipt the amount of  
49 credit received from the fund.

50 2. The director of the department of administrative

1 services shall issue warrants on the fund payable to  
2 the county treasurers of the several counties of the  
3 state under this chapter.

4 3. The amount due each county shall be paid in two  
5 payments on November 15 and March 15 of each fiscal  
6 year, drawn upon warrants payable to the respective  
7 county treasurers. The two payments shall be as nearly  
8 equal as possible.

9 **Sec. 152. NEW SECTION. 426C.6 Appeals.**

10 1. If the board of supervisors disallows a claim  
11 for credit under section 426C.3, subsection 5, the  
12 board of supervisors shall send written notice, by  
13 mail, to the claimant at the claimant's last known  
14 address. The notice shall state the reasons for  
15 disallowing the claim for the credit. The board of  
16 supervisors is not required to send notice that a claim  
17 for credit is disallowed if the claimant voluntarily  
18 withdraws the claim. Any person whose claim is denied  
19 under the provisions of this chapter may appeal from  
20 the action of the board of supervisors to the district  
21 court of the county in which the parcel or property  
22 unit is located by giving written notice of such appeal  
23 to the county auditor within twenty days from the date  
24 of mailing of notice of such action by the board of  
25 supervisors.

26 2. If any claim for credit has been denied by the  
27 board of supervisors, and such action is subsequently  
28 reversed on appeal, the credit shall be allowed on the  
29 applicable parcel or property unit, and the director of  
30 revenue, the county auditor, and the county treasurer  
31 shall provide the credit and change their books and  
32 records accordingly. In the event the appealing  
33 taxpayer has paid one or both of the installments of  
34 the tax payable in the year or years in question,  
35 remittance shall be made to such taxpayer of the amount  
36 of such credit. The amount of such credit awarded on  
37 appeal shall be allocated and paid from the balance  
38 remaining in the fund.

39 **Sec. 153. NEW SECTION. 426C.7 Audit — denial.**

40 1. If on the audit of a credit provided under this  
41 chapter, the director of revenue determines the amount  
42 of the credit to have been incorrectly calculated or  
43 that the credit is not allowable, the director shall  
44 recalculate the credit and notify the taxpayer and the  
45 county auditor of the recalculation or denial and the  
46 reasons for it. The director shall not adjust a credit  
47 after three years from October 31 of the year in which  
48 the claim for the credit was filed. If the credit has  
49 been paid, the director shall give notification to the  
50 taxpayer, the county treasurer, and the applicable



1 assessor of the recalculation or denial of the credit  
2 and the county treasurer shall proceed to collect the  
3 tax owed in the same manner as other property taxes due  
4 and payable are collected, if the parcel or property  
5 unit for which the credit was allowed is still owned  
6 by the taxpayer. If the parcel or property unit  
7 for which the credit was allowed is not owned by the  
8 taxpayer, the amount may be recovered from the taxpayer  
9 by assessment in the same manner that income taxes are  
10 assessed under sections 422.26 and 422.30. The amount  
11 of such erroneous credit, when collected, shall be  
12 deposited in the fund.

13 2. The taxpayer or board of supervisors may  
14 appeal any decision of the director of revenue to the  
15 state board of tax review pursuant to section 421.1,  
16 subsection 5. The taxpayer, the board of supervisors,  
17 or the director of revenue may seek judicial review  
18 of the action of the state board of tax review in  
19 accordance with chapter 17A.

20 **Sec. 154. NEW SECTION. 426C.8 False claim —**  
21 **penalty.**

22 A person who makes a false claim for the purpose of  
23 obtaining a credit provided for in this chapter or who  
24 knowingly receives the credit without being legally  
25 entitled to it is guilty of a fraudulent practice. The  
26 claim for a credit of such a person shall be disallowed  
27 and if the credit has been paid the amount shall be  
28 recovered in the manner provided in section 426C.7. In  
29 such cases, the director of revenue shall send a notice  
30 of disallowance of the credit.

31 **Sec. 155. NEW SECTION. 426C.9 Rules.**

32 The director of revenue shall prescribe forms,  
33 instructions, and rules pursuant to chapter 17A, as  
34 necessary, to carry out the purposes of this chapter.

35 **Sec. 156. IMPLEMENTATION.** Notwithstanding the  
36 deadline for filing claims established in section  
37 426C.3, for a credit against property taxes due and  
38 payable during the fiscal year beginning July 1, 2012,  
39 the claim for the credit shall be filed not later than  
40 January 15, 2012.

41 **Sec. 157. APPLICABILITY.** This division of this Act  
42 applies to property taxes due and payable in fiscal  
43 years beginning on or after July 1, 2012.

#### 44 DIVISION XIX

#### 45 COUNTY AND CITY BUDGET LIMITATION

46 **Sec. 158.** Section 28M.5, subsection 2, Code 2011,  
47 is amended to read as follows:

48 2. If a regional transit district budget allocates  
49 revenue responsibilities to the board of supervisors  
50 of a participating county, the amount of the regional

1 transit district levy that is the responsibility of the  
2 participating county shall be deducted from the maximum  
3 rates amount of taxes authorized to be levied by the  
4 county pursuant to section 331.423, ~~subsections 1 and~~  
5 ~~2~~ subsection 3, paragraphs "b" and "c", as applicable,  
6 unless the county meets its revenue responsibilities as  
7 allocated in the budget from other available revenue  
8 sources. However, for a regional transit district  
9 that includes a county with a population of less than  
10 three hundred thousand, the amount of the regional  
11 transit district levy that is the responsibility of  
12 such participating county shall be deducted from the  
13 maximum rate amount of taxes authorized to be levied  
14 by the county pursuant to section 331.423, subsection  
15 ~~± 3, paragraph "b"~~.

16 Sec. 159. Section 331.263, subsection 2, Code 2011,  
17 is amended to read as follows:

18 2. The governing body of the community commonwealth  
19 shall have the authority to levy county taxes and shall  
20 have the authority to levy city taxes to the extent the  
21 city tax levy authority is transferred by the charter  
22 to the community commonwealth. A city participating  
23 in the community commonwealth shall transfer a portion  
24 of the city's tax levy authorized under section 384.1  
25 or 384.12, whichever is applicable, to the governing  
26 body of the community commonwealth. The maximum  
27 rates amount of taxes authorized to be levied under  
28 ~~sections section~~ 384.1 and the maximum amount of taxes  
29 authorized to be levied under section 384.12 by a city  
30 participating in the community commonwealth shall be  
31 reduced by an amount equal to the rates of the same or  
32 similar taxes levied in the city by the governing body  
33 of the community commonwealth.

34 Sec. 160. Section 331.421, Code 2011, is amended by  
35 adding the following new subsection:

36 NEW SUBSECTION. 7A. "Item" means a budgeted  
37 expenditure, appropriation, or cash reserve from a  
38 fund for a service area, program, program element, or  
39 purpose.

40 Sec. 161. Section 331.423, Code 2011, is amended by  
41 striking the section and inserting in lieu thereof the  
42 following:

43 **331.423 Property tax dollars — basic levy maximums.**

44 1. Annually, the board shall determine separate  
45 property tax levy limits to pay for general county  
46 services and rural county services in accordance with  
47 this section. The basic levies separately certified  
48 for general county services and rural county services  
49 under section 331.434 shall not raise property tax  
50 dollars that exceed the amount determined under this

1 section.

2 2. For purposes of this section and section  
3 331.423B, unless the context otherwise requires:

4 a. "*Annual growth factor*" means an index, expressed  
5 as a percentage, determined by the department of  
6 management by November 1 of the calendar year preceding  
7 the calendar year in which the budget year begins. In  
8 determining the annual growth factor, the department  
9 shall calculate the average of the preceding three-year  
10 percentage change, which shall be computed on an annual  
11 basis, in the midwest consumer price index, ending  
12 with the percentage change for the month of September.  
13 The department shall then add that average percentage  
14 change to one hundred percent.

15 b. "*Boundary adjustment*" means annexation,  
16 severance, incorporation, or discontinuance as those  
17 terms are defined in section 368.1.

18 c. "*Budget year*" is the fiscal year beginning  
19 during the calendar year in which a budget is  
20 certified.

21 d. "*Current fiscal year*" is the fiscal year  
22 ending during the calendar year in which a budget is  
23 certified.

24 e. "*Net new valuation taxes*" means the amount  
25 of property tax dollars equal to the current fiscal  
26 year's basic levy rate in the county for general county  
27 services or for rural county services, as applicable,  
28 multiplied by the increase from the current fiscal year  
29 to the budget year in taxable valuation due to the  
30 following:

31 (1) Net new construction, including all incremental  
32 valuation that is released in any one year from a  
33 division of revenue under section 260E.4 or an urban  
34 renewal area for which taxes were being divided under  
35 section 403.19, regardless of whether the property  
36 for the valuation being released remains subject  
37 to the division of revenue under section 260E.4 or  
38 remains part of the urban renewal area that is subject  
39 to a division of revenue under section 403.19. The  
40 amount of property tax dollars attributable to such  
41 incremental valuation being released from a division  
42 of revenue shall be subtracted from the maximum amount  
43 of property tax dollars which may be certified for  
44 the next following fiscal year if such incremental  
45 valuation is not released for the next following fiscal  
46 year.

47 (2) Additions or improvements to existing  
48 structures.

49 (3) Remodeling of existing structures for which a  
50 building permit is required.

1 (4) Net boundary adjustment.  
2 (5) A municipality no longer dividing tax revenues  
3 in an urban renewal area as provided in section 403.19  
4 or a community college no longer dividing revenues as  
5 provided in section 260E.4.  
6 (6) That portion of taxable property located in an  
7 urban revitalization area on which an exemption was  
8 allowed and such exemption has expired.  
9 *f. "Unfunded federal and state mandate cost growth"*  
10 means an amount of increased expenditures for a  
11 county from the previous fiscal year, to the extent  
12 such expenditures are not funded by the county's  
13 supplemental levy under section 331.424, resulting from  
14 any of the following:  
15 (1) A federal statutory requirement or  
16 appropriation that requires the county to establish,  
17 expand, or modify its activities in a manner which  
18 necessitates additional annual expenditures and for  
19 which insufficient funding is provided to the county to  
20 satisfy such requirements.  
21 (2) A state mandate as defined in section 25B.3,  
22 and for which insufficient funding is provided to  
23 the county to satisfy the requirements of the state  
24 mandate.  
25 3. *a.* For the fiscal year beginning July 1, 2013,  
26 and subsequent fiscal years, the maximum amount of  
27 property tax dollars which may be certified for levy by  
28 a county for general county services and rural county  
29 services shall be the maximum property tax dollars  
30 calculated under paragraphs "b" and "c", respectively.  
31 *b.* The maximum property tax dollars that may be  
32 levied for general county services is an amount equal  
33 to the sum of the following:  
34 (1) The annual growth factor times the current  
35 fiscal year's maximum property tax dollars for general  
36 county services.  
37 (2) The amount of net new valuation taxes in the  
38 county.  
39 (3) The unfunded federal and state mandate cost  
40 growth minus the amount specified in paragraph "c",  
41 subparagraph (3).  
42 *c.* The maximum property tax dollars that may be  
43 levied for rural county services is an amount equal to  
44 the sum of the following:  
45 (1) The annual growth factor times the current  
46 fiscal year's maximum property tax dollars for rural  
47 county services.  
48 (2) The amount of net new valuation taxes in the  
49 unincorporated area of the county.  
50 (3) The unfunded federal and state mandate cost

1 growth attributable to the costs incurred by the county  
2 for rural county services.

3 4. a. For purposes of calculating maximum property  
4 tax dollars for general county services for the fiscal  
5 year beginning July 1, 2013, only, the term "*current*  
6 *fiscal year's maximum property tax dollars*" shall mean  
7 the total amount of property tax dollars certified by  
8 the county for general county services for the fiscal  
9 year beginning July 1, 2012, excluding those property  
10 tax dollars that resulted from a supplemental levy  
11 under section 331.424, subsection 1.

12 b. For purposes of calculating maximum property tax  
13 dollars for rural county services for the fiscal year  
14 beginning July 1, 2013, only, the term "*current fiscal*  
15 *year's maximum property tax dollars*" shall mean the  
16 total amount of property tax dollars certified by the  
17 county for rural county services for the fiscal year  
18 beginning July 1, 2012, excluding those property tax  
19 dollars that resulted from a supplemental levy under  
20 section 331.424, subsection 2.

21 5. Property taxes certified under section  
22 331.424, property taxes certified for deposit in the  
23 mental health, mental retardation, and developmental  
24 disabilities services fund in section 331.424A, for the  
25 emergency services fund in section 331.424C, for the  
26 debt service fund in section 331.430, for any capital  
27 projects fund established by the county for deposit of  
28 bond, loan, or note proceeds, and for any temporary  
29 increase approved pursuant to section 331.423C, are  
30 not included in the maximum amount of property tax  
31 dollars that may be certified for a budget year under  
32 subsection 3.

33 6. The department of management, in consultation  
34 with the county finance committee, shall adopt rules  
35 to administer this section. The department shall  
36 prescribe forms to be used by counties when making  
37 calculations required by this section.

38 Sec. 162. NEW SECTION. 331.423B Ending fund  
39 balance.

40 1. a. Budgeted ending fund balances for a budget  
41 year in excess of twenty-five percent of budgeted  
42 expenditures in either the general fund or rural  
43 services fund for that budget year shall be explicitly  
44 committed or assigned for a specific purpose.

45 b. A county is encouraged, but not required, to  
46 reduce budgeted, uncommitted, or unassigned ending  
47 fund balances for the budget year to an amount equal  
48 to approximately twenty-five percent of budgeted  
49 expenditures and transfers from the general fund  
50 and rural services fund for that budget year unless

1 a decision is certified by the state appeal board  
2 ordering a reduction in the ending fund balance of any  
3 of those funds.

4 c. In a protest to the county budget under section  
5 331.436, the county shall have the burden of proving  
6 that the budgeted balances in excess of twenty-five  
7 percent are reasonably likely to be appropriated for  
8 the explicitly committed or assigned specific purpose.  
9 The excess budgeted balance for the specific purpose  
10 shall be considered an increase in an item in the  
11 budget for purposes of section 24.28.

12 2. a. For a county that has, as of June 30, 2012,  
13 reduced its actual ending fund balance to less than  
14 twenty-five percent of actual expenditures, additional  
15 property taxes may be computed and levied as provided  
16 in this subsection. The additional property tax levy  
17 amount is an amount not to exceed twenty-five percent  
18 of actual expenditures from the general fund and rural  
19 services fund for the fiscal year beginning July 1,  
20 2011, minus the combined ending fund balances for those  
21 funds for that year.

22 b. The amount of the additional property taxes  
23 shall be apportioned between the general fund and the  
24 rural services fund. However, the amount apportioned  
25 for general county services and for rural county  
26 services shall not exceed for each fund twenty-five  
27 percent of actual expenditures for the fiscal year  
28 beginning July 1, 2011.

29 c. All or a portion of additional property tax  
30 dollars may be levied for the purpose of increasing  
31 cash reserves for general county services and rural  
32 county services in the budget year. The additional  
33 property tax dollars authorized under this subsection  
34 but not levied may be carried forward as unused ending  
35 fund balance taxing authority until and for the fiscal  
36 year beginning July 1, 2018. The amount carried  
37 forward shall not exceed twenty-five percent of the  
38 maximum amount of property tax dollars available in  
39 the current fiscal year. Additionally, property taxes  
40 that are levied as unused ending fund balance taxing  
41 authority under this subsection may be the subject of  
42 a protest under section 331.436, and the amount will  
43 be considered an increase in an item in the budget for  
44 purposes of section 24.28. The amount of additional  
45 property taxes levied under this subsection shall not  
46 be included in the computation of the maximum amount of  
47 property tax dollars which may be certified and levied  
48 under section 331.423.

49 **Sec. 163. NEW SECTION. 331.423C Authority to levy**  
50 **beyond maximum property tax dollars.**

1 1. The board may certify additions to the maximum  
2 amount of property tax dollars to be levied for a  
3 budget year if the county conducts a second public  
4 hearing prior to certification of the budget to the  
5 county auditor, in addition to the hearing held as  
6 required under section 331.434. The second public  
7 hearing shall be conducted in the same manner as  
8 the public hearing on the budget required in section  
9 331.434.

10 2. The amount of additional property tax dollars  
11 certified under this section shall not be included in  
12 the computation of the maximum amount of property tax  
13 dollars which may be certified and levied under section  
14 331.423 for future budget years.

15 Sec. 164. Section 331.424, unnumbered paragraph 1,  
16 Code 2011, is amended to read as follows:

17 To the extent that the basic levies authorized under  
18 section 331.423 are insufficient to meet the county's  
19 needs for the following services, the board may certify  
20 supplemental levies as follows:

21 Sec. 165. Section 331.424A, subsection 4, Code  
22 2011, is amended to read as follows:

23 4. For the fiscal year beginning July 1, 1996,  
24 and for each subsequent fiscal year, the county shall  
25 certify a levy for payment of services. For each  
26 fiscal year, county revenues from taxes imposed by the  
27 county credited to the services fund shall not exceed  
28 an amount equal to the amount of base year expenditures  
29 for services as defined in section 331.438, less the  
30 amount of property tax relief to be received pursuant  
31 to section 426B.2, in the fiscal year for which the  
32 budget is certified. The county auditor and the  
33 board of supervisors shall reduce the amount of the  
34 levy certified for the services fund by the amount of  
35 property tax relief to be received. A levy certified  
36 under this section is not subject to ~~the appeal~~  
37 ~~provisions of section 331.426 or to any other provision~~  
38 in law authorizing a county to exceed, increase, or  
39 appeal a property tax levy limit.

40 Sec. 166. Section 331.434, subsection 1, Code 2011,  
41 is amended to read as follows:

42 1. The budget shall show the amount required for  
43 each class of proposed expenditures, a comparison of  
44 the amounts proposed to be expended with the amounts  
45 expended for like purposes for the two preceding years,  
46 the revenues from sources other than property taxation,  
47 and the amount to be raised by property taxation, in  
48 the detail and form prescribed by the director of the  
49 department of management. For each county that has  
50 established an urban renewal area, the budget shall

1 include estimated and actual tax increment financing  
2 revenues and all estimated and actual expenditures of  
3 the revenues, proceeds from debt and all estimated  
4 and actual expenditures of the debt proceeds, and  
5 identification of any entity receiving a direct payment  
6 of taxes funded by tax increment financing revenues  
7 and shall include the total amount of loans, advances,  
8 indebtedness, or bonds outstanding at the close of  
9 the most recently ended fiscal year, which qualify  
10 for payment from the special fund created in section  
11 403.19, including interest negotiated on such loans,  
12 advances, indebtedness, or bonds. For purposes of this  
13 subsection, "indebtedness" includes written agreements  
14 whereby the county agrees to suspend, abate, exempt,  
15 rebate, refund, or reimburse property taxes, provide a  
16 grant for property taxes paid, or make a direct payment  
17 of taxes, with moneys in the special fund. The amount  
18 of loans, advances, indebtedness, or bonds shall be  
19 listed in the aggregate for each county reporting. The  
20 ~~county finance committee, in consultation with the~~  
21 ~~department of management and the legislative services~~  
22 ~~agency, shall determine reporting criteria and shall~~  
23 ~~prepare a form for reports filed with the department~~  
24 ~~pursuant to this section. The department shall make~~  
25 ~~the information available by electronic means.~~

26 Sec. 167. Section 373.10, Code 2011, is amended to  
27 read as follows:

28 **373.10 Taxing authority.**

29 The metropolitan council shall have the authority  
30 to levy city taxes to the extent the city tax levy  
31 authority is transferred by the charter to the  
32 metropolitan council. A member city shall transfer  
33 a portion of the city's tax levy authorized under  
34 section 384.1 or 384.12, whichever is applicable, to  
35 the metropolitan council. The maximum ~~rates~~ amount of  
36 taxes authorized to be levied under ~~sections~~ section  
37 384.1 and the taxes authorized to be levied under  
38 section 384.12 by a member city shall be reduced by an  
39 amount equal to the rates of the same or similar taxes  
40 levied in the city by the metropolitan council.

41 Sec. 168. Section 384.1, Code 2011, is amended by  
42 striking the section and inserting in lieu thereof the  
43 following:

44 **384.1 Property tax dollars — maximums.**

45 1. A city shall certify taxes to be levied by the  
46 city on all taxable property within the city limits,  
47 for all city government purposes. Annually, the city  
48 council may certify basic levies for city government  
49 purposes, subject to the limitation on property tax  
50 dollars provided in this section.



1 2. For purposes of this section and section 384.1B,  
2 unless the context otherwise requires:

3 a. "Annual growth factor" means an index, expressed  
4 as a percentage, determined by the department of  
5 management by November 1 of the calendar year preceding  
6 the calendar year in which the budget year begins. In  
7 determining the annual growth factor, the department  
8 shall calculate the average of the preceding three-year  
9 percentage change, which shall be computed on an annual  
10 basis, in the midwest consumer price index, ending  
11 with the percentage change for the month of September.  
12 The department shall then add that average percentage  
13 change to one hundred percent.

14 b. "Boundary adjustment" means annexation,  
15 severance, incorporation, or discontinuance as those  
16 terms are defined in section 368.1.

17 c. "Budget year" is the fiscal year beginning  
18 during the calendar year in which a budget is  
19 certified.

20 d. "Current fiscal year" is the fiscal year  
21 ending during the calendar year in which a budget is  
22 certified.

23 e. "Net new valuation taxes" means the amount of  
24 property tax dollars equal to the current fiscal year's  
25 levy rate in the city for the general fund multiplied  
26 by the increase from the current fiscal year to the  
27 budget year in taxable valuation due to the following:

28 (1) Net new construction, including all incremental  
29 valuation that is released in any one year from a  
30 division of revenue under section 260E.4 or an urban  
31 renewal area for which taxes were being divided under  
32 section 403.19, regardless of whether the property  
33 for the valuation being released remains subject  
34 to the division of revenue under section 260E.4 or  
35 remains part of the urban renewal area that is subject  
36 to a division of revenue under section 403.19. The  
37 amount of property tax dollars attributable to such  
38 incremental valuation being released from a division  
39 of revenue shall be subtracted from the maximum amount  
40 of property tax dollars which may be certified for  
41 the next following fiscal year if such incremental  
42 valuation is not released for the next following fiscal  
43 year.

44 (2) Additions or improvements to existing  
45 structures.

46 (3) Remodeling of existing structures for which a  
47 building permit is required.

48 (4) Net boundary adjustment.

49 (5) A municipality no longer dividing tax revenues  
50 in an urban renewal area as provided in section 403.19

1 or a community college no longer dividing revenues as  
2 provided in section 260E.4.

3 (6) That portion of taxable property located in an  
4 urban revitalization area on which an exemption was  
5 allowed and such exemption has expired.

6 *f. "Unfunded federal and state mandate cost growth"*  
7 means an amount of increased expenditures for a city  
8 from the previous fiscal year resulting from any of the  
9 following:

10 (1) A federal statutory requirement or  
11 appropriation that requires the city to establish,  
12 expand, or modify its activities in a manner which  
13 necessitates additional annual expenditures and for  
14 which insufficient funding is provided to the city to  
15 satisfy such requirements.

16 (2) A state mandate as defined in section 25B.3,  
17 and for which insufficient funding is provided to the  
18 city to satisfy the requirements of the state mandate.

19 3. *a.* For the fiscal year beginning July 1, 2013,  
20 and subsequent fiscal years, the maximum amount of  
21 property tax dollars which may be certified for levy  
22 by a city for the general fund shall be the maximum  
23 property tax dollars calculated under paragraph "*b*".

24 *b.* The maximum property tax dollars that may be  
25 levied for deposit in the general fund is an amount  
26 equal to the sum of the following:

27 (1) The annual growth factor times the current  
28 fiscal year's maximum property tax dollars for the  
29 general fund.

30 (2) The amount of net new valuation taxes in the  
31 city.

32 (3) The unfunded federal and state mandate cost  
33 growth.

34 4. For purposes of calculating maximum property tax  
35 dollars for the city general fund for the fiscal year  
36 beginning July 1, 2013, only, the term "*current fiscal*  
37 *year's maximum property tax dollars*" shall mean the  
38 total amount of property tax dollars certified by the  
39 city for the city's general fund for the fiscal year  
40 beginning July 1, 2012.

41 5. Property taxes certified for deposit in the  
42 debt service fund in section 384.4, trust and agency  
43 funds in section 384.6, capital improvements reserve  
44 fund in section 384.7, the emergency fund in section  
45 384.8, any capital projects fund established by the  
46 city for deposit of bond, loan, or note proceeds,  
47 any temporary increase approved pursuant to section  
48 384.12A, property taxes collected from a voted levy  
49 in section 384.12, and property taxes levied under  
50 section 384.12, subsection 18, are not counted against

1 the maximum amount of property tax dollars that may be  
2 certified for a fiscal year under subsection 3.

3 6. Notwithstanding the maximum amount of taxes  
4 a city may certify for levy, the tax levied by a  
5 city on tracts of land and improvements on the  
6 tracts of land used and assessed for agricultural or  
7 horticultural purposes shall not exceed three dollars  
8 and three-eighths cents per thousand dollars of  
9 assessed value in any year. Improvements located on  
10 such tracts of land and not used for agricultural or  
11 horticultural purposes and all residential dwellings  
12 are subject to the same rate of tax levied by the city  
13 on all other taxable property within the city.

14 7. The department of management, in consultation  
15 with the city finance committee, shall adopt rules  
16 to administer this section. The department shall  
17 prescribe forms to be used by cities when making  
18 calculations required by this section.

19 **Sec. 169. NEW SECTION. 384.1B Ending fund balance.**

20 1. a. Budgeted general fund ending fund balances  
21 for a budget year in excess of twenty-five percent of  
22 budgeted expenditures from the general fund for that  
23 budget year shall be explicitly committed or assigned  
24 for a specific purpose.

25 b. A city is encouraged, but not required, to  
26 reduce budgeted, uncommitted, or unassigned ending  
27 fund balances for the budget year to an amount equal  
28 to approximately twenty-five percent of budgeted  
29 expenditures and transfers from the general fund for  
30 that budget year unless a decision is certified by the  
31 state appeal board ordering a reduction in the ending  
32 fund balance of the fund.

33 c. In a protest to the city budget under section  
34 384.19, the city shall have the burden of proving that  
35 the budgeted balances in excess of twenty-five percent  
36 are reasonably likely to be appropriated for the  
37 explicitly committed or assigned specific purpose. The  
38 excess budgeted balance for the specific purpose shall  
39 be considered an increase in an item in the budget for  
40 purposes of section 24.28.

41 2. a. For a city that has, as of June 30,  
42 2012, reduced its ending fund balance to less than  
43 twenty-five percent of actual expenditures, additional  
44 property taxes may be computed and levied as provided  
45 in this subsection. The additional property tax levy  
46 amount is an amount not to exceed the difference  
47 between twenty-five percent of actual expenditures for  
48 city government purposes for the fiscal year beginning  
49 July 1, 2011, minus the ending fund balance for that  
50 year.

1     *b.* All or a portion of additional property tax  
2 dollars may be levied for the purpose of increasing  
3 cash reserves for city government purposes in the  
4 budget year. The additional property tax dollars  
5 authorized under this subsection but not levied may be  
6 carried forward as unused ending fund balance taxing  
7 authority until and for the fiscal year beginning  
8 July 1, 2018. The amount carried forward shall not  
9 exceed twenty-five percent of the maximum amount of  
10 property tax dollars available in the current fiscal  
11 year. Additionally, property taxes that are levied  
12 as unused ending fund balance taxing authority under  
13 this subsection may be the subject of a protest under  
14 section 384.19, and the amount will be considered an  
15 increase in an item in the budget for purposes of  
16 section 24.28. The amount of additional property tax  
17 dollars levied under this subsection shall not be  
18 included in the computation of the maximum amount of  
19 property tax dollars which may be certified and levied  
20 under section 384.1.

21     Sec. 170. Section 384.12, unnumbered paragraph  
22 1, Code 2011, is amended by striking the unnumbered  
23 paragraph and inserting in lieu thereof the following:

24     A city may certify taxes for deposit in the general  
25 fund, subject to the limit provided in section 384.1  
26 if applicable, which are in addition to any other  
27 moneys the city may wish to spend for such purposes,  
28 as follows:

29     Sec. 171. Section 384.12, subsection 20, Code 2011,  
30 is amended by striking the subsection.

31     Sec. 172. **NEW SECTION. 384.12A Authority to levy**  
32 **beyond maximum property tax dollars.**

33     1. The city council may certify additions to the  
34 maximum amount of property tax dollars to be levied  
35 for a budget year if the city conducts a second public  
36 hearing prior to certification of the budget to the  
37 county auditor, in addition to the hearing held as  
38 required under section 384.16. The second public  
39 hearing shall be conducted in the same manner as  
40 the public hearing on the budget required in section  
41 384.16.

42     2. The amount of additional property tax dollars  
43 certified under this section shall not be included in  
44 the computation of the maximum amount of property tax  
45 dollars which may be certified and levied under section  
46 384.1 for future budget years.

47     Sec. 173. Section 384.16, subsection 1, paragraph  
48 *b.*, Code 2011, is amended to read as follows:

49     *b.* A budget must show comparisons between the  
50 estimated expenditures in each program in the following

1 year, the latest estimated expenditures in each program  
2 in the current year, and the actual expenditures in  
3 each program from the annual report as provided in  
4 section 384.22, or as corrected by a subsequent audit  
5 report. Wherever practicable, as provided in rules  
6 of the committee, a budget must show comparisons  
7 between the levels of service provided by each program  
8 as estimated for the following year, and actual  
9 levels of service provided by each program during  
10 the two preceding years. For each city that has  
11 established an urban renewal area, the budget shall  
12 include estimated and actual tax increment financing  
13 revenues and all estimated and actual expenditures of  
14 the revenues, proceeds from debt and all estimated  
15 and actual expenditures of the debt proceeds, and  
16 identification of any entity receiving a direct payment  
17 of taxes funded by tax increment financing revenues  
18 and shall include the total amount of loans, advances,  
19 indebtedness, or bonds outstanding at the close of  
20 the most recently ended fiscal year, which qualify  
21 for payment from the special fund created in section  
22 403.19, including interest negotiated on such loans,  
23 advances, indebtedness, or bonds. The amount of loans,  
24 advances, indebtedness, or bonds shall be listed in the  
25 aggregate for each city reporting. ~~The city finance  
26 committee, in consultation with the department of  
27 management and the legislative services agency, shall  
28 determine reporting criteria and shall prepare a form  
29 for reports filed with the department pursuant to this  
30 section. The department shall make the information  
31 available by electronic means.~~

32 Sec. 174. Section 384.19, Code 2011, is amended by  
33 adding the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. For purposes of a tax  
35 protest filed under this section, "item" means a  
36 budgeted expenditure, appropriation, or cash reserve  
37 from a fund for a service area, program, program  
38 element, or purpose.

39 Sec. 175. Section 386.8, Code 2011, is amended to  
40 read as follows:

41 **386.8 Operation tax.**

42 A city may establish a self-supported improvement  
43 district operation fund, and may certify taxes not  
44 to exceed the rate limitation as established in the  
45 ordinance creating the district, or any amendment  
46 thereto, each year to be levied for the fund against  
47 all of the property in the district, for the purpose  
48 of paying the administrative expenses of the district,  
49 which may include but are not limited to administrative  
50 personnel salaries, a separate administrative office,

1 planning costs including consultation fees, engineering  
2 fees, architectural fees, and legal fees and all other  
3 expenses reasonably associated with the administration  
4 of the district and the fulfilling of the purposes of  
5 the district. The taxes levied for this fund may also  
6 be used for the purpose of paying maintenance expenses  
7 of improvements or self-liquidating improvements for a  
8 specified length of time with one or more options to  
9 renew if such is clearly stated in the petition which  
10 requests the council to authorize construction of the  
11 improvement or self-liquidating improvement, whether  
12 or not such petition is combined with the petition  
13 requesting creation of a district. Parcels of property  
14 which are assessed as residential property for property  
15 tax purposes are exempt from the tax levied under this  
16 section except residential properties within a duly  
17 designated historic district. A tax levied under  
18 this section is not subject to the ~~levy~~ limitation in  
19 section 384.1.

20 Sec. 176. Section 386.9, Code 2011, is amended to  
21 read as follows:

22 **386.9 Capital improvement tax.**

23 A city may establish a capital improvement fund  
24 for a district and may certify taxes, not to exceed  
25 the rate established by the ordinance creating the  
26 district, or any subsequent amendment thereto,  
27 each year to be levied for the fund against all of  
28 the property in the district, for the purpose of  
29 accumulating moneys for the financing or payment  
30 of a part or all of the costs of any improvement or  
31 self-liquidating improvement. However, parcels of  
32 property which are assessed as residential property  
33 for property tax purposes are exempt from the tax  
34 levied under this section except residential properties  
35 within a duly designated historic district. A tax  
36 levied under this section is not subject to the ~~levy~~  
37 limitations in section 384.1 or 384.7.

38 Sec. 177. REPEAL. Sections 331.425 and 331.426,  
39 Code 2011, are repealed.

40 Sec. 178. EFFECTIVE DATE AND APPLICABILITY. This  
41 division of this Act takes effect July 1, 2012, and  
42 applies to fiscal years beginning on or after July 1,  
43 2013.

44 **DIVISION XX**

45 **RESIDENTIAL PROPERTY ASSESSMENT LIMITATION**

46 Sec. 179. Section 441.21, subsection 4, Code 2011,  
47 is amended to read as follows:

48 4. For valuations established as of January  
49 1, 1979, the percentage of actual value at which  
50 agricultural and residential property shall be assessed

1 shall be the quotient of the dividend and divisor as  
2 defined in this section. The dividend for each class  
3 of property shall be the dividend as determined for  
4 each class of property for valuations established as  
5 of January 1, 1978, adjusted by the product obtained  
6 by multiplying the percentage determined for that year  
7 by the amount of any additions or deletions to actual  
8 value, excluding those resulting from the revaluation  
9 of existing properties, as reported by the assessors  
10 on the abstracts of assessment for 1978, plus six  
11 percent of the amount so determined. However, if the  
12 difference between the dividend so determined for  
13 either class of property and the dividend for that  
14 class of property for valuations established as of  
15 January 1, 1978, adjusted by the product obtained by  
16 multiplying the percentage determined for that year  
17 by the amount of any additions or deletions to actual  
18 value, excluding those resulting from the revaluation  
19 of existing properties, as reported by the assessors  
20 on the abstracts of assessment for 1978, is less than  
21 six percent, the 1979 dividend for the other class of  
22 property shall be the dividend as determined for that  
23 class of property for valuations established as of  
24 January 1, 1978, adjusted by the product obtained by  
25 multiplying the percentage determined for that year  
26 by the amount of any additions or deletions to actual  
27 value, excluding those resulting from the revaluation  
28 of existing properties, as reported by the assessors on  
29 the abstracts of assessment for 1978, plus a percentage  
30 of the amount so determined which is equal to the  
31 percentage by which the dividend as determined for the  
32 other class of property for valuations established as  
33 of January 1, 1978, adjusted by the product obtained  
34 by multiplying the percentage determined for that year  
35 by the amount of any additions or deletions to actual  
36 value, excluding those resulting from the revaluation  
37 of existing properties, as reported by the assessors  
38 on the abstracts of assessment for 1978, is increased  
39 in arriving at the 1979 dividend for the other class  
40 of property. The divisor for each class of property  
41 shall be the total actual value of all such property  
42 in the state in the preceding year, as reported by the  
43 assessors on the abstracts of assessment submitted  
44 for 1978, plus the amount of value added to said  
45 total actual value by the revaluation of existing  
46 properties in 1979 as equalized by the director of  
47 revenue pursuant to section 441.49. The director shall  
48 utilize information reported on abstracts of assessment  
49 submitted pursuant to section 441.45 in determining  
50 such percentage. For valuations established as

1 of January 1, 1980, and each year thereafter, the  
2 percentage of actual value as equalized by the director  
3 of revenue as provided in section 441.49 at which  
4 agricultural and residential property shall be assessed  
5 shall be calculated in accordance with the methods  
6 provided herein including the limitation of increases  
7 in agricultural and residential assessed values to the  
8 percentage increase of the other class of property if  
9 the other class increases less than the allowable limit  
10 adjusted to include the applicable and current values  
11 as equalized by the director of revenue, except that  
12 any references to six percent in this subsection shall  
13 be four percent. For valuations established as of  
14 January 1, 2012, and each assessment year thereafter,  
15 the percentage of actual value as equalized by the  
16 director of revenue as provided in section 441.49 at  
17 which residential property shall be assessed shall be  
18 calculated in accordance with the methods provided  
19 herein including the limitation of increases in  
20 agricultural and residential assessed values to the  
21 percentage increase of the other class of property if  
22 the other class increases less than the allowable limit  
23 adjusted to include the applicable and current values  
24 as equalized by the director of revenue, except that  
25 in no assessment year shall the percentage of actual  
26 value at which residential property is assessed be less  
27 than fifty percent.

28 DIVISION XXI

29 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE

30 APPLICABILITY

31 Sec. 180. EFFECTIVE DATE AND RETROACTIVE  
32 APPLICABILITY. Unless otherwise provided, this Act,  
33 if approved by the governor on or after July 1, 2011,  
34 takes effect upon enactment and applies retroactively  
35 to July 1, 2011.>

36 2. By renumbering as necessary.