

**EIGHTY-FIFTH GENERAL ASSEMBLY
2014 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

APRIL 11, 2014

HOUSE FILE 2444

H-8254

1 Amend the Senate amendment, H-8222, to House File
2 2444, as passed by the House, as follows:

3 1. Page 1, after line 24 by inserting:

4 <DIVISION
5 SOLAR ENERGY SYSTEM TAX CREDITS
6 Sec. ____ . Section 422.11L, subsection 1, paragraphs

7 a and b, Code 2014, are amended to read as follows:

8 a. ~~Fifty~~ Sixty percent of the federal residential
9 energy efficient property credit related to solar
10 energy provided in section 25D of the Internal Revenue
11 Code, not to exceed ~~threefive~~ thousand dollars.

12 b. ~~Fifty~~ Sixty percent of the federal energy credit
13 related to solar energy systems provided in section 48
14 of the Internal Revenue Code, not to exceed ~~fifteen~~
15 twenty thousand dollars.

16 Sec. ____ . Section 422.11L, subsection 3, Code 2014,
17 is amended by adding the following new paragraphs:

18 NEW PARAGRAPH. c. A taxpayer may claim more than
19 one credit under this section, but may claim only one
20 credit per separate and distinct solar installation.
21 The department shall establish criteria, by rule, for
22 determining what constitutes a separate and distinct
23 installation.

24 NEW PARAGRAPH. d. A taxpayer must submit an
25 application to the department for each separate and
26 distinct solar installation. The application must
27 be approved by the department in order to claim the
28 tax credit. The application must be filed by May 1
29 following the year of the installation of the solar
30 energy system.

31 Sec. ____ . Section 422.11L, subsection 4, Code 2014,
32 is amended to read as follows:

33 4. a. The cumulative value of tax credits claimed
34 annually by applicants pursuant to this section shall
35 not exceed ~~one four~~ million five hundred thousand
36 dollars. Of this amount, at least one million
37 dollars shall be reserved for claims associated with
38 or resulting from residential solar energy system
39 installations. In the event that the total amount of
40 claims submitted for residential solar energy system
41 installations in a tax year is an amount less than
42 one million dollars, the remaining unclaimed reserved
43 amount shall be made available for claims associated
44 with or resulting from nonresidential solar energy
45 system installations received for the tax year.

46 b. If an amount of tax credits available for a
47 tax year pursuant to paragraph "a" goes unclaimed,
48 the amount of the unclaimed tax credits shall be made
49 available for the following tax year in addition to,
50 and cumulated with, the amount available pursuant to

H-8254

H-8254

Page 2

1 paragraph "a" for the following tax year.

2 Sec. ____ . EFFECTIVE UPON ENACTMENT. This division
3 of this Act, being deemed of immediate importance,
4 takes effect upon enactment.

5 Sec. ____ . RETROACTIVE APPLICABILITY. This division
6 of this Act applies retroactively to January 1, 2014,
7 for tax years beginning and installations occurring on
8 or after that date.

9 ____ . Title page, line 4, after <taxes,> by
10 inserting <the solar energy system tax credits,>>

11 2. By renumbering as necessary.

By ISENHART of Dubuque

H-8254 FILED APRIL 10, 2014

HOUSE FILE 2445

H-8237

1 Amend House File 2445 as follows:

2 1. Page 3, line 24, after <female> by inserting
3 <and minority>

4 2. Page 3, line 34, after <female> by inserting
5 <and minority>

6 3. Page 4, line 6, after <female> by inserting <or
7 minority>

8 4. Page 4, line 8, after <female> by inserting <and
9 minority>

10 5. Page 4, line 10, after <women> by inserting <or
11 minority persons>

By DUNKEL of Dubuque

BERRY of Black Hawk

H. MILLER of Webster

H-8237 FILED APRIL 10, 2014

HOUSE FILE 2445

H-8247

1 Amend House File 2445 as follows:

2 1. Page 3, line 25, by striking <entrepreneurs> and
3 inserting <entrepreneurs, minority entrepreneurs, and
4 entrepreneurs with a disability>

5 2. Page 3, line 35, by striking <entrepreneurs> and
6 inserting <entrepreneurs, minority entrepreneurs, and
7 entrepreneurs with a disability>

8 3. Page 4, line 7, after <entrepreneur,> by
9 inserting <minority entrepreneur, or entrepreneur with
10 a disability,>

11 4. Page 4, line 8, by striking <entrepreneurs> and
12 inserting <entrepreneurs, minority entrepreneurs, and
13 entrepreneurs with a disability>

14 5. Page 4, line 10, by striking <women> and
15 inserting <women, minority persons, or persons with a
16 disability>

By DUNKEL of Dubuque

BERRY of Black Hawk

H. MILLER of Webster

H-8247 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8238

1 Amend House File 2463 as follows:

2 1. Page 33, by striking lines 32 through 35 and
3 inserting <expressly authorized by law,~~consistent~~
4 ~~with options under federal law and regulations, and~~
5 ~~contingent upon receipt of approval from the office~~
6 ~~of the governor of reimbursement for each abortion~~
7 ~~performed under the program.>~~

8 2. Page 34, after line 2 by inserting:

9 <Sec. ____ . 2013 Iowa Acts, chapter 138, section
10 142, subsection 1, is amended to read as follows:

11 1. a. ~~Iowans support reducing the number of~~
12 ~~abortions performed in our state. For an abortion~~
13 ~~covered under the program, except in the case of a~~
14 ~~medical emergency, as defined in section 135L.1, for~~
15 ~~any woman, the physician shall certify both of the~~
16 ~~following:~~

17 ~~-(1) That the woman has been given the opportunity~~
18 ~~to view an ultrasound image of the fetus as part of the~~
19 ~~standard of care before an abortion is performed.~~

20 ~~-(2) That the woman has been provided information~~
21 ~~regarding the options relative to a pregnancy,~~
22 ~~including continuing the pregnancy to term and~~
23 ~~retaining parental rights following the child's birth,~~
24 ~~continuing the pregnancy to term and placing the child~~
25 ~~for adoption, and terminating the pregnancy.~~

26 ~~b. Funds appropriated under this section shall not~~
27 ~~be used for abortions, unless otherwise authorized~~
28 ~~under this section. Notwithstanding any provision to~~
29 ~~the contrary, funds appropriated under this section~~
30 ~~shall not be used for abortions.~~

31 ~~e. b. The provisions of this section relating~~
32 ~~to abortions shall also apply to the Iowa health and~~
33 ~~wellness plan created pursuant to chapter 249N,~~as~~~~
34 ~~enacted in this Act.~~

35 ~~c. For the purposes of this section, "abortion"~~
36 ~~means the termination of a human pregnancy with the~~
37 ~~intent other than to produce a live birth or to remove~~
38 ~~a dead fetus. Abortion does not include medical care~~
39 ~~which has as its primary purpose the treatment of a~~
40 ~~serious physical condition requiring emergency medical~~
41 ~~treatment necessary to save the life of a mother.>~~

42 3. Page 62, after line 31 by inserting:

43 <DIVISION ____

44 ABORTIONS ---- PUBLICLY FUNDED ENTITIES OR INSTITUTIONS

45 Sec. ____ . PUBLICLY FUNDED ENTITIES OR INSTITUTIONS
46 ---- ABORTIONS PROHIBITED. As a condition of the
47 appropriations in this 2014 Act, any entities or
48 institutions in this state that receive any of the
49 moneys appropriated in this Act or receive any other
50 available public moneys shall not perform abortions.

H-8238

H-8238

Page 2

1 For the purposes of this section, "abortion" means
2 the termination of a human pregnancy with the intent
3 other than to produce a live birth or to remove a
4 dead fetus. "Abortion" does not include medical care
5 which has as its primary purpose the treatment of a
6 serious physical condition requiring emergency medical
7 treatment necessary to save the life of a mother.>

8 4. By renumbering as necessary.

By SALMON of Black Hawk HEARTSILL of Marion
SHAW of Pocahontas GUSTAFSON of Madison
ALONS of Sioux KOESTER of Polk
SHEETS of Appanoose WATTS of Dallas
GASSMAN of Winnebago FISHER of Tama

H-8238 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8239

1 Amend House File 2463 as follows:

2 1. Page 30, line 21, by striking <48,503,875> and
3 inserting <49,503,875>

4 2. Page 32, after line 9 by inserting:

5 <7. Of the funds appropriated in this section,
6 \$1,000,000 shall be used for distribution to a
7 nonprofit, tax-exempt association that receives
8 donations under section 170 of the Internal Revenue
9 Code and whose members include Iowa food banks and
10 their affiliates that together serve all counties in
11 the state, to be used to purchase food for distribution
12 to food-insecure Iowans. In purchasing food under this
13 subsection, a preference shall be given to the purchase
14 of food produced, processed, or packaged within this
15 state whenever reasonably practicable.>

By STAED of Linn H. MILLER of Webster
ABDUL-SAMAD of Polk MUHLBAUER of Crawford
ANDERSON of Polk MURPHY of Dubuque
BERRY of Black Hawk OLDSON of Polk
DAWSON of Woodbury R. OLSON of Polk
DUNKEL of Dubuque T. OLSON of Linn
FORBES of Polk OURTH of Warren
GAINES of Polk PRICHARD of Floyd
GASKILL of Wapello RIDING of Polk
HALL of Woodbury RUFF of Clayton
HANSON of Jefferson RUNNING-MARQUARDT of Linn
HEDDENS of Story M. SMITH of Marshall
HUNTER of Polk STECKMAN of Cerro Gordo
ISENHART of Dubuque STUTSMAN of Johnson
JACOBY of Johnson T. TAYLOR of Linn
KAJTAZOVIC of Black Hawk THEDE of Scott
KEARNS of Lee THOMAS of Clayton
KELLEY of Jasper WESSEL-KROESCHELL of Story
KRESSIG of Black Hawk WINCKLER of Scott
LENSING of Johnson WOLFE of Clinton
LUNDBY of Linn WOOD of Scott

H-8239 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8240

1 Amend House File 2463 as follows:

2 1. Page 87, after line 11 by inserting:

3 <DIVISION _____
4 ELDERLY PERSONS WITH AGGRESSIVE OR PSYCHIATRIC
5 BEHAVIORS ---- REPORT
6 Sec. _____. FACILITY FOR ELDERLY PERSONS WITH
7 AGGRESSIVE OR PSYCHIATRIC BEHAVIORS ---- COMMITTEE ----
8 REPORT.

9 1. The department of inspections and appeals, in
10 conjunction with the department of human services,
11 shall establish and facilitate a committee of
12 stakeholders to examine options for designating a
13 facility to provide care for elderly persons in this
14 state who are sexually aggressive, combative, or have
15 unmet geropsychiatric needs.

16 2. The membership of the committee shall include
17 but is not limited to the following:

18 a. Representatives of the departments of
19 inspections and appeals, human services, public health,
20 and aging, the state public defender, the office of
21 ombudsman, the office of the state long-term care
22 ombudsman, and the judicial branch.

23 b. Consumers of services provided by long-term care
24 facilities and family members of consumers.

25 c. Long-term care facility administrators or
26 owners.

27 d. Direct care workers employed by long-term care
28 facilities.

29 e. Representatives from Iowa legal aid.

30 f. Representatives from AARP Iowa.

31 g. Representatives from the Iowa civil liberties
32 union.

33 h. Representatives from the area agencies on aging.

34 i. Representatives from the Iowa coalition against
35 sexual assault.

36 j. Other stakeholders as the department of
37 inspections and appeals and the department of human
38 services deem appropriate.

39 3. The committee shall discuss whether a long-term
40 care facility, as defined in section 142D.2, should
41 have the ability to refuse admission to, or discharge,
42 residents who are sexually aggressive, combative, or
43 have unmet geropsychiatric needs. The committee shall
44 consider options for establishment of a facility to
45 provide care for persons who are sexually aggressive,
46 combative, or have unmet geropsychiatric needs. The
47 committee shall identify the characteristics of
48 residents for such a facility, options for creating
49 a new facility to house such residents, options for
50 the expansion of an existing facility to house such

H-8240

H-8240

Page 2

1 residents, options for using any alternative facilities
2 for such residents, the workforce and training
3 necessary for the workforce in such facility, the use
4 of protective restraints at such facility, options
5 to qualify a facility for Medicaid reimbursement,
6 cost projections for any recommendations, and other
7 information deemed relevant by the department of
8 inspections and appeals.

9 4. The committee shall provide a report detailing
10 its findings and recommendations to the governor and
11 the general assembly by December 15, 2014.>

12 2. By renumbering as necessary.

By H. MILLER of Webster

H-8240 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8241

1 Amend House File 2463 as follows:

2 1. Page 1, line 22, by striking <10,606,066> and
3 inserting <10,931,066>

By HEDDENS of Story	KRESSIG of Black Hawk
ABDUL-SAMAD of Polk	LENSING of Johnson
BERRY of Black Hawk	LYKAM of Scott
COHOON of Des Moines	OLDSON of Polk
DUNKEL of Dubuque	OURTH of Warren
FORBES of Polk	PRICHARD of Floyd
GAINES of Polk	STAED of Linn
GASKILL of Wapello	STECKMAN of Cerro Gordo
HANSON of Jefferson	STUTSMAN of Johnson
HUNTER of Polk	T. TAYLOR of Linn
JACOBY of Johnson	WESSEL-KROESCHELL of Story
KAJTAZOVIC of Black Hawk	WINCKLER of Scott
KEARNS of Lee	

H-8241 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8242

1 Amend House File 2463 as follows:

2 1. Page 4, line 8, by striking <27,088,690> and
3 inserting <29,388,690>

4 2. Page 4, line 33, by striking <1,950,000> and
5 inserting <4,250,000>

By HEDDENS of Story	KRESSIG of Black Hawk
ABDUL-SAMAD of Polk	LENSING of Johnson
ANDERSON of Polk	H. MILLER of Webster
BERRY of Black Hawk	MUHLBAUER of Crawford
DUNKEL of Dubuque	OLDSON of Polk
FORBES of Polk	OURTH of Warren
GAINES of Polk	PRICHARD of Floyd
GASKILL of Wapello	STAED of Linn
HANSON of Jefferson	STECKMAN of Cerro Gordo
HUNTER of Polk	STUTSMAN of Johnson
ISENHART of Dubuque	T. TAYLOR of Linn
JACOBY of Johnson	THEDE of Scott
KAJTAZOVIC of Black Hawk	WESSEL-KROESCHELL of Story
KEARNS of Lee	WINCKLER of Scott

H-8242 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8243

1 Amend House File 2463 as follows:

2 1. Page 34, line 2, by striking <1,248,017,014> and
3 inserting <1,254,517,014>

4 2. Page 58, after line 35 by inserting:

5 <Sec. ____ . 2014 Iowa Acts, chapter 138, section
6 159, subsection 1, paragraph b, is amended by adding
7 the following new subparagraph:

8 NEW SUBPARAGRAPH. (5) For the fiscal year
9 beginning July 1, 2014, reimbursement of hospitals
10 shall incorporate the rebasing process for inpatient
11 and outpatient services. However, the total amount
12 of increased funding available for reimbursement
13 attributable to rebasing shall not exceed \$6,500,000.>

14 3. By renumbering as necessary.

By HEDDENS of Story	LENSING of Johnson
ABDUL-SAMAD of Polk	LYKAM of Scott
ANDERSON of Polk	H. MILLER of Webster
BERRY of Black Hawk	MUHLBAUER of Crawford
COHOON of Des Moines	MURPHY of Dubuque
DAWSON of Woodbury	OLDSON of Polk
DUNKEL of Dubuque	OURTH of Warren
FORBES of Polk	PRICHARD of Floyd
GAINES of Polk	RUFF of Clayton
GASKILL of Wapello	STAED of Linn
HALL of Woodbury	STECKMAN of Cerro Gordo
HANSON of Jefferson	STUTSMAN of Johnson
HUNTER of Polk	T. TAYLOR of Linn
ISENHART of Dubuque	THEDE of Scott
JACOBY of Johnson	WESSEL-KROESCHELL of Story
KAJTAZOVIC of Black Hawk	WINCKLER of Scott
KEARNS of Lee	WOOD of Scott
KRESSIG of Black Hawk	

H-8243 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8244

1 Amend House File 2463 as follows:

2 1. Page 34, line 2, by striking <1,248,017,014> and
3 inserting <1,252,017,014>

4 2. Page 34, line 26, by striking <\$4,847,559> and
5 inserting <\$8,847,559>

By HEDDENS of Story	KRESSIG of Black Hawk
ABDUL-SAMAD of Polk	LENSING of Johnson
ANDERSON of Polk	LYKAM of Scott
BERRY of Black Hawk	H. MILLER of Webster
COHOON of Des Moines	MUHLBAUER of Crawford
DAWSON of Woodbury	MURPHY of Dubuque
DUNKEL of Dubuque	OLDSON of Polk
FORBES of Polk	OURTH of Warren
GAINES of Polk	PRICHARD of Floyd
GASKILL of Wapello	STAED of Linn
HALL of Woodbury	STECKMAN of Cerro Gordo
HANSON of Jefferson	STUTSMAN of Johnson
HUNTER of Polk	T. TAYLOR of Linn
ISENHART of Dubuque	THEDE of Scott
JACOBY of Johnson	WESSEL-KROESCHELL of Story
KAJTAZOVIC of Black Hawk	WINCKLER of Scott
KEARNS of Lee	WOOD of Scott

H-8244 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8245

1 Amend House File 2463 as follows:

2 1. Page 59, line 17, after <centers> by inserting
3 <and facilities treating substance-related disorders
4 licensed under section 125.13>

5 2. Page 64, line 20, after <CENTER> by inserting
6 <AND SUBSTANCE-RELATED DISORDER TREATMENT>

7 3. Page 65, line 2, after <centers> by inserting
8 <and facilities treating substance-related disorders
9 licensed under section 125.13>

By M. SMITH of Marshall

H-8245 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8246

1 Amend House File 2463 as follows:

2 1. Page 71, line 24, after <state> by inserting
3 <and by the fiscal agent for the affected region>

4 2. Page 72, line 1, by striking <became eligible
5 for> and inserting <enrolled in>

6 3. Page 72, line 5, after <provided> by inserting
7 <to those persons>

8 4. Page 72, line 8, after <period.> by inserting <A
9 county's obligation for repayment of the offset amount
10 calculated for the county shall be reduced as necessary
11 to maintain, for the fiscal year of repayment or levy
12 reduction, the county's cash flow amount under section
13 331.424A at at least twenty-five percent, the services
14 provided under the county's service management plan in
15 effect as of June 30, 2014, and the amounts necessary
16 for the county's share of services provided under the
17 regional service system management plan approved for
18 the fiscal year beginning July 1, 2014, in accordance
19 with section 331.393.>

By HEDDENS of Story

H-8246 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8249

1 Amend House File 2463 as follows:

2 1. By striking page 41, line 25, through page 43,
3 line 23, and inserting:

4 <Sec. _____. 2013 Iowa Acts, chapter 138, section
5 147, is amended to read as follows:

6 SEC. 147. JUVENILE INSTITUTIONS. There is
7 appropriated from the general fund of the state to
8 the department of human services for the fiscal year
9 beginning July 1, 2014, and ending June 30, 2015, the
10 following amounts, or so much thereof as is necessary,
11 to be used for the purposes designated:

12 1. For operation of the ~~Iowa juvenile home state~~
13 training school for female juvenile delinquents at
14 Toledo as enacted by this 2014 Iowa Act, to operate
15 with a capacity of 20 placement beds and five
16 evaluation beds and for salaries, support, maintenance,
17 and miscellaneous purposes, and for not more than the
18 following full-time equivalent positions:

19	\$	4,429,678
20		8,898,000
21	FTEs	114.00
22		<u>54.00</u>

23 a. Of the funds appropriated in this subsection,
24 up to \$2,700,000 may be used by the department for the
25 placement costs of females and males adjudicated as a
26 child in need of assistance that under prior law would
27 have been placed at the Iowa juvenile home.

28 b. Of the funds appropriated in this subsection,
29 \$1,218,000 shall be used for the costs of compensatory
30 education to address the reviews of special education
31 of certain children placed at the Iowa juvenile home
32 conducted by the department of education in fall 2013
33 and reported to the department of human services on
34 October 7 and December 20, 2013.

35 2. For operation of the state training school at
36 Eldora and for salaries, support, maintenance, and
37 miscellaneous purposes, and for not more than the
38 following full-time equivalent positions:

39	\$	5,628,485
40		11,500,098
41	FTEs	164.30

42 Of the funds appropriated in this subsection,
43 ~~-\$45,575~~ \$91,150 shall be used for distribution
44 to licensed classroom teachers at this and other
45 institutions under the control of the department of
46 human services based upon the average student yearly
47 enrollment at each institution as determined by the
48 department.

49 3. A portion of the moneys appropriated in this
50 section shall be used by the state training ~~school~~

H-8249

1 ~~and by the Iowa juvenile home schools~~ for grants for
2 adolescent pregnancy prevention activities at the
3 institutions in the fiscal year beginning July 1,
4 2014.>

5 2. Page 87, after line 11 by inserting:

6 <DIVISION ____

7 STATE TRAINING SCHOOLS ---- EDUCATION

8 Sec. ____ . LEGISLATIVE FINDINGS. The general
9 assembly finds there is a need to improve the system
10 to meet the needs of children who have committed
11 a delinquent act, have been abused, neglected, or
12 subjected to trauma, or have other significant needs
13 that put the safety of the children or the public at
14 risk. The areas for system improvement include but are
15 not limited to all of the following:

16 1. Providing equity in the services available for
17 both the male and female children involved in the
18 system.

19 2. Providing appropriate safeguards to ensure
20 children in placements are safe and getting their needs
21 met.

22 3. Ensuring that education and training services
23 meet state and federal requirements and prepare the
24 children for long-term success.

25 4. Engaging children in services after an
26 out-of-home placement to prevent the need for placement
27 from reoccurring.

28 5. Providing an effective system to support
29 children when they attain adulthood in order to prevent
30 their engagement with the adult criminal justice
31 system.

32 Sec. ____ . IMPLEMENTATION.

33 1. As the level of service for juvenile delinquent
34 females provided for in this Act does not currently
35 exist in the state and represents a gap in the
36 continuum of care for juvenile females, reopening, and
37 making necessary changes in the facilities of the Iowa
38 juvenile home of Toledo provides the best means of
39 expeditiously fulfilling the duties outlined in section
40 233B.1, as enacted by this Act.

41 2. In reopening the facility at Toledo as the
42 state training school for juvenile delinquent females
43 in accordance with this division of this Act, the
44 department of human services shall phase in the
45 following provisions as follows:

46 a. The department of human services shall begin
47 implementation of the requirements for the two state
48 training schools to be accredited as secure juvenile
49 correctional facilities and to comply with other
50 regulatory requirements in accordance with section

1 233A.1, subsection 7, and section 233B.1, subsection
2 7, upon enactment of this Act and shall complete the
3 correctional association accreditation by June 30,
4 2017. The department shall propose a schedule to the
5 governor and general assembly on or before December
6 15, 2014, for compliance with the other regulatory
7 requirements.

8 b. Education services in accordance with section
9 282.33, as amended by this division of this Act, shall
10 be developed by the close of the fiscal year beginning
11 July 1, 2014, in conjunction with the department of
12 education, affected area education agencies, affected
13 school districts, and other stakeholders.

14 Sec. _____. Section 232.2, subsection 22, paragraph
15 b, subparagraph (3), Code 2014, is amended to read as
16 follows:

17 (3) Visiting the home, residence, or both home and
18 residence of the child and any prospective home or
19 residence of the child, including each time placement
20 is changed. A child in a placement other than with
21 the child's parent shall be visited at the placement
22 at least quarterly.

23 Sec. _____. Section 232.2, Code 2014, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 54A. "State training school"
26 means the state training school for female juvenile
27 delinquents at Toledo maintained in accordance with
28 chapter 233B or the state training school for male
29 juvenile delinquents at Eldora maintained in accordance
30 with chapter 233A.

31 Sec. _____. Section 232.49, subsection 2, Code 2014,
32 is amended to read as follows:

33 2. When possible an examination shall be conducted
34 on an outpatient basis, but the court may, if it deems
35 necessary, commit the child to a state training school
36 or to a suitable hospital, facility, or institution for
37 the purpose of examination. Commitment for examination
38 shall not exceed thirty days and the civil commitment
39 provisions of chapter 229 shall not apply.

40 Sec. _____. Section 232.49, subsection 3, paragraph
41 b, Code 2014, is amended to read as follows:

42 b. An examination shall be conducted on an
43 outpatient basis unless the court, the child's counsel,
44 and the parent, guardian, or custodian agree that
45 it is necessary the child be committed to a state
46 training school or to a suitable hospital, facility, or
47 institution for the purpose of examination. Commitment
48 for examination shall not exceed thirty days and the
49 civil commitment provisions of chapter 229 shall not
50 apply.

1 Sec. _____. Section 232.52, subsection 7, Code 2014,
2 is amended by adding the following new paragraph:
3 NEW PARAGRAPH. 0b. When the court orders the
4 transfer of legal custody of a child pursuant to
5 subsection 2, paragraph "d", "e", or "f", the child's
6 attorney shall visit the child at the child's placement
7 at least quarterly.

8 Sec. _____. Section 232.102, subsections 3 and 4,
9 Code 2014, are amended by striking the subsections.

10 Sec. _____. Section 232.103, subsection 7, Code 2014,
11 is amended by striking the subsection.

12 Sec. _____. Section 233A.1, Code 2014, is amended to
13 read as follows:

14 233A.1 State training school ~~———— Eldora and Toledo.~~

15 1. For the purposes of this chapter, unless the
16 context otherwise requires:

17 a. "Department" means the department of human
18 services.

19 b. "Director" means the director of human services.

20 c. "State training school" means the state training
21 school for male juvenile delinquents at Eldora.

22 d. "Superintendent" means the superintendent of the
23 state training school for male juvenile delinquents.

24 ~~1. 2. Effective January 1, 1992, a~~ A diagnosis
25 and evaluation center and other units are established
26 at Eldora and shall be operated, maintained, and
27 staffed by the department to provide to male juvenile
28 delinquents a program which focuses upon appropriate
29 developmental skills, treatment, placements, and
30 rehabilitation.

31 ~~2. The diagnosis and evaluation center which is~~
32 ~~used to identify appropriate treatment and placement~~
33 ~~alternatives for juveniles and any other units for~~
34 ~~juvenile delinquents which are located at Eldora and~~
35 ~~the unit for juvenile delinquents at Toledo shall~~
36 ~~together be known as the "state training school". For~~
37 ~~the purposes of this chapter "director" means the~~
38 ~~director of human services and "superintendent" means~~
39 ~~the administrator in charge of the diagnosis and~~
40 ~~evaluation center for juvenile delinquents and other~~
41 ~~units at Eldora and the unit for juvenile delinquents~~
42 ~~at Toledo.~~

43 3. The number of children present at any one time
44 at the state training school at Eldora shall not exceed
45 the population guidelines established under 1990
46 Iowa Acts, chapter 1239, section 21, as adjusted for
47 subsequent changes in the capacity at the training
48 school.

49 4. Each child placed at the state training school
50 and any other child receiving an examination at the

1 state training school by order of the court shall
2 receive a written plan for services. The plan for
3 services provided by the state training school to
4 a child shall identify any physical, emotional,
5 intellectual, behavioral, or mental health disorder or
6 condition affecting the child and recommend treatment
7 to address the disorder or condition, identify
8 any substance-related disorder of the child or the
9 child's family and recommend treatment to address the
10 disorder, and assess the child's educational status and
11 recommend action to address any identified educational
12 deficiency, and for follow-up services, identify
13 specific public and private service providers with the
14 capacity to meet the child's needs. A copy of the plan
15 for services and any subsequent amendment to the plan
16 shall be submitted to the child, the child's attorney,
17 and the juvenile court.

18 5. The state training school shall facilitate
19 the provision of follow-up services to children, who
20 received placement services at the state training
21 school and who remain under the jurisdiction of the
22 juvenile court, as necessary to meet the long-term
23 needs of the children as they age into adulthood. The
24 plan for follow-up services shall be developed with
25 the child in conjunction with juvenile court services
26 and the child's attorney. The provision of follow-up
27 services for children who remain under the jurisdiction
28 of the juvenile court is subject to approval by the
29 juvenile court. Follow-up services shall be provided
30 to support children who are discharged from the state
31 training school during the period beginning twelve
32 months prior to the children becoming age eighteen and
33 ending on the day prior to the children becoming age
34 eighteen who do not remain under the jurisdiction of
35 the juvenile court. In addition, follow-up services
36 shall be made available to children discharged from the
37 school at any age upon or after the children become age
38 eighteen and continuing until at least age twenty-one.

39 6. For any child placed at the state training
40 school, the school shall provide a written plan
41 regarding the placement status of the child on or about
42 the time the child becomes age eighteen. The plan
43 shall, while giving consideration to the treatment
44 needs of the child, also give consideration to the
45 long-term needs of the child upon becoming age eighteen
46 including needs for vocational training or higher
47 education. Given these considerations, the plan shall
48 identify placement options to meet the child's needs
49 that will not negatively affect the child's adult
50 eligibility for assistance provided with federal

1 financial participation. The assistance addressed
2 shall include but is not limited to the preparation
3 for adult living program under section 234.46, the
4 medical assistance program, the Iowa aftercare services
5 network, the federal educational and training vouchers
6 program for youths aging out of foster care, and the
7 federal job corps program.

8 7. The department shall cause the state training
9 school to be accredited as a secure juvenile
10 correctional facility by the American correctional
11 association, to meet the standards adopted by the
12 department for approval of a juvenile detention home,
13 and to meet applicable standards for programs providing
14 residential services for children paid for by a managed
15 care or prepaid services contract under the medical
16 assistance program. The standards applied in addition
17 to the American correctional association accreditation
18 requirements shall include but are not limited to the
19 minimum qualifications of staff. The standards and
20 sanctions for noncompliance shall be identified in
21 conjunction with the department of inspections and
22 appeals and experts who are not employed by or under
23 contract with the department. A regular assessment
24 of compliance with the standards shall be performed
25 by the department of inspections and appeals and that
26 department shall submit a report on each assessment to
27 the governor and general assembly.

28 8. The director and the superintendent for the
29 state training school shall provide on an ongoing
30 basis for the school's programs, facilities, and
31 services, and for the training of staff in order to
32 apply evidence-based practices and other recognized
33 contemporary approaches to ensure that the care
34 for the children served by the school is of high
35 quality. The director's and superintendent's efforts
36 and recommendations to comply with this requirement
37 shall be documented in the annual budget and financial
38 reporting submitted to the governor and the general
39 assembly.

40 Sec. _____. Section 233A.4, Code 2014, is amended to
41 read as follows:

42 233A.4 Education and training.

43 The state training school shall provide a positive
44 living experience for older juveniles who require
45 secure custody and who live at the state training
46 school for an extended period of time. The education
47 and training programs provided to the juveniles shall
48 reflect the age level and extended period of stay by
49 focusing upon appropriate developmental skills to
50 prepare the juveniles for productive living. The

1 education services provided to the children placed
2 at the state training school shall be provided in
3 accordance with section 282.33.

4 Sec. ____ . Section 233B.1, Code 2014, is amended to
5 read as follows:

6 233B.1 Definitions ---- purpose ---- services ----
7 population limit.

8 1. For the purpose of this chapter, unless the
9 context otherwise requires:

10 a. "Department" means the department of human
11 services.

12 a. b. ~~"Administrator" or "director"~~ "Director"
13 means the director of the department of human services.

14 b. c. ~~"Home"~~ "State training school" means the Iowa
15 juvenile home state training school for female juvenile
16 delinquents at Toledo maintained in accordance with
17 this chapter.

18 e. d. "Superintendent" means the superintendent of
19 the Iowa juvenile home state training school for female
20 juvenile delinquents.

21 2. The Iowa juvenile home state training school
22 for female juvenile delinquents shall be operated,
23 maintained for the purpose of providing care, custody,
24 and education of the children committed to the
25 home. The children shall be wards of the state. The
26 children's education shall embrace instruction in
27 the common school branches and in such other higher
28 branches as may be practical and will enable the
29 children to gain useful and self sustaining employment.
30 The administrator and the superintendent of the home
31 shall assist all discharged children in securing
32 suitable homes and proper employment., and staffed
33 by the department of human services to do all of the
34 following for female residents of this state:

35 3. The number of children present at any one
36 time at the Iowa juvenile home shall not exceed the
37 population guidelines established under 1990 Iowa Acts,
38 chapter 1239, section 21, as adjusted for subsequent
39 changes in the capacity at the home.

40 a. Provide gender-responsive services to female
41 children less than age eighteen who have been
42 adjudicated under chapter 232 as delinquent and placed
43 at the state training school in accordance with a court
44 order.

45 b. If provided for by the children's education
46 plans, allow for continued placement at the state
47 training school for female children who were placed
48 at the state training school under paragraph "a"
49 upon the children becoming adults. The purpose of
50 continued placement is for completion of high school

1 education requirements identified in the education
2 plans developed by the provider of educational services
3 for the children.

4 c. Facilitate the provision of follow-up services
5 to children who received placement services at
6 the state training school and who remain under the
7 jurisdiction of the juvenile court, as necessary
8 to meet the long-term needs of the children as they
9 age into adulthood. The plan for follow-up services
10 shall be developed with the child in conjunction with
11 juvenile court services and the child's attorney.
12 The provision of follow-up services for children who
13 remain under the jurisdiction of the juvenile court is
14 subject to approval by the juvenile court. Follow-up
15 services shall be provided to support children who are
16 discharged from the state training school during the
17 period beginning twelve months prior to the children
18 becoming age eighteen and ending on the day prior to
19 the children becoming age eighteen who do not remain
20 under the jurisdiction of the juvenile court. In
21 addition, follow-up services shall be made available to
22 children discharged from the state training school at
23 any age upon or after the children become age eighteen
24 and continuing until at least age twenty-one.

25 3. Each child placed at the state training school
26 and any other child receiving an examination at the
27 state training school by order of the court shall
28 receive a written plan for services. The plan for
29 services provided by the state training school to
30 a child shall identify any physical, emotional,
31 intellectual, behavioral, or mental health disorder or
32 condition affecting the child and recommend treatment
33 to address the disorder or condition, identify
34 any substance-related disorder of the child or the
35 child's family and recommend treatment to address the
36 disorder, and assess the child's educational status and
37 recommend action to address any identified educational
38 deficiency, and for follow-up services, identify
39 specific public and private service providers with the
40 capacity to meet the child's needs. A copy of the plan
41 for services and any subsequent amendment to the plan
42 shall be submitted to the child, the child's attorney,
43 and the juvenile court.

44 4. For any child placed at the state training
45 school, the state training school shall provide a
46 written plan regarding the placement status of the
47 child on or about the time the child becomes age
48 eighteen. The plan shall, while giving consideration
49 to the treatment needs of the child, also give
50 consideration to the long-term needs of the child

1 upon becoming age eighteen, including needs for
2 vocational training or higher education. Given these
3 considerations, the plan shall identify placement
4 options to meet the child's needs that will not
5 negatively affect the child's eligibility as an adult
6 for assistance provided through federal financial
7 participation. The assistance addressed shall include
8 but is not limited to the preparation for adult living
9 program under section 234.46, the medical assistance
10 program, the Iowa aftercare services network, the
11 federal educational and training vouchers program for
12 youths aging out of foster care, and the federal job
13 corps program.

14 5. The department of human services and the
15 representatives of juvenile court services shall
16 annually recommend a desired capacity for the state
17 training school in the succeeding fiscal year to the
18 governor and general assembly no later than December
19 15. The capacity of the state training school for a
20 fiscal year shall be specified in the appropriations
21 for the school.

22 6. The education services provided to the children
23 placed at the state training school shall be provided
24 in accordance with section 282.33.

25 7. The department shall cause the state training
26 school to be accredited as a secure juvenile
27 correctional facility by the American correctional
28 association, to meet the standards adopted by the
29 department for approval of a juvenile detention
30 home, and to meet applicable standards for programs
31 providing residential services for children paid for
32 by a managed care or prepaid services contract under
33 the medical assistance program. The standards applied
34 in addition to the American correctional association
35 accreditation requirements shall include but are not
36 limited to the minimum qualifications of staff and
37 provision of gender-responsive services. The standards
38 and sanctions for noncompliance shall be identified
39 in conjunction with the department of inspections and
40 appeals and experts who are not employed by or under
41 contract with the department. A regular assessment
42 of compliance with the standards shall be performed
43 by the department of inspections and appeals and that
44 department shall submit a report on each assessment to
45 the governor and general assembly.

46 8. The director and the superintendent for the
47 state training school shall provide on an ongoing basis
48 for the state training school's programs, facilities,
49 and services, and for the training of staff in order
50 to apply evidence-based practices and other recognized

1 contemporary approaches to ensure that the care for the
2 children served by the state training school is of high
3 quality. The director's and superintendent's efforts
4 and recommendations to comply with this requirement
5 shall be documented in the annual budget and financial
6 reporting submitted to the governor and the general
7 assembly.

8 Sec. _____. Section 233B.2, Code 2014, is amended to
9 read as follows:

10 233B.2 Salary.

11 The salary of the superintendent of the ~~home~~
12 state training school shall be determined by the
13 administrator director in accordance with the state
14 requirements for similar positions.

15 Sec. _____. Section 233B.3, Code 2014, is amended to
16 read as follows:

17 233B.3 ~~Admissions~~ Commitments and placements.

18 ~~Admission to the home shall be granted to resident~~
19 ~~children of the state under seventeen years of age, as~~
20 ~~follows, giving preference in the order named:~~

21 1. ~~Neglected or dependent children committed by~~
22 ~~the juvenile court~~ Commitments to and placements at
23 the state training school shall be limited to the
24 commitments and placements specified in section 233B.1.

25 2. ~~Other destitute children.~~

26 Sec. _____. Section 233B.4, Code 2014, is amended to
27 read as follows:

28 233B.4 Procedure.

29 The procedure for commitment to and placement at the
30 ~~home is~~ state training school shall be as provided by
31 chapter 232 and section 233B.3.

32 Sec. _____. Section 233B.5, Code 2014, is amended to
33 read as follows:

34 233B.5 Transfers.

35 The ~~administrator~~ director may propose the transfer
36 to the home state training school of minor wards of the
37 state from any institution under the administrator's
38 director's charge or under the charge of any other
39 ~~administrator of the department of human services,~~
40 ~~but no person shall be so transferred who is a person~~
41 ~~with mental illness or an intellectual disability,~~
42 ~~or who is incorrigible, or has any vicious habits,~~
43 ~~or whose presence in the home would be inimical to~~
44 ~~the moral or physical welfare of the other children~~
45 ~~within the home, and any such child in the home may be~~
46 ~~transferred to the proper state institution. However,~~
47 the superintendent shall only approve the transfer of
48 minor wards who meet the disposition criteria specified
49 in section 232.52, subsection 2, paragraph "e".

50 Sec. _____. Section 233B.6, Code 2014, is amended to

1 read as follows:

2 233B.6 Profits and earnings.

3 Any money earned by or accrued to the benefit of a
4 child who is transferred to, admitted to, or placed in
5 foster care from the home state training school shall
6 be used, held, or otherwise applied for the exclusive
7 benefit of that child, in accordance with section
8 234.37.

9 Sec. _____. Section 233B.7, Code 2014, is amended to
10 read as follows:

11 233B.7 Rules.

12 ~~All children admitted or committed to the home shall~~
13 ~~be wards of the state and subject to the rules of the~~
14 ~~home. Subject to the approval of the administrator,~~
15 ~~any child received under voluntary application may be~~
16 ~~expelled by the superintendent for disobedience and~~
17 ~~refusal to submit to proper discipline. Children shall~~
18 ~~be discharged upon arriving at the age of eighteen~~
19 ~~years, or sooner if possessed of sufficient means to~~
20 ~~provide for themselves. The department shall adopt~~
21 rules to administer and operate the state training
22 school in the best interests of the children placed at
23 the state training school.

24 Sec. _____. Section 234.6, Code 2014, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 11. Provide upon request
27 assessment and consultation services to public and
28 private providers of child welfare services to address
29 the needs of children who have challenging behaviors.

30 Sec. _____. Section 234.46, subsection 1, paragraph
31 c, Code 2014, is amended to read as follows:

32 c. At the time the person became age eighteen, the
33 person received foster care services that were paid for
34 by the state under section 234.35, services at a state
35 training school, services at a juvenile shelter care
36 home, or services at a juvenile detention home and the
37 person is no longer receiving such services.

38 Sec. _____. Section 234.46, subsection 2, unnumbered
39 paragraph 1, Code 2014, is amended to read as follows:

40 The division shall establish a preparation for
41 adult living program directed to young adults. The
42 purpose of the program is to assist persons who are
43 leaving foster care and other court-ordered services
44 at age eighteen or older in making the transition
45 to self-sufficiency. The department shall adopt
46 rules necessary for administration of the program,
47 including but not limited to eligibility criteria for
48 young adult participation and the services and other
49 support available under the program. The rules shall
50 provide for participation of each person who meets the

1 definition of young adult on the same basis, regardless
2 of whether federal financial participation is provided.

3 The services and other support available under the
4 program may include but are not limited to any of the
5 following:

6 Sec. _____. Section 282.33, Code 2014, is amended by
7 striking the section and inserting in lieu thereof the
8 following:

9 282.33 Funding for children residing in state mental
10 health institutes or training schools.

11 1. An area education agency shall provide or make
12 provision for an appropriate educational program
13 for each child who lives in one of the following
14 institutions for children under the jurisdiction of the
15 director of human services:

16 a. Mental health institute, Cherokee, Iowa.

17 b. Mental health institute, Independence, Iowa.

18 c. State training school for male juvenile
19 delinquents, Eldora, Iowa, under chapter 233A.

20 d. State training school for female juvenile
21 delinquents, Toledo, Iowa, under chapter 233B.

22 2. The area education agency shall provide the
23 educational program by any one of but not limited to
24 the following:

25 a. Providing for the enrollment of the child in
26 the district of residence of the child, subject to the
27 approval of the district in which the child is living.

28 b. Cooperating with the district of residence
29 of the child and obtaining the course of study and
30 textbooks of the child for use in the special facility
31 into which the child has been placed.

32 c. Providing for the enrollment of the child in the
33 district in which the child is living, subject to the
34 approval of the district in which the child is living.

35 3. The area education agency shall submit a
36 proposed program and budget to the department of
37 education by January 1 for the next succeeding school
38 year for each institution. The department of education
39 shall review and approve or modify the program and
40 proposed budget and shall notify the department
41 of administrative services and the area education
42 agency of its action by February 1. The department
43 of administrative services shall pay the approved
44 budget amount for an area education agency in monthly
45 installments beginning September 15 and ending June 15
46 of the next succeeding school year. The installments
47 shall be as nearly equal as possible as determined by
48 the department of management, taking into consideration
49 the relative budget and cash position of the state's
50 resources. The department of administrative services

1 shall transfer the approved budget amount for an
2 area education agency from the moneys appropriated
3 under section 257.16 and make the payment to the area
4 education agency. The area education agency shall
5 submit an accounting for the actual cost of the program
6 to the department of education by August 1 of the
7 following school year. The department shall review
8 and approve or modify all expenditures incurred in
9 compliance with the guidelines pursuant to section
10 256.7, subsection 10, and shall notify the department
11 of administrative services of the approved accounting
12 amount. The approved accounting amount shall be
13 compared with any amounts paid by the department of
14 administrative services to the area education agency
15 and any differences added to or subtracted from the
16 October payment made under this subsection for the next
17 school year. Any amount paid by the department of
18 administrative services shall be deducted monthly from
19 the state foundation aid paid under section 257.16 to
20 all school districts in the state during the subsequent
21 fiscal year. The portion of the total amount of the
22 approved budget that shall be deducted from the state
23 aid of a school district shall be the same as the ratio
24 that the budget enrollment for the budget year of the
25 school district bears to the total budget enrollment in
26 the state for that budget year in which the deduction
27 is made.

28 4. For purposes of this section, "district of
29 residence" means the school district in which the
30 parent or legal guardian of the child resides or the
31 district in which the district court is located if the
32 district court is the guardian of the child.

33 5. Programs may be provided throughout the calendar
34 year and shall be funded under this section if the
35 school district or area education agency determines a
36 valid educational reason to do so.

37 Sec. _____. REPEAL. Sections 233B.10, 233B.11,
38 233B.12, 233B.13, and 233B.14, Code 2014, are repealed.

39 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
40 of this Act, being deemed of immediate importance,
41 takes effect upon enactment.

42 DIVISION _____
43 STATE TRAINING SCHOOLS -- CONFORMING AMENDMENTS

44 Sec. _____. Section 137F.1, subsection 7, unnumbered
45 paragraph 1, Code 2014, is amended to read as follows:
46 "Food establishment" means an operation that stores,
47 prepares, packages, serves, vends, or otherwise
48 provides food for human consumption and includes a
49 food service operation in a salvage or distressed food
50 operation, school, summer camp, residential service

1 substance abuse treatment facility, halfway house
2 substance abuse treatment facility, correctional
3 facility operated by the department of corrections, ~~the~~
4 or state training school, or the Iowa juvenile home.

5 "Food establishment" does not include the following:

6 Sec. _____. Section 218.1, subsections 7 and 8, Code
7 2014, are amended to read as follows:

8 7. State training school for male juvenile
9 delinquents, Eldora, Iowa, under chapter 233A.

10 8. ~~Iowa juvenile home~~ State training school for
11 female juvenile delinquents, Toledo, Iowa, under
12 chapter 233B.

13 Sec. _____. Section 218.6, subsection 3, Code 2014,
14 is amended to read as follows:

15 3. The state juvenile institutions consisting of
16 the state training school for male juvenile delinquents
17 at Eldora and the ~~Iowa juvenile home~~ state training
18 school for female juvenile delinquents at Toledo.

19 Sec. _____. Section 259A.6, Code 2014, is amended to
20 read as follows:

21 259A.6 Residents of juvenile institutions and
22 juvenile probationers.

23 Notwithstanding the provisions of section 259A.2 a
24 minor who is a resident of a state training school ~~or~~
25 ~~the Iowa juvenile home~~ or a minor who is placed under
26 the supervision of a juvenile probation office may make
27 application for a high school equivalency diploma and
28 upon successful completion of the program receive a
29 high school equivalency diploma.

30 Sec. _____. Section 261.6, subsection 2, paragraph b,
31 Code 2014, is amended to read as follows:

32 b. Is age seventeen and has been placed in ~~the~~
33 a state training school or the Iowa juvenile home
34 pursuant to a court order entered under chapter 232
35 under the care and custody of the department of human
36 services.

37 Sec. _____. Section 261.6, subsection 2, paragraph
38 c, subparagraph (4), Code 2014, is amended to read as
39 follows:

40 (4) On the date the person reached age eighteen or
41 during the thirty calendar days preceding or succeeding
42 that date, the person was placed in ~~the~~ a state
43 training school or the Iowa juvenile home pursuant to
44 a court order entered under chapter 232 under the care
45 and custody of the department of human services.

46 Sec. _____. Section 331.424, subsection 1, paragraph
47 a, subparagraph (1), subparagraph division (b), Code
48 2014, is amended by striking the subparagraph division.

49 Sec. _____. Section 331.756, subsection 51, Code
50 2014, is amended by striking the subsection.

1 Sec. _____. Section 331.802, subsection 3, paragraph
2 k, Code 2014, is amended to read as follows:

3 k. Death of a person ~~committed or~~ admitted to,
4 committed to, or placed at a state mental health
5 institute, a state resource center, ~~the~~ or a state
6 training school, ~~or the Iowa juvenile home.~~

7 Sec. _____. Section 357H.1, subsection 1, Code 2014,
8 is amended to read as follows:

9 1. The board of supervisors of a county with
10 less than twenty thousand residents, not counting
11 persons admitted ~~or~~ to, committed to, or placed at an
12 institution enumerated in section 218.1 or 904.102,
13 based upon the 2000 certified federal census, and with
14 a private lake development shall designate an area
15 surrounding the lake, if it is an unincorporated area
16 of the county, a rural improvement zone upon receipt
17 of a petition pursuant to section 357H.2, and upon
18 the board's determination that the area is in need of
19 improvements.

20 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
21 of this Act, being deemed of immediate importance,
22 takes effect upon enactment.>

23 3. By renumbering as necessary.

By M. SMITH of Marshall	LENSING of Johnson
ABDUL-SAMAD of Polk	LUNDBY of Linn
ANDERSON of Polk	H. MILLER of Webster
BERRY of Black Hawk	MUHLBAUER of Crawford
COHOON of Des Moines	MURPHY of Dubuque
DAWSON of Woodbury	OLDSON of Polk
DUNKEL of Dubuque	OURTH of Warren
FORBES of Polk	PRICHARD of Floyd
GAINES of Polk	RUFF of Clayton
GASKILL of Wapello	STAED of Linn
HANSON of Jefferson	STECKMAN of Cerro Gordo
HEDDENS of Story	STUTSMAN of Johnson
HUNTER of Polk	T. TAYLOR of Linn
ISENHART of Dubuque	THEDE of Scott
JACOBY of Johnson	WESSEL-KROESCHELL of Story
KAJTAZOVIC of Black Hawk	WINCKLER of Scott
KEARNS of Lee	WOOD of Scott
KRESSIG of Black Hawk	

HOUSE FILE 2463

H-8251

1 Amend House File 2463 as follows:

2 1. Page 24, line 12, by striking <34,947,110> and
3 inserting <35,047,110>

4 2. Page 24, after line 27 by inserting:

5 <b. Of the funds appropriated in this subsection,
6 \$100,000 shall be transferred to the department of
7 public health to be used for a program to assist
8 parents in this state with costs resulting from the
9 death of a child in accordance with this lettered
10 paragraph. If it is less costly than administering the
11 program directly, the department shall issue a request
12 for proposals and issue a grant to an appropriate
13 organization to administer the program. The request
14 for proposals, the program requirements, and the
15 grantee selection shall be developed or made by the
16 board of mortuary science.

17 (1) The program funding shall be used to assist
18 parents who reside in this state with costs incurred
19 for a funeral, burial or cremation, cemetery costs, or
20 grave marker costs associated with the unintended death
21 of a child of the parent or a child under the care of a
22 guardian or custodian. The board shall consider the
23 following eligibility factors in developing program
24 requirements:

25 (a) The child was a stillborn infant or was less
26 than age eighteen at the time of death.

27 (b) The request for assistance was approved by
28 the local board or department of health or the county
29 general assistance director and may have been referred
30 by a local funeral home.

31 (c) To be eligible, the parent, guardian, or
32 custodian must have an annual household income that
33 is less than 145 percent of the federal poverty level
34 based on the number of people in the applicant's
35 household as defined by the most recently revised
36 poverty income guidelines published by the United
37 States department of health and human services.

38 (d) The maximum amount of grant assistance provided
39 to a parent, guardian, or custodian associated with the
40 death of a child is \$2,000. If the death is a multiple
41 death and the infants or children are being cremated,
42 or buried together, the same limitation applies.

43 (e) To the extent the overall amount of assistance
44 received by a recipient for the costs addressed under
45 this lettered paragraph does not exceed the overall
46 total of the costs, the recipient may receive other
47 public or private assistance in addition to grant
48 assistance under this section.

49 (2) Notwithstanding section 8.33, moneys
50 transferred by this paragraph that remain unencumbered

H-8251

H-8251

Page 2

1 or unobligated at the close of the fiscal year shall
2 not revert but shall remain available for expenditure
3 for the purposes designated until expended.>

4 3. Page 24, line 28, by striking <b.> and inserting
5 <c.>

6 4. By renumbering as necessary.

By SODERBERG of Plymouth BACON of Story
KRESSIG of Black Hawk HEATON of Henry
FISHER of Tama

H-8251 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8252

1 Amend House File 2463 as follows:

2 1. Page 63, after line 6 by inserting:

3 <FOOD BANK

4 Sec. ____ . There is appropriated from the general
5 fund of the state to the department of human services
6 for the fiscal year beginning July 1, 2013, and ending
7 June 30, 2014, the following amounts, or so much
8 thereof as is necessary, to be used for the purposes
9 designated:

10 For allocation to an Iowa food bank association
11 selected by the department of human services for the
12 purchase of food on behalf of an Iowa emergency feeding
13 organization or for the distribution of moneys to the
14 Iowa emergency feeding organizations for the purchase
15 of food:

16 \$ 1,000,000

17 The moneys appropriated in this section shall
18 be allocated only to the extent that the allocated
19 moneys are matched on a dollar-for-dollar basis.
20 Notwithstanding section 8.33, moneys appropriated in
21 this section that remain unencumbered or unobligated
22 at the close of the fiscal year shall not revert but
23 shall remain available for expenditure for the purposes
24 designated until the close of the fiscal year beginning
25 July 1, 2015.>

26 2. By renumbering as necessary.

By STAED of Linn

H-8252 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8253

1 Amend House File 2463 as follows:

2 1. Page 2, by striking lines 26 through 29 and
3 inserting:

4 <4. Of the funds appropriated in this section,
5 ~~-\$125,000~~ \$250,000 shall be used to fund ~~services to~~
6 ~~meet the unmet needs of older individuals as identified~~
7 ~~in the annual compilation of unmet service units by~~
8 ~~the area agencies on aging through Iowa's aging and~~
9 ~~disability resource center network.~~>

10 2. Page 3, line 23, by striking <ombudsman> and
11 inserting <ombudsmen>

12 3. Page 4, line 9, by striking <13.00> and
13 inserting <13.00 10.00>

14 4. Page 8, line 23, by striking <14.00> and
15 inserting <14.00 12.00>

16 5. Page 11, line 2, by striking <6.00> and
17 inserting <6.00 5.00>

18 6. Page 11, by striking lines 13 through 16 and
19 inserting <basis. Of the amount allocated in this
20 paragraph, \$47,500 shall be used to fund one full time
21 equivalent position to serve as the state brain injury
22 service program manager.>

23 7. Page 13, line 7, by striking <18.25> and
24 inserting <18.25 11.00>

25 8. Page 18, by striking lines 27 through 29 and
26 inserting <of grants shall be given to new residency
27 programs and the expansion of existing residency
28 programs which propose expansion of psychiatric
29 residency positions and family practice residency
30 positions.>

31 9. Page 19, by striking lines 2 through 5.

32 10. Page 21, line 9, by striking <5.00> and
33 inserting <5.00 4.00>

34 11. Page 25, by striking lines 30 through 34 and
35 inserting: <The department shall transfer TANF block
36 grant funding appropriated and allocated in this
37 subsection to the child care and development block
38 grant appropriation in accordance with federal law
39 as necessary to comply with the provisions of this
40 subsection.>

41 12. Page 34, line 2, by striking <1,248,017,014>
42 and inserting <1,248,320,932>

43 13. Page 34, after line 2 by inserting:

44 <Sec. _____. 2013 Iowa Acts, chapter 138, section
45 142, subsection 11, paragraph a, is amended to read as
46 follows:

47 11. a. Of the funds appropriated in this
48 section, ~~-\$7,969,074~~ \$8,391,922 is allocated for the
49 state match for a disproportionate share hospital
50 payment of \$19,133,430 to hospitals that meet both

1 of the conditions specified in subparagraphs (1)
2 and (2). In addition, the hospitals that meet the
3 conditions specified shall either certify public
4 expenditures or transfer to the medical assistance
5 program an amount equal to provide the nonfederal
6 share for a disproportionate share hospital payment of
7 \$7,500,000. The hospitals that meet the conditions
8 specified shall receive and retain 100 percent of
9 the total disproportionate share hospital payment of
10 \$26,633,430.>

11 14. Page 34, line 22, by striking <a quarterly> and
12 inserting <an annual>

13 15. Page 34, line 26, by striking <4,847,559> and
14 inserting <5,151,477>

15 16. By striking page 34, line 31, through page 35,
16 line 28, and inserting:

17 <NEW SUBSECTION. 23. The department of human
18 services shall collaborate with the Medicaid managed
19 care organization to perform an analysis to determine
20 the cost effectiveness of including the pharmacy
21 benefit for enrollees of the managed care plan within
22 the managed care organization contract. The analysis
23 shall determine if the change would result in savings
24 to the Medicaid program, and if so, the best means
25 of implementing the change. The department shall
26 report the results of the analysis to the individuals
27 identified in this division of this Act for submission
28 of reports by December 15, 2014, and shall not
29 implement the inclusion of the pharmacy benefit in
30 the managed care organization contract without prior
31 approval of the general assembly.>

32 17. Page 36, line 3, by striking <17,323,366> and
33 inserting <17,148,576>

34 18. Page 36, by striking lines 28 through 30 and
35 inserting:

36 <~~5. Of the funds appropriated in this section,
37 \$37,500 shall be used for continued implementation of a
38 uniform cost report.~~>

39 19. By striking page 36, line 34, through page 37,
40 line 1, and inserting:

41 <~~7. Of the funds appropriated in this section,
42 \$49,895 shall be used for continued implementation of
43 an electronic medical records system.~~>

44 20. Page 37, before line 2 by inserting:

45 <8. The department shall submit a progress report
46 to the individuals identified in this division of this
47 Act for submission of reports by December 15, 2014,
48 regarding implementation of a uniform cost report.>

49 21. Page 42, line 5, by striking <15.00> and
50 inserting <2.00>

1 22. Page 43, after line 23 by inserting:
 2 <4. Notwithstanding section 8.39, without the
 3 prior written consent and approval of the governor
 4 and the director of the department of management,
 5 the director of human services may transfer funds
 6 between the appropriation made in this section and
 7 other departmental appropriations as necessary to best
 8 fulfill the needs provided for in this appropriation.
 9 However, the department shall report to the legislative
 10 services agency prior to making such a transfer and
 11 the report shall include information regarding the
 12 rationale for transferring the moneys.>

13 23. Page 43, line 34, by striking <95,664,831> and
 14 inserting <95,535,703>

15 24. Page 44, line 16, by striking < \$36,400,721> and
 16 inserting < \$36,967,216>

17 25. Page 49, line 1, by striking < \$210,260> and
 18 inserting < \$210,620>

19 26. Page 50, by striking lines 26 and 27 and
 20 inserting <shall be used for the public purpose of
 21 funding community-based services and other supports
 22 with a system of care approach for children with a
 23 serious emotional disturbance and their families
 24 through a nonprofit>

25 27. Page 57, by striking lines 8 through 10.

26 28. Page 58, after line 35 by inserting:
 27 <Sec. _____. 2013 Iowa Acts, chapter 138, section
 28 159, subsection 1, paragraph c, subparagraphs (1) and
 29 (2) are amended to read as follows:

30 (1) For the fiscal year beginning July 1, 2014,
 31 reimbursement rates for outpatient hospital services
 32 shall ~~remain at the rates in effect on June 30, 2014~~ be
 33 rebased effective January 1, 2015, subject to Medicaid
 34 program upper payment limit rules and adjusted as
 35 necessary to maintain expenditures within the amount
 36 appropriated to the department for this purpose for the
 37 fiscal year.

38 (2) For the fiscal year beginning July 1, 2014,
 39 reimbursement rates for inpatient hospital services
 40 shall ~~remain at the rates in effect on June 30, 2014~~ be
 41 rebased effective October 1, 2015, subject to Medicaid
 42 program upper payment limit rules and adjusted as
 43 necessary to maintain expenditures within the amount
 44 appropriated to the department for this purpose for the
 45 fiscal year.

46 Sec. _____. 2013 Iowa Acts, chapter 138, section 159,
 47 subsection 1, paragraph f, subparagraph (1), is amended
 48 to read as follows:

49 (1) For the fiscal year beginning July 1, 2014,
 50 reimbursement rates for home health agencies shall

1 continue to be based on the Medicare low utilization
2 payment adjustment (LUPA) methodology in effect on June
3 30, 2014, as adjusted to not exceed the reimbursement
4 for the fiscal year beginning July 1, 2013 with state
5 geographic wage adjustments. Beginning July 1, 2015,
6 the department shall update the rates every two years
7 to reflect the most recent Medicare LUPA rates.

8 Sec. _____. 2013 Iowa Acts, chapter 138, section
9 159, subsection 1, paragraph 1, is amended to read as
10 follows:

11 1. (1) For the fiscal year beginning July 1,
12 2014, the average reimbursement rate for health care
13 providers eligible for use of the federal Medicare
14 resource-based relative value scale reimbursement
15 methodology under section 249A.20 shall remain at the
16 rate in effect on June 30, 2014; however, this rate
17 shall not exceed the maximum level authorized by the
18 federal government.

19 (2) The department may adjust reimbursement rates
20 under this paragraph "1" to more closely align with the
21 Medicare fee schedule. Any such adjustment shall be
22 budget neutral.>

23 29. Page 59, by striking lines 5 and 6 and
24 inserting <provided at hospitals shall ~~remain at the~~
25 ~~rates in effect on June 30~~ be rebased effective October
26 1, 2014, subject to Medicaid program upper payment>

27 30. By striking page 59, line 33, through page 60,
28 line 12, and inserting:

29 <Sec. _____. 2013 Iowa Acts, chapter 138, section
30 159, is amended by adding the following new subsection:

31 NEW SUBSECTION. 6A. a. For the purposes of
32 this subsection, "combined reimbursement rate" means
33 the combined service and maintenance reimbursement
34 rate for a service level under the department's
35 reimbursement methodology. For the fiscal year
36 beginning July 1, 2014, the combined reimbursement
37 rate for a group foster care service level shall be
38 the amount designated in this subsection. However,
39 if a group foster care provider's reimbursement rate
40 for a service level as of June 30, 2014, is more than
41 the rate designated in this subsection, the provider's
42 reimbursement shall remain at the higher rate.

43 b. Unless a group foster care provider is subject
44 to the exception provided in paragraph "a", for the
45 fiscal year beginning July 1, 2014, the combined
46 reimbursement rates for the service levels under the
47 department's reimbursement methodology shall be as
48 follows:

49 (1) For service level, community - D1, the rate
50 shall be 71 percent of the applicable patient-day

1 weighted statewide average cost of group foster care
2 cost reports that were verified and used for the foster
3 group care rate methodology workgroup final report
4 submitted to the general assembly in December 2012.

5 (2) For service level, comprehensive - D2, the
6 rate shall be 78 percent of the applicable patient-day
7 weighted statewide average cost of group foster care
8 cost reports that were verified and used for the foster
9 group care rate methodology workgroup final report
10 submitted to the general assembly in December 2012.

11 (3) For service level, enhanced - D3, the rate
12 shall be 93 percent of the patient-day weighted
13 statewide average cost of group foster care cost
14 reports that were verified and used for the foster
15 group care rate methodology workgroup final report
16 submitted to the general assembly in December 2012.>

17 31. Page 60, by striking lines 11 and 12 and
18 inserting <assembly in December 2012.>

19 32. Page 63, by striking lines 18 through 20 and
20 inserting <shall be given to new residency programs
21 and the expansion of existing residency programs which
22 propose expansion of psychiatric residency positions
23 and family practice residency positions.>

24 33. Page 64, after line 6 by inserting:

25 <STATE SUPPLEMENTARY ASSISTANCE
26 Sec. _____. 2013 Iowa Acts, chapter 138, section 14,
27 is amended by adding the following new subsection:
28 NEW SUBSECTION. 4. Notwithstanding section
29 8.33, moneys appropriated in this section that remain
30 unencumbered or unobligated at the close of the fiscal
31 year shall not revert but shall remain available for
32 expenditure for the purposes designated until the close
33 of the succeeding fiscal year.>

34 34. Page 66, by striking lines 30 through 32 and
35 inserting <assistance program.>

36 35. Page 67, by striking lines 24 and 25 and
37 inserting <5, Code 2013, for the same 12-month period
38 of August 2012 through July 2013 used to distribute
39 state payment program remittances to counties in the
40 state fiscal year beginning July 1, 2013. A county
41 shall provide the remittance received by the county
42 to the county's mental health and disability services
43 region.>

44 36. Page 68, line 13, after <institutes,> by
45 inserting <the Iowa behavioral health association,>

46 37. Page 68, line 30, after <appeals,> by inserting
47 <department on aging,>

48 38. Page 68, line 32, by striking <providers and>
49 and inserting <providers, the Iowa behavioral health
50 association, and>

H-8253

Page 6

1 39. Page 70, line 4, after <abilities> by inserting
2 <based upon informed, person-centered choices made from
3 an array of options>

4 40. Page 71, line 24, after <state> by inserting
5 <and by the fiscal agent for the affected region>

6 41. Page 71, line 25, before <The> by inserting
7 <If the auditor of state and the fiscal agent do not
8 agree, the differences shall be resolved in a hearing
9 procedure before an administrative law judge.>

10 42. Page 71, line 30, after <calculated.> by
11 inserting <The director's certification shall be
12 considered final agency action.>

13 43. Page 72, line 18, by striking <in prior fiscal
14 years> and inserting <in prior fiscal years>

15 44. Page 72, line 20, after <2013> by inserting <or
16 a dispute resolution process implemented in accordance
17 with section 331.394, subsection 5 or 6>

18 45. By striking page 73, line 4, through page 74,
19 line 2.

20 46. Page 74, line 14, after <shall> by inserting
21 <issue a request for proposals to>

22 47. Page 74, line 21, after <vendor> by inserting
23 <selected>

24 48. Page 74, line 25, after <voluntary.> by
25 inserting <The department may transfer funds
26 appropriated in this 2014 Act for the Medicaid program
27 as necessary to pay the selected third-party vendor in
28 accordance with this section.>

29 49. Page 75, line 3, after <health,> by inserting
30 <the department on aging,>

31 50. By renumbering as necessary.

By HEATON of Henry

H-8253 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8255

1 Amend the amendment, H-8253, to House File 2463 as
2 follows:

3 1. Page 5, by striking lines 17 and 18.

4 2. By renumbering as necessary.

By HEATON of Henry

H-8255 FILED APRIL 10, 2014

HOUSE FILE 2463

H-8256

1 Amend the amendment, H-8253, to House File 2463 as
2 follows:

3 1. Page 4, by striking lines 8 through 22.

4 2. By renumbering as necessary.

By L. MILLER of Scott

H-8256 FILED APRIL 10, 2014

SENATE FILE 2347

H-8248

1 Amend Senate File 2347, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, line 27, by striking <section 261.114,
4 if enacted> and inserting <section 261.114,~~if enacted~~>

5 2. Page 4, by striking line 30 and inserting
6 <8,229,047>

7 3. Page 4, by striking lines 32 through 35 and
8 inserting:

9 <From the moneys appropriated in this subsection,
10 \$1,931,000 shall be used for purposes of administering
11 and distributing to school districts and accredited
12 nonpublic schools, without cost to the school districts
13 and accredited nonpublic schools, an early warning
14 assessment system which shall include screening and
15 progress monitoring assessments built into a data
16 system that allows teachers to quickly screen and
17 monitor student literacy skills from pre-kindergarten
18 through grade six.>

19 4. Page 5, by striking line 13 and inserting
20 <5,996,200>

21 5. Page 5, by striking line 28 and inserting
22 <39,128>

23 6. Page 15, by striking lines 7 through 19.

24 7. Page 18, by striking line 20 and inserting
25 <226,523,005>

26 8. Page 18, after line 21 by inserting:

27 <It is the intent of the general assembly that as a
28 condition of receiving the increased funding provided
29 in this lettered paragraph, the state board shall not
30 authorize any increase in the resident undergraduate
31 tuition rate for fiscal year 2014-2015, and the tuition
32 for the juris doctorate program at the state university
33 of Iowa shall be decreased as approved by the state
34 board at the state board's December 4, 2013, meeting.>

35 9. Page 21, after line 11 by inserting:

36 <It is the intent of the general assembly that as a
37 condition of receiving the increased funding provided
38 in this lettered paragraph, the state board shall not
39 authorize any increase in the resident undergraduate
40 tuition rate for fiscal year 2014-2015.>

41 10. Page 21, by striking line 17 and inserting
42 <30,611,877>

43 11. Page 22, after line 12 by inserting:

44 <It is the intent of the general assembly that as a
45 condition of receiving the increased funding provided
46 in this lettered paragraph, the state board shall not
47 authorize any increase in the resident undergraduate
48 tuition rate for fiscal year 2014-2015.>

49 12. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS

SODERBERG of Plymouth, Chairperson

H-8248 FILED APRIL 10, 2014

SENATE FILE 2349

H-8250

1 Amend Senate File 2349, as amended, passed, and
2 reprinted by the Senate, as follows:

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

<DIVISION I

REBUILD IOWA INFRASTRUCTURE FUND

7 Section 1. There is appropriated from the rebuild
8 Iowa infrastructure fund to the following departments
9 and agencies for the following fiscal years, the
10 following amounts, or so much thereof as is necessary,
11 to be used for the purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

13 For projects related to routine maintenance of state
14 buildings and facilities:

15 FY 2014-2015:
16 \$ 2,000,000

17 2. DEPARTMENT OF CULTURAL AFFAIRS

18 For deposit in the Iowa great places program fund
19 created in section 303.3D for Iowa great places
20 program projects that meet the definition of "vertical
21 infrastructure" in section 8.57, subsection 5:

22 FY 2014-2015:
23 \$ 1,000,000

24 3. ECONOMIC DEVELOPMENT AUTHORITY

25 For equal distribution to regional sports authority
26 districts certified by the economic development
27 authority pursuant to section 15E.321, notwithstanding
28 section 8.57, subsection 5, paragraph "c":

29 FY 2014-2015:
30 \$ 500,000

31 4. DEPARTMENT OF HUMAN SERVICES

32 For the renovation and construction of certain
33 nursing facilities, consistent with the provisions of
34 chapter 249K:

35 FY 2014-2015:
36 \$ 500,000

37 5. DEPARTMENT OF NATURAL RESOURCES

38 a. For implementation of lake projects that
39 have established watershed improvement initiatives
40 and community support in accordance with the
41 department's annual lake restoration plan and report,
42 notwithstanding section 8.57, subsection 5, paragraph
43 "c":

44 FY 2014-2015:
45 \$ 9,600,000

46 b. For the administration of a water trails and
47 low head dam public hazard statewide plan, including
48 salaries, support, maintenance, and miscellaneous
49 purposes, notwithstanding section 8.57, subsection 5,
50 paragraph "c":

H-8250

1 FY 2014-2015:
2 \$ 2,000,000
3 c. For the establishment of a new state park in a
4 county with a population between 11,500 and 11,600 in
5 the latest preceding certified federal census:
6 FY 2014-2015:
7 \$ 2,000,000
8 d. For funding projects of the Iowa parks
9 foundation that support the centennial celebration of
10 state parks, notwithstanding section 8.57, subsection
11 5, paragraph "c":
12 FY 2014-2015:
13 \$ 2,000,000
14 6. DEPARTMENT OF PUBLIC DEFENSE
15 a. For major maintenance projects at national guard
16 armories and facilities:
17 FY 2014-2015:
18 \$ 2,000,000
19 b. For construction improvement projects at
20 statewide readiness centers:
21 FY 2014-2015:
22 \$ 2,000,000
23 c. For exhibits highlighting Iowans and their
24 service at the gold star museum, notwithstanding
25 section 8.57, subsection 5, paragraph "c":
26 FY 2014-2015:
27 \$ 250,000
28 7. BOARD OF REGENTS
29 a. For allocation by the state board of regents to
30 the state university of Iowa, Iowa state university of
31 science and technology, and the university of northern
32 Iowa to reimburse the institutions for deficiencies
33 in the operating funds resulting from the pledging of
34 tuition, student fees and charges, and institutional
35 income to finance the cost of providing academic and
36 administrative buildings and facilities and utility
37 services at the institutions:
38 FY 2014-2015:
39 \$ 29,735,423
40 b. For costs associated with the renovation,
41 modernization, and construction of a new addition at
42 the pharmacy building at the state university of Iowa:
43 FY 2014-2015:
44 \$ 2,000,000
45 c. For the construction of a new facility and an
46 addition, renovation, and modernization of current
47 facilities and related improvements for biosciences at
48 Iowa state university of science and technology:
49 FY 2014-2015:
50 \$ 2,000,000

1 d. For the renovation, modernization, and
2 associated improvements to an educational center for
3 teacher education and preparation at the university of
4 northern Iowa:
5 FY 2014-2015:
6 \$ 2,000,000

7 8. STATE FAIR AUTHORITY
8 For infrastructure costs associated with renovations
9 and improvements to the youth inn on the Iowa state
10 fairgrounds:
11 FY 2014-2015:
12 \$ 825,000
13 FY 2015-2016:
14 \$ 2,325,000

15 9. DEPARTMENT OF TRANSPORTATION
16 a. For acquiring, constructing, and improving
17 recreational trails within the state:
18 FY 2014-2015:
19 \$ 3,000,000
20 b. For deposit in the public transit infrastructure
21 grant fund created in section 324A.6A, for projects
22 that meet the definition of "vertical infrastructure"
23 in section 8.57, subsection 5, paragraph "c":
24 FY 2014-2015:
25 \$ 1,500,000
26 c. For infrastructure improvements at the
27 commercial service airports within the state:
28 FY 2014-2015:
29 \$ 1,500,000
30 d. For infrastructure improvements at general
31 aviation airports within the state:
32 FY 2014-2015:
33 \$ 750,000
34 e. For deposit in the railroad revolving loan and
35 grant fund created in section 327H.20A, notwithstanding
36 section 8.57, subsection 5, paragraph "c":
37 FY 2014-2015:
38 \$ 4,000,000

39 10. TREASURER OF STATE
40 For distribution in accordance with chapter 174 to
41 qualified fairs which belong to the association of Iowa
42 fairs for county fair infrastructure improvements:
43 FY 2014-2015:
44 \$ 1,060,000

45 Sec. 2. REVERSION. For purposes of section 8.33,
46 unless specifically provided otherwise, unencumbered
47 or unobligated moneys made from an appropriation in
48 this division of this Act shall not revert but shall
49 remain available for expenditure for the purposes
50 designated until the close of the fiscal year that ends

1 three years after the end of the fiscal year for which
2 the appropriation is made. However, if the project
3 or projects for which such appropriation was made are
4 completed in an earlier fiscal year, unencumbered or
5 unobligated moneys shall revert at the close of that
6 same fiscal year.

7 DIVISION II

8 TECHNOLOGY REINVESTMENT FUND

9 Sec. 3. There is appropriated from the technology
10 reinvestment fund created in section 8.57C to the
11 following departments and agencies for the following
12 fiscal years, the following amounts, or so much
13 thereof as is necessary, to be used for the purposes
14 designated:

15 1. DEPARTMENT OF CULTURAL AFFAIRS

16 For providing a grant to a museum district for the
17 Sullivan brothers veterans museum for costs associated
18 with the oral history exhibit including but not
19 limited to exhibit information technology, computer
20 connectivity, and interactive display technologies:

21 FY 2014-2015:

22 \$ 500,000

23 2. DEPARTMENT OF EDUCATION

24 a. For maintenance and lease costs associated with
25 connections for part III of the Iowa communications
26 network:

27 FY 2014-2015:

28 \$ 2,727,000

29 b. For the continued development and implementation
30 of an education data warehouse that will be utilized by
31 teachers, parents, school district administrators, area
32 education agency staff, department of education staff,
33 and policymakers:

34 FY 2014-2015:

35 \$ 600,000

36 The department may use a portion of the moneys
37 appropriated in this lettered paragraph for an
38 e-transcript data system capable of tracking students
39 throughout their education via interconnectivity with
40 multiple schools.

41 c. For the development of an automated workflow
42 process for a program and common course numbering
43 management system for community colleges:

44 FY 2014-2015:

45 \$ 150,000

46 d. To the public broadcasting division for the
47 replacement of equipment and for tower and facility
48 maintenance:

49 FY 2014-2015:

50 \$ 1,000,000

1 3. DEPARTMENT OF HUMAN RIGHTS
2 a. For the cost of equipment and computer software
3 for the implementation of Iowa's criminal justice
4 information system:
5 FY 2014-2015:
6 \$ 1,300,000
7 b. For costs associated with the justice enterprise
8 data warehouse:
9 FY 2014-2015:
10 \$ 314,474
11 4. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
12 COMMISSION
13 For replacement of equipment for the Iowa
14 communications network:
15 FY 2014-2015:
16 \$ 2,245,653
17 The commission may continue to enter into contracts
18 pursuant to section 8D.13 for the replacement of
19 equipment and for operation and maintenance costs of
20 the network.
21 In addition to moneys appropriated in this
22 subsection, the commission may use a financing
23 agreement entered into by the treasurer of state in
24 accordance with section 12.28 for the replacement
25 of equipment for the network. For purposes of this
26 subsection, the treasurer of state is not subject to
27 the maximum principal limitation contained in section
28 12.28, subsection 6. Repayment of any amounts financed
29 shall be made from receipts associated with fees
30 charged for use of the network.
31 5. DEPARTMENT OF MANAGEMENT
32 For completion of a comprehensive electronic
33 management system:
34 FY 2014-2015:
35 \$ 100,000
36 6. DEPARTMENT OF PUBLIC HEALTH
37 For costs associated with the establishment of a
38 data registry software system for the collection of
39 data elements related to emergency management system
40 services or hospital emergency care:
41 FY 2014-2015:
42 \$ 150,000
43 7. OFFICE OF THE CHIEF INFORMATION OFFICER
44 For technology consolidation and technology
45 improvement projects approved by the state chief
46 information officer pursuant to chapter 8B:
47 FY 2014-2015:
48 \$ 7,728,189
49 Sec. 4. REVERSION. For purposes of section 8.33,
50 unless specifically provided otherwise, unencumbered

1 or unobligated moneys made from an appropriation in
2 this division of this Act shall not revert but shall
3 remain available for expenditure for the purposes
4 designated until the close of the fiscal year that ends
5 three years after the end of the fiscal year for which
6 the appropriation was made. However, if the project
7 or projects for which such appropriation was made are
8 completed in an earlier fiscal year, unencumbered or
9 unobligated moneys shall revert at the close of that
10 same fiscal year.

11 DIVISION III

12 CHANGES TO PRIOR APPROPRIATIONS

13 Sec. 5. 2010 Iowa Acts, chapter 1184, section 12,
14 is amended to read as follows:

15 SEC. 12. REVERSION.

16 1. For Except as otherwise provided in subsections
17 2 and 3, for purposes of section 8.33, unless
18 specifically provided otherwise, unencumbered or
19 unobligated moneys made from an appropriation in this
20 division of this Act shall not revert but shall remain
21 available for expenditure for the purposes designated
22 until the close of the fiscal year that ends three
23 years after the end of the fiscal year for which the
24 appropriation was made. However, if the project or
25 projects for which such appropriation was made are
26 completed in an earlier fiscal year, unencumbered or
27 unobligated moneys shall revert at the close of that
28 same fiscal year.

29 2. For purposes of section 8.33, unencumbered or
30 unobligated moneys from moneys appropriated in section
31 10, subsection 2, paragraphs "a", "c", and "d", and
32 subsection 4, paragraph "a", subparagraph (10), in this
33 division of this 2010 Act shall not revert but shall
34 remain available for the purposes designated until the
35 close of the fiscal year that begins July 1, 2014, or
36 until the projects for which the appropriations were
37 made are completed, whichever is earlier.

38 3. For purposes of section 8.33, unencumbered or
39 unobligated moneys from moneys appropriated in section
40 10, subsection 7, paragraph "a", of this division
41 of this 2010 Act shall not revert but shall remain
42 available for the purposes designated until the close
43 of the fiscal year that begins July 1, 2015, or until
44 the project for which the appropriation was made is
45 completed, whichever is earlier.

46 Sec. 6. 2011 Iowa Acts, chapter 133, section 1,
47 subsection 10, paragraphs c through f, as amended by
48 2012 Iowa Acts, chapter 1140, section 15, are amended
49 to read as follows:

50 c. For projects for immediate fire safety needs

1 and for compliance with the federal Americans with
 2 Disabilities Act, at the regents institutions:
 3 FY 2011-2012..... \$ 2,000,000
 4 FY 2012-2013..... \$ 2,000,000

5 Of the amounts appropriated in this lettered
 6 paragraph, up to \$2,000,000 may be used to fund
 7 deductibles on property insurance and to provide
 8 the necessary match for funds which may be available
 9 from the federal emergency management agency for the
 10 cleanup, repair, and restoration of facilities at the
 11 state school for the deaf and the Iowa braille and
 12 sight saving school due to storm damage in the calendar
 13 year 2011, notwithstanding section 8.57, subsection 6,
 14 paragraph "c".

15 d. For construction, renovation, and related
 16 improvements for phase II of the agricultural and
 17 biosystems engineering complex, including classrooms,
 18 laboratories, and offices at Iowa state university of
 19 science and technology:
 20 FY 2011-2012..... \$ 1,000,000
 21 FY 2012-2013..... \$ 19,050,000
 22 FY 2013-2014..... \$ 21,750,000
 23 FY 2014-2015..... \$ ~~18,600,000~~

24 0
 25 e. For the renovation and related improvements to
 26 the dental science building at the state university
 27 of Iowa including but not limited to renovation of
 28 clinical spaces and development of a multidisciplinary
 29 clinical area:
 30 FY 2011-2012..... \$ 1,000,000
 31 FY 2012-2013..... \$ 10,250,000
 32 FY 2013-2014..... \$ 9,750,000
 33 FY 2014-2015..... \$ ~~8,000,000~~

34 0
 35 f. For renovation and related improvements for
 36 Bartlett hall at the university of northern Iowa
 37 including providing faculty offices, seminar rooms,
 38 and laboratories in the building and the associated
 39 demolition of Baker hall:
 40 FY 2011-2012..... \$ 1,000,000
 41 FY 2012-2013..... \$ 7,786,000
 42 FY 2013-2014..... \$ 10,267,000
 43 FY 2014-2015..... \$ ~~1,947,000~~

44 0
 45 Sec. 7. 2011 Iowa Acts, chapter 133, section 3,
 46 subsection 8, paragraph a, as amended by 2012 Iowa
 47 Acts, chapter 1140, section 18, is amended to read as
 48 follows:

49 a. For the provision of a statewide public safety
 50 radio network and the purchase of compatible radio

1	communications equipment with the goal of achieving		
2	compliance with the federal communications commission's		
3	narrowbanding mandate deadline, and for achieving		
4	"interoperability", as defined in section 80.28:		
5	FY 2011-2012.....	\$	2,500,000
6	FY 2012-2013.....	\$	2,500,000
7			<u>700,000</u>
8	FY 2013-2014.....	\$	2,500,000
9			<u>1,800,000</u>

10 Of the amounts appropriated in this lettered
 11 paragraph, the department of public safety may
 12 enter into a public-private partnership, through a
 13 competitive bidding process, for the provision of
 14 the statewide network and the purchase of compatible
 15 equipment.

16 As a condition of this appropriation, all land
 17 mobile radio communications equipment purchased by the
 18 department of public safety shall be compliant with
 19 the federal communications commission's narrowbanding
 20 mandate and shall provide the maximum amount of
 21 statewide coverage and interoperability, throughout
 22 all phases of migration, to the department of public
 23 safety's future statewide digital radio network
 24 utilizing P-25 standards.

25 On or before January 13, 2012, the department of
 26 public safety shall provide a report to the legislative
 27 services agency and the department of management.
 28 The report shall detail the status of the funds
 29 appropriated in this subsection and shall include
 30 the estimated needs of the departments of public
 31 safety, corrections, and natural resources to achieve
 32 interoperability and to meet the federal narrowbanding
 33 mandate, any changes in estimated costs to meet those
 34 needs, and the status of requests for proposals to
 35 develop a public-private partnership.

36 Sec. 8. 2012 Iowa Acts, chapter 1138, section 89,
 37 is amended to read as follows:

38 SEC. 89. DEPARTMENT OF NATURAL RESOURCES ----
 39 ECONOMIC EMERGENCY FUND. There is appropriated from
 40 the Iowa economic emergency fund to the department of
 41 natural resources for the fiscal year beginning July 1,
 42 2011, and ending June 30, 2012, the following amount,
 43 or so much thereof as is necessary, to be used for the
 44 purposes designated, notwithstanding section 8.55,
 45 subsection 1:

46 For the repair of damages due to the flooding of the
 47 Missouri river during the calendar year 2011 in the
 48 Lewis and Clark, lake Manawa, and Wilson island state
 49 parks and recreation area:

50	\$	2,865,743
----	-------	----	-----------

1 For purposes of section 8.33, unless specifically
2 provided otherwise, unencumbered or unobligated
3 moneys remaining from the appropriation made in this
4 section shall not revert but shall remain available for
5 expenditure for the purposes designated until the close
6 of the fiscal year that ends ~~two~~ three years after the
7 end of the fiscal year for which the appropriation is
8 made. However, if the project or projects for which
9 the appropriation was made are completed in an earlier
10 fiscal year, unencumbered or unobligated moneys shall
11 revert at the close of that same fiscal year.

12 Sec. 9. 2013 Iowa Acts, chapter 142, section 1,
13 subsection 1, paragraph a, is amended to read as
14 follows:

15 a. For projects related to major repairs and major
16 maintenance for state buildings and facilities:

17 FY 2013-2014:
18 \$ 4,000,000

19 Of the amount appropriated in this lettered
20 paragraph for the fiscal year beginning July 1, 2013,
21 \$250,000 shall be allocated for the disposition and
22 relocation of structures located at 707 east locust and
23 709 east locust, Des Moines, Iowa.

24 FY 2014-2015:
25 \$ ~~14,000,000~~
26 37,300,000

27 Sec. 10. 2013 Iowa Acts, chapter 142, section 1, is
28 amended by adding the following new subsection:

29 NEW SUBSECTION. 4A. DEPARTMENT OF HUMAN SERVICES

30 For the renovation and construction of certain
31 nursing facilities, consistent with the provisions of
32 chapter 249K:

33 FY 2013-2014:
34 \$ 150,000

35 Sec. 11. 2013 Iowa Acts, chapter 142, section 3,
36 subsection 1, is amended by striking the subsection.

37 Sec. 12. EFFECTIVE UPON ENACTMENT. This division
38 of this Act, being deemed of immediate importance,
39 takes effect upon enactment.

40 DIVISION IV
41 MISCELLANEOUS CODE CHANGES

42 Sec. 13. Section 8.57, subsection 5, paragraph c,
43 Code 2014, is amended to read as follows:

44 c. Moneys in the rebuild Iowa infrastructure fund
45 in a fiscal year shall be used as directed by the
46 general assembly for public vertical infrastructure
47 projects. For the purposes of this subsection,
48 "vertical infrastructure" includes only land acquisition
49 and construction; major renovation and major repair
50 of buildings; routine, recurring maintenance; all

1 appurtenant structures; utilities; site development;
2 recreational trails; and debt service payments on
3 academic revenue bonds issued in accordance with
4 chapter 262A for capital projects at board of regents
5 institutions. "Vertical infrastructure" does not
6 include ~~routine, recurring maintenance or~~ operational
7 expenses or leasing of a building, appurtenant
8 structure, or utility without a lease-purchase
9 agreement.

10 Sec. 14. Section 8.57, subsection 5, paragraph f,
11 Code 2014, is amended to read as follows:

12 f. (1) (a) For the fiscal year beginning July
13 1, 2013, and for each fiscal year thereafter until
14 the principal and interest on all bonds issued by
15 the treasurer of state pursuant to section 12.87 are
16 paid, as determined by the treasurer of state, of the
17 wagering tax receipts received pursuant to sections
18 99D.17 and 99F.11, the first fifty-five million dollars
19 shall be deposited in the revenue bonds debt service
20 fund created in section 12.89, and the next three
21 million seven hundred fifty thousand dollars shall be
22 deposited in the revenue bonds federal subsidy holdback
23 fund created in section 12.89A.

24 (b) For the fiscal year beginning July 1, 2013,
25 and for each fiscal year through the fiscal year
26 beginning July 1, 2019, of the wagering tax receipts
27 received pursuant to sections 99D.17 and 99F.11, the
28 next fifteen million dollars shall be deposited in the
29 vision Iowa fund created in section 12.72.

30 ~~(c) For the fiscal year beginning July 1, 2013, and~~
31 ~~for each fiscal year thereafter until the principal and~~
32 ~~interest on all bonds issued by the treasurer of state~~
33 ~~pursuant to section 12.81 are paid, as determined by~~
34 ~~the treasurer of state, of the wagering tax receipts~~
35 ~~received pursuant to sections 99D.17 and 99F.11, the~~
36 ~~next five million dollars shall be deposited in the~~
37 ~~school infrastructure fund created in section 12.82.~~

38 ~~(d)~~ (c) For the fiscal year beginning July 1,
39 2013, and for each fiscal year thereafter, of the
40 wagering tax receipts received pursuant to sections
41 99D.17 and 99F.11, the next sixty-six million dollars
42 shall be deposited in the Iowa skilled worker and job
43 creation fund created in section 8.75.

44 ~~(e)~~ (d) For the fiscal year beginning July 1,
45 2013, and for each fiscal year thereafter, the total
46 moneys in excess of the moneys deposited under this
47 paragraph "f" in the revenue bonds debt service fund,
48 the revenue bonds federal subsidy holdback fund, the
49 vision Iowa fund, ~~the school infrastructure fund,~~
50 and the Iowa skilled worker and job creation fund

1 shall be deposited in the rebuild Iowa infrastructure
2 fund and shall be used as provided in this section,
3 notwithstanding section 8.60.

4 (2) For the fiscal year beginning July 1, 2013, and
5 for each fiscal year thereafter, if the total amount of
6 the wagering tax receipts received pursuant to sections
7 99D.17 and 99F.11, and to be deposited pursuant
8 to subparagraph (1), subparagraph division (a), is
9 less than the total amount of moneys directed to be
10 deposited in the revenue bonds debt service fund and
11 the revenue bonds federal subsidy holdback fund in the
12 fiscal year pursuant to subparagraph (1), subparagraph
13 division (a), the difference shall be paid from moneys
14 deposited in the beer and liquor control fund created
15 in section 123.53 in the manner provided in section
16 123.53, subsection 3.

17 (3) For the fiscal year beginning July 1, 2013,
18 and for each fiscal year thereafter, after the deposit
19 of moneys directed to be deposited in the revenue
20 bonds debt service fund and the revenue bonds federal
21 subsidy holdback fund, as provided in subparagraph (1),
22 subparagraph division (a), if the total amount of the
23 wagering tax receipts received pursuant to sections
24 99D.17 and 99F.11, and to be deposited pursuant to
25 subparagraph (1), subparagraph ~~divisions~~ division
26 (b) ~~and (c)~~, is less than the total amount of moneys
27 directed to be deposited in the vision Iowa fund ~~and~~
28 ~~the school infrastructure fund~~ in the fiscal year
29 pursuant to subparagraph (1), subparagraph ~~divisions~~
30 division (b) ~~and (c)~~, the difference shall be paid from
31 lottery revenues in the manner provided in section
32 99G.39, subsection 3.

33 Sec. 15. Section 8.57C, subsection 3, paragraph a,
34 Code 2014, is amended to read as follows:

35 a. There is appropriated from the general fund of
36 the state for the fiscal year beginning July 1, ~~2014~~
37 2015, and for each subsequent fiscal year thereafter,
38 the sum of seventeen million five hundred thousand
39 dollars to the technology reinvestment fund.

40 Sec. 16. Section 8.57C, subsection 3, Code 2014, is
41 amended by adding the following new paragraph:

42 NEW PARAGRAPH. f. There is appropriated from the
43 rebuild Iowa infrastructure fund for the fiscal year
44 beginning July 1, 2014, and ending June 30, 2015,
45 the sum of sixteen million seven hundred twenty-five
46 thousand dollars to the technology reinvestment fund,
47 notwithstanding section 8.57, subsection 5, paragraph
48 "c".

49

DIVISION V

50 STATUTE OF REPOSE PERIODS ---- IMPROVEMENTS TO REAL

PROPERTY

1
2 Sec. 17. Section 614.1, subsection 11, Code 2014,
3 is amended to read as follows:

4 11. Improvements to real property.

5 a. Residential construction. In addition to
6 limitations contained elsewhere in this section, an
7 action arising out of the unsafe or defective condition
8 of an improvement to ~~real property~~ residential
9 construction based on tort and implied warranty and
10 for contribution and indemnity, and founded on injury
11 to property, real or personal, or injury to the person
12 or wrongful death, shall not be brought more than
13 fifteen years after the date on which occurred the act
14 or omission of the defendant alleged in the action to
15 have been the cause of the injury or death. However,
16 this subsection does not bar an action against a person
17 solely in the person's capacity as an owner, occupant,
18 or operator of an improvement to real property.

19 b. Nonresidential construction. In addition to
20 limitations contained elsewhere in this section, an
21 action arising out of the unsafe or defective condition
22 of an improvement to nonresidential construction based
23 on tort and implied warranty and for contribution and
24 indemnity, and founded on injury to property, real or
25 personal, or injury to the person or wrongful death,
26 shall not be brought more than ten years after the date
27 on which occurred the act or omission of the defendant
28 alleged in the action to have been the cause of the
29 injury or death. However, this subsection does not
30 bar an action against a person solely in the person's
31 capacity as an owner, occupant, or operator of an
32 improvement to real property.

33 Sec. 18. Section 614.13A, Code 2014, is amended to
34 read as follows:

35 614.13A Definitions.

36 As used in this chapter, unless the context
37 otherwise requires:

38 1. ~~"book"~~ "Book", "list", "record", or "schedule"
39 kept by a county auditor, assessor, treasurer,
40 recorder, sheriff, or other county officer means the
41 county system as defined in section 445.1.

42 2. "Nonresidential construction" means all other
43 construction that is not residential construction as
44 defined in subsection 3.

45 3. "Residential construction" means the same as
46 defined in section 572.1, subsection 10.

47 Sec. 19. APPLICABILITY. This division of this
48 Act does not apply to residential and nonresidential
49 construction projects in existence prior to the
50 effective date of this division of this Act.>

H-8250

Page 13

- 1 2. Title page, line 1, by striking <and> and
- 2 inserting <state finances by>
- 3 3. Title page, line 4, after <fund,> by inserting
- 4 <providing for certain statute of repose periods,>
- 5 4. Title page, line 5, after <date> by inserting
- 6 <and applicability>

COMMITTEE ON APPROPRIATIONS

SODERBERG of Plymouth, Chairperson

H-8250 FILED APRIL 10, 2014



HF 2464 – Sales Tax Rebate for Raceway (LSB 6184HV)
Analyst: Shawn Snyder (Phone: (515) 281-7799) (shawn.snyder@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 2464 provides a sales tax rebate for an eligible raceway facility. Provisions in this Bill include:

- The cumulative rebated amount will be based on 25.0% of total eligible project costs or \$2.0 million, whichever is less. Additionally, the rebated amount will be based on 5.0% of taxable sales and will not include any sales tax designated for the Secure an Advanced Vision for Education (SAVE) Fund or local option sales tax (LOST).
- The rebated amounts are for transactions that occur between January 1, 2015, and December 31, 2024. The provision will be repealed June 30, 2025, or 30 days following the fulfillment of the sales tax rebate amount, whichever occurs first.

Background

Based on the specific eligibility requirements for a raceway facility noted in this Bill, the only raceway that will qualify for this sales tax rebate is the Knoxville Raceway.

Assumptions

Assumptions include:

- Project construction will begin in early 2015 and will be completed in the last quarter of calendar year 2016. Total cost of the project will be \$8.0 million and it is assumed that 50.0% of the project costs will be subject to sales tax. The amount of sales tax from project costs eligible to be rebated will be paid in FY 2017.
- Based on research of similar raceways, it is estimated that eligible taxable sales in FY 2014 will be approximately \$2.8 million. This amount is anticipated to increase 3.8% in FY 2015, 4.3% in FY 2016, 3.9% in FY 2017, and 3.0% in future fiscal years. Additionally, the estimate assumes that upon project completion, taxable sales will increase an additional 10.0% in FY 2018, FY 2019, and FY 2020.
- The amount of sales tax rebated will be 50.0% of taxable sales and the rebate will not include any SAVE funds or LOST.
- The Department of Revenue will incur additional costs for administration of the provisions of this Bill. The Department will incur a one-time start-up cost for implementation and on-going costs for staff support to administer and monitor the provisions of this Bill.

Fiscal Impact

The total maximum fiscal impact will be a sales tax rebate amount of \$2.0 million. However, any eligible project costs of less than \$8.0 million will reduce the rebated amount. Additionally, the actual timing and specific rebate amounts by fiscal year are currently unknown. Based on the assumptions noted above, the following table provides an estimate of the annual reduction of General Fund revenues resulting from the sales tax rebate amounts.

Estimated General Fund Impact

	Estimated Sales Tax Rebated	Cumulative Amount
FY 2015	\$ 72,660	\$ 72,660
FY 2016	151,569	224,229
FY 2017	357,480	581,709
FY 2018	178,425	760,133
FY 2019	202,155	962,289
FY 2020	229,042	1,191,331
FY 2021	235,913	1,427,244
FY 2022	242,991	1,670,234
FY 2023	250,280	1,920,515
FY 2024	79,485	2,000,000
FY 2025	0	2,000,000

In addition to the sales tax rebate amounts, the Department of Revenue will require \$42,000 in administrative costs in FY 2015 and \$18,000 in future fiscal years until the expiration of this provision.

Source

Iowa Department of Revenue

April 9, 2014

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



SF 2344 – Renewable Fuels Incentives (LSB 5886SV.1)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.iowa.gov)
Fiscal Note Version – As amended passed by the Senate

Description

Senate File 2344 relates to motor vehicle biofuel tax and production incentives. This Bill:

- Increases the tax credit rate for E-15 blended gasoline.
- Extends the availability of retail tax credits for E-15, E-85, and biodiesel blended motor fuel for two years.
- Extends the existing Biodiesel Production Payment for five years.
- Defines biobutanol as a biofuel and biobutanol blended gasoline as a renewable fuel.

Background

The amount of the E-15 Tax Credit equals a constant (cents per gallon sold) rate multiplied by the total number of gallons of ethanol blended gasoline, classified as at least E-15 but less than E-85, and sold and dispensed by the retail dealer during the tax year. Under current law, the designated rate is 3.0 cents per gallon for calendar year 2014 and 2.0 cents per gallon for calendar years 2015 through 2017.

This Bill modifies the designated rate to 3.0 cents per gallon sold in period 1 (January 1 through May 31), 10.0 cents per gallon in period 2 (June 1 through September 15), and 3.0 cents per gallon in period 3 (September 16 through December 31) (see Table A). This change is retroactive to January 1, 2014.

This Biodiesel Production Payment was created in **SF 531 (Motor Fuels Act of 2011)**. The payment was equal to 3.0 cents per gallon produced in 2012, 2.5 cents in 2013, and 2.0 cents in 2014. The production payment does not continue after 2014 under current law.

This Bill extends the 2.0-cent production payment rate for five additional calendar years through 2019.

Assumptions

Retail Biofuel Tax Credits (E-15, E-85, and Biodiesel Blended)

- This analysis uses data from the 2013 Retailers Motor Fuel Gallons Annual Report prepared by the Iowa Department of Revenue, with results adjusted using fuel consumption growth forecasted by the federal Energy Information Administration.
- The Department of Revenue annual fuel report does not capture the month of sales; only calendar year sales are available. Therefore, this analysis uses an average designated rate for E-15 based on the historical distribution of Iowa monthly taxable gasoline between 2007 and 2013 in the three periods (the period starts from 2007 because Iowa gasoline sales had a very large drop in August 2006): 40.4%, 30.0%, and 29.7% for the three periods proposed in this Bill respectively. The average designated rate in a tax year equals 5.1 cents per gallon by multiplying the three-period percentage distribution and the three proposed designated rates.
- The tax credits are forecasted on a tax year basis. When converting the fiscal impacts from tax year to fiscal year, the historical distribution of claims for tax year 2011 is applied.

Biodiesel Production Payment

- This analysis is based on 2012 and 2013 Biodiesel Producer Refund claim quarterly data, that includes biodiesel produced by ten Iowa producers and the amount of refunds claimed. The Iowa Renewable Fuels Association (IRFA) on January 8, 2014, announced that Iowa biodiesel production increased 25.0% in 2013, setting a new record with production topping 230 million gallons of biodiesel. In addition, according to Monthly Biodiesel Production Survey from the U.S. Energy Information Administration, B100 (the industry designation for pure biodiesel) production increased 2.4% from 2011 to 2012 and 35.2% from 2012 to 2013. The jump in 2013 is primarily explained by the expiration and subsequent extension of the Federal Biodiesel and Renewable Diesel Fuels Credit. The American Taxpayer Relief Act of 2012 (Pub. L. No. 112-240) retroactively extended through December 31, 2013, the federal biodiesel fuel tax credits that had expired on December 31, 2011. Renewal of the federal credit contributed to the sharp increase in biodiesel production in 2013.
- The federal biodiesel fuel tax credit has once again expired and the Environmental Protection Agency (EPA) is currently proposing to lower the national Renewable Fuel Standard (RFS). The lower the RFS, the less renewable fuels will be required to be used in the U.S. fuel market, an action that will potentially reduce demand for biodiesel fuel. Due to the federal biodiesel policy uncertainty, the increase in biodiesel is not expected to sustain after 2013. This analysis assumes that biodiesel production will decline slightly from 2013 to 2014. In 2015 and later, the annual growth rate for each biodiesel producer is assumed to be 3.5% each year. It is also assumed no new producers will emerge in the forecasted years.

Fiscal Impacts

The changes to the retail biofuel tax credits and the Biodiesel Production Payment are projected to reduce net General Fund revenue by the amounts in the following table.

Retail Biofuel Tax Credit and Biodiesel Production Payment Changes					
Net General Fund Impact, in Millions					
	E-15 Tax Credit	E-85 Tax Credit	Biodiesel Blended Credit	Biodiesel Production Payment	Total Fiscal Impact
FY 2015	\$ -0.1	\$ 0.0	\$ 0.0	\$ -2.6	\$ -2.7
FY 2016	-0.1	0.0	0.0	-4.4	-4.5
FY 2017	-0.2	0.0	0.0	-4.4	-4.6
FY 2018	-0.3	0.0	0.0	-4.5	-4.8
FY 2019	-0.3	-0.5	-2.8	-4.5	-8.1
FY 2020	-0.3	-2.3	-14.8	-1.5	-18.9
FY 2021	-0.4	-1.9	-12.5	0.0	-14.8
FY 2022	-0.2	-0.2	-0.4	0.0	-0.8
	\$ -1.9	\$ -4.9	\$ -30.5	\$ -21.9	\$ -59.2

Sources

Department of Revenue
U.S. Energy Information Administration

/s/ Holly M. Lyons

April 9, 2014

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 2465 – Emergency Mass Notification Systems (LSB 5256HZ)
Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 2465 establishes a Mass Notification and Emergency Messaging System Fund under the control of the Department of Homeland Security and Emergency Management (HSEMD). Interest earned on the Fund balance remains in the Fund. Any ending balance, including General Fund appropriations, remain in the Fund and will carry forward to the next fiscal year. This Bill states it is legislative intent that the Mass Notification and Emergency Messaging System will receive an annual appropriation to ensure that the System functions throughout the State on an ongoing basis. This Bill also specifies that information collected by State departments and agencies for public dissemination of emergency or routine information are considered confidential public records.

Background

- The Governor recommended an increase of \$400,000 for the HSEMD in FY 2015 for the implementation of a statewide Mass Communication System that could be used by all 99 counties to disseminate information simultaneously during emergency situations and disaster recovery.
- In early 2013, the HSEMD issued a Request for Information (RFI) to collect statewide system proposals and cost estimates. A [Request for Proposal](#) (RFP) was issued on December 13, 2013, and the closing date was February 3, 2014. The successful vendor will be announced on June 1, 2014. The initial contract period is July 1, 2014, through June 30, 2019, with up to five annual one-year extensions. The Department is seeking proposals from vendors that can provide a statewide public mass notification and emergency messaging system that will allow both the FEMA Integrated Public Alert and Warning System (IPAWS) messaging and conventional mass notification for both emergency and nonemergency messaging. The System will be able to notify the public via phone, text, e-mail, social media, TTY/TDD¹ and IPAWS.
- HF 2465 creates a Mass Notification and Emergency Messaging System Fund under the control of the HSEMD, and permits the Department to employ additional staff necessary to administer and operate the System.
- There are currently 53 counties that utilize some type of mass notification and emergency messaging system at a total cost of \$637,000 and 46 counties use no system or a free system including NOAA² weather radios, outdoor warning systems, and the local media to issue warnings.

¹ TTY = text phone for hearing impaired

TDD = telecommunication device for the deaf

² NOAA = National Oceanic and Atmospheric Administration

Assumptions

- The System will be under the control of the HSEMD. The Department has sole discretion over the System and may provide access to the System for use at the county and local level.
- The Department is requesting an annual, ongoing appropriation of \$400,000 to be maintained in a separate Fund. Of this amount, \$300,000 will be used for the vendor contract and \$100,000 will be used to administer the Program.
- Counties currently utilizing some type of mass notification system will have the option to use the State system, freeing up funds at the local level but usage is not mandated.

Fiscal Impact

[HF 2465](#) indicates an intent to provide an annual General Fund appropriation. It is anticipated that the cost will be limited to the amount appropriated. As of April 9, 2014, the funding was provided to the HSEMD in the Justice System Appropriations Bill as passed by the House; however, the funding was not included in the Justice System Appropriations Bill in the Senate.

Source

Department of Homeland Security and Emergency Management

/s/ Holly M. Lyons

April 9, 2014

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
