

**House File 2531 - Introduced**

HOUSE FILE 2531

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 741)

**A BILL FOR**

1 An Act relating to state and local finances by providing for  
2 funding of property tax credits and reimbursements, by  
3 increasing the maximum allowable local hotel and motel tax  
4 rates, by making, increasing, and reducing appropriations,  
5 providing for salaries and compensation of state employees,  
6 providing for matters relating to tax credits, providing  
7 for fees and penalties, and providing for properly related  
8 matters, and including effective date and retroactive  
9 applicability provisions.  
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2011-2012  
Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING  
— FY 2011-2012. Notwithstanding section 331.439, subsection  
3, the allowed growth factor adjustment for county mental  
health, mental retardation, and developmental disabilities  
service expenditures for the fiscal year beginning July  
1, 2011, shall be established by statute which shall be  
enacted within thirty calendar days of the convening of the  
Eighty-fourth General Assembly, 2011 Session, on January 10,  
2011. The governor shall submit to the general assembly a  
recommendation for such allowed growth factor adjustment and  
the amounts of related appropriations to the general assembly  
on or before January 11, 2011.

DIVISION II  
STANDING APPROPRIATIONS  
AND RELATED MATTERS

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2011-2012.  
1. For the budget process applicable to the fiscal year  
beginning July 1, 2011, on or before October 1, 2010, in lieu  
of the information specified in section 8.23, subsection 1,  
unnumbered paragraph 1, and paragraph "a", all departments and  
establishments of the government shall transmit to the director  
of the department of management, on blanks to be furnished by  
the director, estimates of their expenditure requirements,  
including every proposed expenditure, for the ensuing fiscal  
year, together with supporting data and explanations as called  
for by the director of the department of management after  
consultation with the legislative services agency.  
2. The estimates of expenditure requirements shall be  
in a form specified by the director of the department of  
management, and the expenditure requirements shall include all  
proposed expenditures and shall be prioritized by program or  
the results to be achieved. The estimates shall be accompanied  
by performance measures for evaluating the effectiveness of the

1 programs or results.

2 Sec. 3. GENERAL ASSEMBLY.

3 1. The appropriations made pursuant to section 2.12 for the  
4 expenses of the general assembly and legislative agencies for  
5 the fiscal year beginning July 1, 2010, and ending June 30,  
6 2011, are reduced by the following amount:

7 ..... \$ 5,939,790

8 2. The budgeted amounts for the general assembly for the  
9 fiscal year beginning July 1, 2010, may be adjusted to reflect  
10 unexpended budgeted amounts from the previous fiscal year.

11 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

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

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

21 ..... \$ 443,300

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

24 ..... \$ 862,028

25 3. For the center for congenital and inherited disorders  
26 central registry under section 144.13A, subsection 4, paragraph  
27 "a":

28 ..... \$ 182,044

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

31 ..... \$ 217,772

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

33 ..... \$ 11,493,891

34 The amount of any reduction in this subsection shall be  
35 prorated among the programs specified in section 279.51,

1 subsection 1, paragraphs "a", "b", and "c".

2 6. For payment for nonpublic school transportation under  
3 section 285.2:

4 ..... \$ 7,060,931

5 If total approved claims for reimbursement for nonpublic  
6 school pupil transportation exceed the amount appropriated in  
7 accordance with this subsection, the department of education  
8 shall prorate the amount of each approved claim.

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

12 ..... \$ 81,199,911

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

15 ..... \$ 19,591

16 9. For the Iowa power fund under section 469.10, subsection  
17 1:

18 ..... \$ 19,600,000

19 Sec. 5. STATE FOUNDATION AID FOR SCHOOLS — FY 2010-2011.

20 Notwithstanding the standing appropriation in section 257.16,  
21 subsection 1, for state foundation aid for the fiscal year  
22 beginning July 1, 2010, and ending June 30, 2011, the amount  
23 appropriated from the general fund of the state pursuant to  
24 that section for the following designated purpose shall not  
25 exceed the following amount:

26 For state foundation aid under section 257.16, subsection 1:

27 ..... \$ 2,494,057,875

28 1. Of the amount designated in this section for state  
29 foundation aid, \$314,894,787 is allocated for the teacher  
30 salary supplements, the professional development supplements,  
31 and the early intervention supplement in accordance with  
32 section 257.10, subsections 9 through 11, and section 257.37A.

33 2. If the remaining balance of the moneys designated in  
34 this section, after the allocation made in subsection 1, is  
35 less than the amount required to pay the remainder of state

1 foundation aid pursuant to section 257.16, subsection 1, the  
2 difference shall be deducted from the payments to each school  
3 district and area education agency in the manner provided in  
4 section 257.16, subsection 4. The reduction for area education  
5 agencies shall be added to the reduction made pursuant to  
6 section 257.35, subsection 5.

7 Sec. 6. INSTRUCTIONAL SUPPORT STATE AID. Notwithstanding  
8 the standing appropriation provided under section 257.20,  
9 an appropriation from the general fund of the state to the  
10 department of education for the fiscal year beginning July 1,  
11 2010, and ending June 30, 2011, shall not be made for purposes  
12 of paying instructional support state aid.

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

19 Sec. 8. PROPERTY TAX CREDIT FUND — PAYMENTS IN LIEU OF  
20 GENERAL FUND REIMBURSEMENT.

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

24 b. There is appropriated from the general fund of the state  
25 to the property tax credit fund created in paragraph "a" for  
26 the fiscal year beginning July 1, 2010, and ending June 30,  
27 2011, the sum of \$91,256,037.

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

33 d. Notwithstanding section 8.33, the surplus existing  
34 in the property tax credit fund created pursuant to 2009  
35 Iowa Acts, chapter 179, section 9, at the conclusion of the

1 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
2 is transferred to the property tax credit fund created in  
3 paragraph "a".

4 2. In lieu of the appropriations in the following designated  
5 sections, for the fiscal year beginning July 1, 2010, and  
6 ending June 30, 2011, there is appropriated from the property  
7 tax credit fund the following amounts for the following  
8 designated purposes:

9 a. For reimbursement for the homestead property tax credit  
10 under section 425.1:

11 ..... \$ 87,757,913

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

14 ..... \$ 32,395,131

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

17 ..... \$ 2,400,000

18 d. For implementing the elderly and disabled tax credit and  
19 reimbursement pursuant to sections 425.16 through 425.39:

20 ..... \$ 23,400,000

21 If the director of revenue determines that the amount  
22 of claims for credit for property taxes due pursuant to  
23 paragraphs "a", "b", "c", and "d", plus the amount of claims  
24 for reimbursement for rent constituting property taxes paid  
25 which are to be paid during the fiscal year may exceed the  
26 total amount appropriated, the director shall estimate the  
27 percentage of the credits and reimbursements which will be  
28 funded by the appropriation. The county treasurer shall notify  
29 the director of the amount of property tax credits claimed by  
30 June 8, 2010. The director shall estimate the percentage of  
31 the property tax credits and rent reimbursement claims that  
32 will be funded by the appropriation and notify the county  
33 treasurer of the percentage estimate by June 15, 2010. The  
34 estimated percentage shall be used in computing for each claim  
35 the amount of property tax credit and reimbursement for rent

1 constituting property taxes paid for that fiscal year. If  
2 the director overestimates the percentage of funding, claims  
3 for reimbursement for rent constituting property taxes paid  
4 shall be paid until they can no longer be paid at the estimated  
5 percentage of funding. Rent reimbursement claims filed after  
6 that point in time shall receive priority and shall be paid in  
7 the following fiscal year.

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

13 For performance of duty by the executive council in sections  
14 7D.29 and 29C.20:

15 ..... \$ 10,583,628

16 The funding from the appropriation made in this section  
17 shall be utilized before any funding from the general fund of  
18 the state.

19 Sec. 10. CASH RESERVE FUND APPROPRIATION

20 REQUIREMENTS. Section 8.56, subsections 3 and 4, shall  
21 not apply to any appropriation made in this division or any  
22 other division of this Act from the cash reserve fund created  
23 in section 8.56.

24 Sec. 11. CASH RESERVE FUND APPROPRIATION FOR FISCAL YEAR  
25 2010-2011. For the fiscal year beginning July 1, 2010, and  
26 ending June 30, 2011, the appropriation to the cash reserve  
27 fund provided in section 8.57, subsection 1, paragraph "a",  
28 shall not be made.

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

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

35 ~~3. There is annually appropriated from the property tax~~

~~1 relief fund to the department of human services to supplement  
2 the medical assistance appropriation for the fiscal year  
3 beginning July 1, 1997, and for succeeding fiscal years,  
4 six million six hundred thousand dollars to be used for the  
5 nonfederal share of the costs of services provided to minors  
6 with mental retardation under the medical assistance program  
7 to meet the requirements of section 249A.12, subsection 4.  
8 The appropriation in this subsection shall be charged to the  
9 property tax relief fund prior to the distribution of moneys  
10 from the fund under section 426B.2 and the amount of moneys  
11 available for distribution shall be reduced accordingly.  
12 However, the appropriation in this subsection shall be  
13 considered to be a property tax relief payment for purposes  
14 of the combined amount of payments required to achieve fifty  
15 percent of the counties' base year expenditures as provided in  
16 section 426B.2, subsection 2.~~

17 CASH RESERVE FUND — PERFORMANCE OF DUTY

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

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

25 Sec. 14. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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

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

35 3. The section of this division of this Act amending 2009



1 Iowa Acts, chapter 179, section 10, being deemed of immediate  
2 importance, takes effect upon enactment.

3

DIVISION III

4

SALARIES, COMPENSATION, AND RELATED MATTERS

5

Sec. 15. APPOINTED STATE OFFICERS.

6 1. The governor shall establish a salary for appointed  
7 nonelected persons in the executive branch of state government  
8 holding a position enumerated in and within the salary  
9 ranges provided in 2008 Iowa Acts, chapter 1191, section 14,  
10 by considering, among other items, the experience of the  
11 individual in the position, changes in the duties of the  
12 position, the incumbent's performance of assigned duties, and  
13 subordinates' salaries. However, the attorney general shall  
14 establish the salary for the consumer advocate, the chief  
15 justice of the supreme court shall establish the salary for the  
16 state court administrator, the ethics and campaign disclosure  
17 board shall establish the salary of the executive director, and  
18 the Iowa public broadcasting board shall establish the salary  
19 of the administrator of the public broadcasting division of the  
20 department of education, each within the salary range provided  
21 in 2008 Iowa Acts, chapter 1191, section 14.

22 2. The governor, in establishing salaries as provided in  
23 this section, shall take into consideration other employee  
24 benefits which may be provided for an individual including but  
25 not limited to housing.

26 3. A person whose salary is established pursuant to this  
27 section and who is a full-time, year-round employee of the  
28 state shall not receive any other remuneration from the state  
29 or from any other source for the performance of that person's  
30 duties unless the additional remuneration is first approved by  
31 the governor or authorized by law. However, this provision  
32 does not exclude the reimbursement for necessary travel and  
33 expenses incurred in the performance of duties or fringe  
34 benefits normally provided to employees of the state.

35 Sec. 16. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The

1 various state departments, boards, commissions, councils,  
2 and agencies, including the state board of regents, for  
3 the fiscal year beginning July 1, 2010, and ending June 30,  
4 2011, shall provide from available sources pay adjustments,  
5 expense reimbursements, and related benefits to fully fund the  
6 following:

- 7 1. The collective bargaining agreement negotiated pursuant  
8 to chapter 20 for employees in the blue collar bargaining unit.
- 9 2. The collective bargaining agreement negotiated pursuant  
10 to chapter 20 for employees in the public safety bargaining  
11 unit.
- 12 3. The collective bargaining agreement negotiated pursuant  
13 to chapter 20 for employees in the security bargaining unit.
- 14 4. The collective bargaining agreement negotiated pursuant  
15 to chapter 20 for employees in the technical bargaining unit.
- 16 5. The collective bargaining agreement negotiated pursuant  
17 to chapter 20 for employees in the professional fiscal and  
18 staff bargaining unit.
- 19 6. The collective bargaining agreement negotiated pursuant  
20 to chapter 20 for employees in the clerical bargaining unit.
- 21 7. The collective bargaining agreement negotiated pursuant  
22 to chapter 20 for employees in the professional social services  
23 bargaining unit.
- 24 8. The collective bargaining agreement negotiated pursuant  
25 to chapter 20 for employees in the community-based corrections  
26 bargaining unit.
- 27 9. The collective bargaining agreements negotiated  
28 pursuant to chapter 20 for employees in the judicial branch of  
29 government bargaining units.
- 30 10. The collective bargaining agreement negotiated pursuant  
31 to chapter 20 for employees in the patient care bargaining  
32 unit.
- 33 11. The collective bargaining agreement negotiated pursuant  
34 to chapter 20 for employees in the science bargaining unit.
- 35 12. The collective bargaining agreement negotiated pursuant

1 to chapter 20 for employees in the university of northern Iowa  
2 faculty bargaining unit.

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

6 14. The collective bargaining agreement negotiated pursuant  
7 to chapter 20 for employees in the state university of Iowa  
8 hospital and clinics tertiary health care bargaining unit.

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

14 Sec. 17. NONCONTRACT STATE EMPLOYEES — GENERAL.

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

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

19 b. Employees may receive a step increase or the equivalent  
20 of a step increase.

21 c. The pay plan for noncontract judicial branch employees  
22 shall not be increased.

23 d. The pay plans for state employees who are exempt  
24 from chapter 8A, subchapter IV, and who are included in the  
25 department of administrative services' centralized payroll  
26 system shall not be increased, and any additional changes  
27 in any executive branch pay plans shall be approved by the  
28 governor.

29 2. This section does not apply to members of the general  
30 assembly, board members, commission members, persons whose  
31 salaries are set by the general assembly pursuant to this Act  
32 or are set by the governor, or other persons designated in the  
33 section of this division of this Act addressing appointed state  
34 officers, employees designated under section 8A.412, subsection  
35 5, and employees covered by 11 IAC 53.6(3).

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

7 4. The policies for implementation of this section shall be  
8 approved by the governor.

9 Sec. 18. STATE EMPLOYEES — STATE BOARD OF REGENTS. For  
10 the fiscal year beginning July 1, 2010, and ending June 30,  
11 2011, funds shall be provided from available sources of the  
12 state board of regents for funding of collective bargaining  
13 agreements for state board of regents employees covered by  
14 such agreements and for the following state board of regents  
15 employees not covered by a collective bargaining agreement:

16 1. Regents merit system employees and merit supervisory  
17 employees.

18 2. Faculty members and professional and scientific  
19 employees.

20 Sec. 19. BONUS PAY. For the fiscal year beginning July  
21 1, 2010, and ending June 30, 2011, employees of the executive  
22 branch, judicial branch, and legislative branch shall not  
23 receive bonus pay unless otherwise authorized by law, required  
24 pursuant to a contract of employment entered into before July  
25 1, 2010, or required pursuant to a collective bargaining  
26 agreement. This section does not apply to employees of the  
27 state board of regents. For purposes of this section, "bonus  
28 pay" means any additional remuneration provided an employee in  
29 the form of a bonus, including but not limited to a retention  
30 bonus, recruitment bonus, exceptional job performance pay,  
31 extraordinary job performance pay, exceptional performance pay,  
32 extraordinary duty pay, or extraordinary or special duty pay,  
33 and any extra benefit not otherwise provided to other similarly  
34 situated employees.

35 Sec. 20. SPECIAL FUNDS. For the fiscal year beginning July

1 1, 2010, and ending June 30, 2011, salary adjustments otherwise  
2 provided for in this Act may be funded using departmental  
3 revolving, trust, or special funds for which the general  
4 assembly has established an operating budget, provided doing so  
5 does not exceed the operating budget established by the general  
6 assembly.

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

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

21 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary model  
22 administrator shall work in conjunction with the legislative  
23 services agency to maintain the state's salary model used for  
24 analyzing, comparing, and projecting state employee salary  
25 and benefit information, including information relating to  
26 employees of the state board of regents. The department of  
27 revenue, the department of administrative services, the five  
28 institutions under the jurisdiction of the state board of  
29 regents, the judicial district departments of correctional  
30 services, and the state department of transportation shall  
31 provide salary data to the department of management and the  
32 legislative services agency to operate the state's salary  
33 model. The format and frequency of provision of the salary  
34 data shall be determined by the department of management and  
35 the legislative services agency. The information shall be

1 used in collective bargaining processes under chapter 20 and  
2 in calculating the funding needs contained within the annual  
3 salary adjustment legislation. A state employee organization  
4 as defined in section 20.3, subsection 4, may request  
5 information produced by the model, but the information provided  
6 shall not contain information attributable to individual  
7 employees.

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

10 7. The following are range 7 positions: administrator  
11 of the public broadcasting division of the department of  
12 education, director of the department of corrections, director  
13 of the department of education, director of human services,  
14 director of the department of economic development, executive  
15 director of the Iowa telecommunications and technology  
16 commission, executive director of the state board of regents,  
17 director of transportation, director of the department of  
18 workforce development, director of revenue, director of public  
19 health, state court administrator, director of the department  
20 of management, chief information officer, and director of the  
21 department of administrative services.

22 DIVISION IV

23 APPROPRIATION REDUCTIONS

24 Sec. 25. APPROPRIATION REDUCTIONS — REPORT.

25 1. The amounts appropriated from the general fund of  
26 the state to the departments and establishments of the  
27 executive branch, as defined in section 8.2, but not including  
28 appropriations to the state board of regents, for operational  
29 purposes in enactments made for the fiscal year beginning July  
30 1, 2010, and ending June 30, 2011, are reduced by \$83,760,500.  
31 For purposes of this section, "operational purposes"  
32 means salary, support, administrative expenses, or other  
33 personnel-related costs. The reductions in appropriations  
34 required pursuant to this subsection shall be realized through  
35 the implementation of 2010 Iowa Acts, Senate File 2062, 2010

1 Iowa Acts, Senate File 2088, executive order number 20 issued  
2 December 16, 2009, and any other efficiency measure. The  
3 reductions to operational appropriations required by this  
4 subsection shall be applied by the department of management.

5 2. On or before December 1, 2010, the department of  
6 management shall submit a report to the general assembly  
7 and the legislative services agency regarding anticipated  
8 reductions in appropriations for operational purposes and  
9 anticipated reductions in full-time equivalent positions  
10 for the fiscal year beginning July 1, 2010, and ending June  
11 30, 2011, as required by this section. In the report, all  
12 reductions shall be categorized in one of four categories. The  
13 categories shall include the implementation of 2010 Iowa Acts,  
14 Senate File 2062; the implementation of 2010 Iowa Acts, Senate  
15 File 2088, section 65; the implementation of 2010 Iowa Acts,  
16 Senate File 2088, sections 67 and 68; and the implementation of  
17 both executive order number 20 issued December 16, 2009, and  
18 any remaining provisions of 2010 Iowa Acts, Senate File 2088.

19 Sec. 26. CASH RESERVE TRANSFER. For the fiscal year  
20 beginning July 1, 2010, and ending June 30, 2011, the  
21 department of management may transfer up to five million  
22 dollars from the cash reserve fund created in section 8.56  
23 to appropriations addressed by this division for purposes  
24 of offsetting the appropriation reductions required in this  
25 division. A transfer made pursuant to the authority granted in  
26 this section shall be subject to the reporting requirements in  
27 section 8.39, subsections 3 and 4.

28 Sec. 27. DEPARTMENT OF ADMINISTRATIVE SERVICES —  
29 INFORMATION TECHNOLOGY. There is appropriated from the general  
30 fund of the state to the department of administrative services  
31 for the fiscal year beginning July 1, 2010, and ending June 30,  
32 2011, the following amount, or so much thereof as is necessary,  
33 to be used for the purposes designated:

34 For implementing 2010 Iowa Acts, Senate File 2088, division  
35 I, including salaries, support, maintenance, and miscellaneous

1 purposes:

2 ..... \$ 2,300,000

3 DIVISION V

4 STATE FINANCIAL MANAGEMENT DUTIES

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

7 1. *Centralized accounting and payroll system.* To assume the  
8 responsibilities related to a centralized accounting system  
9 for state government and to establish a centralized payroll  
10 system for all state agencies. However, the state board of  
11 regents and institutions under the control of the state board  
12 of regents shall not be required to utilize the centralized  
13 payroll system.

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

16 NEW SUBSECTION. 8A. *Budget database.* To develop and make  
17 available to the public a searchable budget database.

18 Sec. 30. Section 11.5B, subsection 16, if enacted by  
19 2010 Iowa Acts, Senate File 2367, is amended by striking the  
20 subsection.

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

23 SEC. 233. DEPARTMENT OF ~~MANAGEMENT~~ ADMINISTRATIVE  
24 SERVICES — CENTRALIZED PAYROLL SYSTEM. The department  
25 of ~~management~~ administrative services shall examine the  
26 possibility of merging all state payroll systems into the  
27 centralized payroll system operated by the department.  
28 The department shall consult with those entities of state  
29 government not utilizing the centralized payroll system,  
30 including but not limited to the state department of  
31 transportation, about strategies for encouraging utilization  
32 of the state's centralized payroll system and by identifying  
33 those barriers preventing merging of the payroll systems.  
34 The department shall provide information to the joint  
35 appropriations subcommittee on administration and regulation



1 concerning efforts by the department to merge payroll systems  
2 and any recommendations for legislative action to encourage, or  
3 eliminate barriers to, the provision of payroll services by the  
4 department to other state agencies.

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

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

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

15 DIVISION VI

16 CORRECTIVE PROVISIONS

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

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

29 Sec. 35. Section 97D.4, subsection 2, Code 2009, is amended  
30 to read as follows:

31 2. The members of the committee shall be reimbursed for  
32 actual and necessary expenses incurred in the performance of  
33 their duties and shall be paid a per diem as specified in  
34 section ~~7E.6~~ 2.10 for each day in which they engaged in the  
35 performance of their duties. However, per diem compensation

1 and expenses shall not be paid when the general assembly is  
2 actually in session at the seat of government. Expenses and  
3 per diem shall be paid from funds appropriated pursuant to  
4 section 2.12.

5 Sec. 36. Section 123.43A, subsection 1, unnumbered  
6 paragraph 1, as enacted by 2010 Iowa Acts, Senate File 2088,  
7 section 84, is amended to read as follows:

8 For the purposes of this section, unless the context  
9 ~~other~~ otherwise requires:

10 Sec. 37. Section 162.10D, subsection 2, as enacted by 2010  
11 Iowa Acts, House File 2280, section 18, is amended to read as  
12 follows:

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

19 Sec. 38. Section 216A.113, subsection 1, as enacted by 2010  
20 Iowa Acts, Senate File 2088, section 139, is amended to read  
21 as follows:

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

30 Sec. 39. Section 216C.9, subsection 1, Code 2009, as amended  
31 by 2010 Iowa Acts, Senate File 2202, section 7, if enacted, is  
32 amended to read as follows:

33 1. If a street, road, or highway in this state is newly  
34 built or reconstructed, a curb ramp or sloped area shall be  
35 constructed or installed at each intersection of the street,

1 road, or highway with a sidewalk or path. If a sidewalk or path  
2 in this state is newly built or ~~altered~~ reconstructed, a curb  
3 ramp or sloped area shall be constructed or installed at each  
4 intersection of the sidewalk or path with a street, highway,  
5 or road.

6 Sec. 40. Section 256.51, subsection 1, paragraph a, Code  
7 2009, as amended by 2010 Iowa Acts, Senate File 2088, section  
8 316, is amended to read as follows:

9 a. Determine policy for providing information service to  
10 the three branches of state government and to the legal and  
11 ~~medical~~ community in this state.

12 Sec. 41. Section 256F.3, subsection 1, Code 2009, as amended  
13 by 2010 Iowa Acts, Senate File 2033, section 10, is amended to  
14 read as follows:

15 1. The state board of education shall apply for a federal  
16 grant under Pub. L. No. 107-110, cited as the federal No Child  
17 Left Behind Act of 2001, Tit. V, Pt. B, Subpt. 1, for purposes  
18 of providing financial assistance for the planning, program  
19 design, and initial implementation of public charter schools.  
20 The department shall monitor the effectiveness of charter  
21 schools and innovation zone schools and shall implement the  
22 applicable provisions of this chapter.

23 Sec. 42. Section 256F.6, subsection 3, Code 2009, is amended  
24 to read as follows:

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

28 Sec. 43. Section 260C.44, Code 2009, as amended by 2010 Iowa  
29 Acts, Senate File 2340, section 35, if enacted, is amended to  
30 read as follows:

31 **260C.44 Apprenticeship programs.**

32 1. Each community college is authorized to establish or  
33 contract for the establishment of apprenticeship programs  
34 for apprenticeable occupations. Any apprenticeship program  
35 established under this section shall comply with requirements

1 established by the United States department of labor,  
2 ~~bureau office~~ of apprenticeship and training. Participation  
3 in an apprenticeship program or apprenticeship agreement by an  
4 apprenticeship sponsor shall be on a voluntary basis.

5 2. For purposes of this section:

6 a. "Apprentice" means a person who is at least sixteen  
7 years of age, except where a higher minimum age is required by  
8 law, who is employed in an apprenticeable occupation, and is  
9 registered with the United States department of labor, office  
10 of apprenticeship.

11 b. "Apprenticeable occupation" means an occupation approved  
12 for apprenticeship by the United States department of labor,  
13 office of apprenticeship and training.

14 c. "Apprenticeship program" means a plan, registered with  
15 the United States office of apprenticeship which contains  
16 the terms and conditions for the qualification, recruitment,  
17 selection, employment, and training of apprentices, including  
18 the requirement for a written apprenticeship agreement.

19 d. "Apprenticeship sponsor" means a person operating an  
20 apprenticeship program or in whose name an apprenticeship  
21 program is being operated, registered, or approved.

22 Sec. 44. Section 298.4, subsection 2, if enacted by 2010  
23 Iowa Acts, Senate File 2237, section 103, is amended to read  
24 as follows:

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

29 Sec. 45. Section 317.1, Code 2009, as amended by 2010 Iowa  
30 Acts, Senate File 2340, section 86, if enacted, is amended to  
31 read as follows:

32 317.1 Definitions.

33 As used in this chapter, unless the context otherwise  
34 requires:

35 a. 1. "Book", "list", "record", or "schedule" kept by a

1 county auditor, assessor, treasurer, recorder, sheriff, or  
2 other county officer means the county system as defined in  
3 section 445.1.

4 ~~b-~~ 2. "Commissioner" means the county weed commissioner or  
5 the commissioner's deputy within each county.

6 Sec. 46. Section 321J.2, subsection 3, paragraph d,  
7 subparagraphs (1) and (2), if enacted by 2010 Iowa Acts, Senate  
8 File 431, section 1, are amended to read as follows:

9 (1) A defendant whose alcohol concentration is .08 or  
10 more but not more than .10 shall not be eligible for any  
11 temporary restricted license for at least thirty days if a  
12 test was obtained and an accident resulting in personal injury  
13 or property damage occurred. The department shall require  
14 the defendant shall be ordered to install an ignition interlock  
15 device of a type approved by the commissioner of public safety  
16 on all vehicles owned or operated by the defendant if the  
17 defendant seeks a temporary restricted license. There shall be  
18 no such period of ineligibility if no such accident occurred,  
19 and the defendant shall not be ~~ordered~~ required to install an  
20 ignition interlock device.

21 (2) A defendant whose alcohol concentration is more than .10  
22 shall not be eligible for any temporary restricted license for  
23 at least thirty days if a test was obtained, and an accident  
24 resulting in personal injury or property damage occurred or the  
25 defendant's alcohol concentration exceeded .15. There shall be  
26 no such period of ineligibility if no such accident occurred  
27 and the defendant's alcohol concentration did not exceed .15.  
28 In either case, where a defendant's alcohol concentration is  
29 more than .10, the department shall require the defendant shall  
30 ~~be ordered~~ to install an ignition interlock device of a type  
31 approved by the commissioner of public safety on all vehicles  
32 owned or operated by the defendant if the defendant seeks a  
33 temporary restricted license.

34 Sec. 47. Section 336.4, Code 2009, as amended by 2010 Iowa  
35 Acts, Senate File 2088, section 323, is amended to read as

1 follows:

2 **336.4 Library trustees.**

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

9 Sec. 48. Section 435.26B, subsection 1, paragraph c, if  
10 enacted by 2010 Iowa Acts, Senate File 2199, section 13, is  
11 amended to read as follows:

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

17 Sec. 49. Section 455B.104, subsection 4, as enacted by 2010  
18 Iowa Acts, Senate File 2088, section 258, is amended to read  
19 as follows:

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

27 Sec. 50. Section 489.116, subsection 4, as amended by 2010  
28 Iowa Acts, House File 2478, section 5, if enacted, is amended  
29 to read as follows:

30 ~~4.~~ 3. A limited liability company or foreign limited  
31 liability company may be served pursuant to this section, as  
32 provided in another provision of this chapter, or as provided  
33 in sections 617.3 through 617.6, unless the manner of service  
34 is otherwise specifically provided for by another provision of  
35 law.

1     Sec. 51. Section 489.1005, subsection 2, Code 2009, is  
2 amended to read as follows:

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

16     Sec. 52. Section 489.1009, subsection 3, Code 2009, is  
17 amended to read as follows:

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

32     Sec. 53. Section 489.1013, subsection 2, Code 2009, is  
33 amended to read as follows:

34     2. A domesticated company that is a foreign limited  
35 liability company consents to the jurisdiction of the courts

1 of this state to enforce any debt, obligation, or other  
2 liability owed by the domesticating company, if, before the  
3 domestication, the domesticating company was subject to suit  
4 in this state on the debt, obligation, or other liability.  
5 A domesticated company that is a foreign limited liability  
6 company and not authorized to transact business in this  
7 state appoints the secretary of state as its registered agent  
8 for service of process for purposes of enforcing a debt,  
9 obligation, or other liability under this subsection. Service  
10 on the secretary of state under this subsection must be made  
11 in the same manner and has the same consequences as in section  
12 489.116, subsections 3 2 and 4 3.

13 Sec. 54. Section 508C.3, subsection 1, paragraph b,  
14 subparagraph (2), subparagraph division (b), Code 2009, as  
15 amended by 2010 Iowa Acts, Senate File 2272, section 1, if  
16 enacted, is amended to read as follows:

17 (b) The person is not eligible for coverage by an  
18 association described in subparagraph ~~part~~ division (a) in any  
19 other state due to the fact that the insurer was not licensed  
20 in the state at the time specified in that state's guaranty  
21 association law.

22 Sec. 55. Section 514C.26, subsection 1, paragraph c,  
23 subparagraph (2), subparagraph division (j), as enacted by 2010  
24 Iowa Acts, House File 2075, section 1, is amended to read as  
25 follows:

26 (j) Costs of extra treatments, services, procedures, tests,  
27 or drugs that would not be performed or administered except  
28 for participation in the cancer clinical trial. Nothing in  
29 this subparagraph ~~subdivision~~ division shall limit payment for  
30 treatments, services, procedures, tests, or drugs that are  
31 otherwise a covered benefit under subparagraph (1).

32 Sec. 56. Section 543B.29, subsection 1, paragraph e,  
33 subparagraph (2), if enacted by 2010 Iowa Acts, Senate File  
34 2326, section 5, is amended to read as follows:

35 (2) The commission, when considering the revocation



1 or suspension of a license pursuant to this paragraph "e",  
2 shall consider the nature of the offense; any aggravating or  
3 extenuating circumstances which are documented; the time lapsed  
4 since the conduct or conviction; the rehabilitation, treatment,  
5 or restitution performed by the licensee; and any other factors  
6 the commission deems relevant. Character references may be  
7 required but shall not be obtained from licensed real estate  
8 brokers or salespersons.

9 Sec. 57. Section 562A.29A, subsection 1, paragraph b, as  
10 enacted by 2010 Iowa Acts, Senate File 2300, section 3, is  
11 amended to read as follows:

12 b. Personal service pursuant to ~~rules~~ rule of civil  
13 procedure 1.305, Iowa court rules, for the personal service of  
14 original notice.

15 Sec. 58. Section 685.6, subsection 9, paragraph d, as  
16 enacted by 2010 Iowa Acts, Senate File 2088, section 343, is  
17 amended to read as follows:

18 d. At any time during which any custodian is in custody  
19 or control of any documentary material or answers to  
20 interrogatories produced, or transcripts of oral testimony  
21 given, by any person in compliance with any civil investigative  
22 demand issued under subsection 1, such person, and in the  
23 case of an express demand for any product of discovery, the  
24 person from whom such discovery was obtained, may file, in  
25 the district court of the state for the judicial district  
26 within which the office of such custodian is located, and serve  
27 upon such custodian, a petition for an order of such court to  
28 require the performance by the custodian of any duty imposed  
29 upon the custodian by this section.

30 Sec. 59. Section 692A.102, subsection 1, paragraph c,  
31 subparagraph (30), Code Supplement 2009, is amended to read as  
32 follows:

33 (30) Enticing ~~away~~ a minor in violation of section 710.10,  
34 if the violation includes an intent to commit sexual abuse,  
35 sexual exploitation, sexual contact, or sexual conduct directed

1 towards a minor.

2 Sec. 60. Section 805.6, subsection 3, paragraph a, if  
3 enacted by 2010 Iowa Acts, Senate File 2340, section 63, is  
4 amended to read as follows:

5 a. The uniform citation and complaint shall contain  
6 spaces for the parties' names; the address of the alleged  
7 offender; the registration number of the offender's vehicle;  
8 the information required by section 805.2, a warning which  
9 states: I hereby swear and affirm that the information  
10 provided by me on this citation is true under penalty of  
11 providing false information; and a statement that providing  
12 false information is a violation of section 719.3; a list of  
13 the scheduled fines prescribed by sections 805.8A, 805.8B, and  
14 805.8C, either separately or by group, and a statement of the  
15 court costs payable in scheduled violation cases, whether or  
16 not a court appearance is required or is demanded; a brief  
17 explanation of sections 805.9 and 805.10; and a space where the  
18 defendant may sign an admission of the violation when permitted  
19 by section 805.9; and the uniform citation and complaint shall  
20 require that the defendant appear before a court at a specified  
21 time and place. The uniform citation and complaint also may  
22 contain a space for the imprint of a credit card, and may  
23 contain any other information which the commissioner of public  
24 safety, the director of transportation, and the director of the  
25 department of natural resources may determine.

26 Sec. 61. Section 805.6, subsection 7, Code Supplement 2009,  
27 as amended by 2010 Iowa Acts, Senate File 2340, section 63, if  
28 enacted, is amended to read as follows:

29 9. Supplies of uniform citation and complaint forms  
30 existing or on order on July 1, 2010, may be used until  
31 exhausted.

32 Sec. 62. Section 901A.1, subsection 1, paragraph c, Code  
33 2009, is amended to read as follows:

34 c. Enticing a minor away in violation of section 710.10,  
35 subsection 1.

1     Sec. 63. The portion of 2010 Iowa Acts, House File 2399,  
2 section 2, if enacted, that enacts section 476.53, subsection  
3 3, paragraph a, subparagraph (1), unnumbered paragraph 1, is  
4 amended by striking the unnumbered paragraph and inserting in  
5 lieu thereof the following:

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

16     Sec. 64. 2010 Iowa Acts, Senate File 431, section 5, if  
17 enacted, is amended by striking the section and inserting in  
18 lieu thereof the following:

19     SEC. 5. Section 907.3, subsection 3, paragraph c,  
20 unnumbered paragraph 1, Code Supplement 2009, is amended to  
21 read as follows:

22     A mandatory minimum sentence of incarceration imposed  
23 pursuant to a violation of section 321J.2, subsection 1;  
24 furthermore, the court shall not suspend any part of a sentence  
25 not involving incarceration imposed pursuant to section 321J.2,  
26 subsection ~~2~~ 3, 4, or 5, beyond the mandatory minimum if any of  
27 the following apply:

28     Sec. 65. 2010 Iowa Acts, Senate File 2237, section 180,  
29 subsection 4, paragraph a, as enacted, is amended to read as  
30 follows:

31     a. The Code editor is directed to strike the words "title"  
32 or "Title" and insert "Tit." within federal Act references  
33 in sections 13.31, subsections 1 and 6; 15E.192, subsection  
34 2; 15E.195, subsections 1 and 2; 30.1, subsection 3; 47.1,  
35 subsection 5; 96.11, subsection 10, paragraph "c"; 97C.1;

1 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered paragraph  
2 1, and subsections 1 and 2; 135C.9, subsection 1, paragraph  
3 "b"; 142A.8, subsection 2; 203C.1, subsection 26; 207.21,  
4 subsections 1, 4, and 5; 207.22, subsection 3, paragraph  
5 "b"; 217.38; 228.1, subsection 7; 230.20, subsection 6;  
6 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2,  
7 subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24,  
8 subsection 2, paragraph "b"; 249B.1, subsections 6 and 7;  
9 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10,  
10 subsection 3; 249J.22, subsection 3; 252B.6, subsection  
11 3; 252B.9, subsection 2, paragraph "b", subparagraph (1),  
12 subsection 3, paragraphs "c", "d", "e", subparagraph (1), and  
13 "f"; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered  
14 paragraph 2; 259.9; 260C.18A, subsection 2, paragraph "c";  
15 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105,  
16 subsection 5; 321.450, subsections 1 and 3; 403.6, subsection  
17 7; 455B.133, subsection 3 and subsection 8, paragraph "a";  
18 459A.102, subsection 19; 483A.4, subsection 1; 486A.101,  
19 subsection 2, paragraph "a"; 488.102, subsection 3, paragraph  
20 "a"; 490A.102, subsection 2; 514.7, subsections 2 through 4;  
21 514B.1, subsection 5, paragraphs "b" ~~through~~ through "d"; 514C.8,  
22 subsection 1; 514F.4, subsection 2, paragraph "a"; 514I.9,  
23 subsection 1; 523A.401, subsection 5, paragraph "a"; 523A.402,  
24 subsection 5, paragraph "a"; 523A.602, subsection 3; 534.205,  
25 subsection 1; 541A.1, subsection 8, paragraph "b", subparagraph  
26 (2); and 541A.6, Code 2009.

27 Sec. 66. 2010 Iowa Acts, Senate File 2366, section 23,  
28 subsection 2, if enacted, is amended to read as follows:

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

35 Sec. 67. REPEAL. 2010 Iowa Acts, House File 2280, section

1 25, is repealed.

2 Sec. 68. REPEAL. 2010 Iowa Acts, House File 2452, section  
3 3, is repealed.

4 Sec. 69. REPEAL. 2010 Iowa Acts, Senate File 2340, section  
5 117, is repealed.

6 Sec. 70. CONDITIONAL EFFECTIVE DATE. The sections of this  
7 division of this Act amending sections 489.1005, 489.1009, and  
8 489.1013, take effect only if 2010 Iowa Acts, House File 2478,  
9 is enacted.

10 Sec. 71. CONDITIONAL EFFECTIVE DATE. The sections of this  
11 division of this Act amending section 692A.102, subsection  
12 1, paragraph "c", subparagraph (30), and section 901A.1,  
13 subsection 1, paragraph "c", take effect only if 2010 Iowa Acts,  
14 House File 2438, is enacted.

15 Sec. 72. CONTINGENT EFFECTIVE DATE. The section of this  
16 division of this Act amending section 805.6, subsection 7,  
17 takes effect only if 2010 Iowa Acts, Senate File 2197, is  
18 enacted.

19 Sec. 73. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
20 APPLICABILITY. The following sections of this division of this  
21 Act, being deemed of immediate importance, take effect upon  
22 enactment and apply retroactively as follows:

23 1. The section of this division of this Act amending section  
24 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File  
25 2280, section 18, applies retroactively to March 9, 2010.

26 2. The section of this division of this Act amending section  
27 216A.113, subsection 1, as enacted by 2010 Iowa Acts, Senate  
28 File 2088, section 139, applies retroactively to March 10,  
29 2010.

30 3. The section of this division of this Act amending section  
31 256.51, subsection 1, paragraph "a", Code 2009, as amended  
32 by 2010 Iowa Acts, Senate File 2088, section 316, applies  
33 retroactively to March 10, 2010.

34 4. The section of this division of this Act amending section  
35 435.26B, subsection 1, paragraph "c", if enacted by 2010 Iowa

1 Acts, Senate File 2199, section 13, applies retroactively to  
2 the effective date of 2010 Iowa Acts, Senate File 2199.

3 5. The section of this division of this Act amending section  
4 562A.29A, subsection 1, paragraph "b", as enacted by 2010 Iowa  
5 Acts, Senate File 2300, section 3, applies retroactively to  
6 March 2, 2010.

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

12 7. The section of this division of this Act repealing 2010  
13 Iowa Acts, House File 2280, section 25, applies retroactively  
14 to March 9, 2010.

15 Sec. 74. EFFECTIVE DATE. The following sections of this  
16 division of this Act take effect December 1, 2010:

17 1. The section of this division of this Act amending section  
18 321J.2, subsection 3, paragraph "d", subparagraphs (1) and (2),  
19 if enacted by 2010 Iowa Acts, Senate File 431, section 1.

20 2. The section of this division of this Act repealing 2010  
21 Iowa Acts, House File 2452, section 3, if 2010 Iowa Acts,  
22 Senate File 431, is enacted.

23 3. The section of this division of this Act amending 2010  
24 Iowa Acts, Senate File 431, section 5, if 2010 Iowa Acts,  
25 Senate File 431, is enacted.

26 DIVISION VII

27 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

28 Sec. 75. SAC AND FOX INDIAN SETTLEMENT — EDUCATIONAL  
29 EXPENSES. There is appropriated from the Iowa comprehensive  
30 petroleum underground storage tank fund to the department of  
31 education for the fiscal year beginning July 1, 2010, and  
32 ending June 30, 2011, the following amount, or so much thereof  
33 as is necessary, to be used for the purposes designated:

34 Notwithstanding section 455G.3, subsection 1, for  
35 distribution to the tribal council of the Sac and Fox Indian

1 settlement located on land held in trust by the secretary  
2 of the interior of the United States. Moneys appropriated  
3 under this section shall be used for the purposes specified in  
4 section 256.30:

5 ..... \$ 90,000

6 Sec. 76. CASH RESERVE FUND APPROPRIATIONS. There is  
7 appropriated from the cash reserve fund created in section 8.56  
8 to the following departments and agencies for the fiscal year  
9 beginning July 1, 2010, and ending June 30, 2011, the following  
10 amounts to be used for the purposes designated:

11 1. DEPARTMENT OF HUMAN SERVICES

12 For the medical assistance program:

13 ..... \$187,800,000

14 2. DEPARTMENT OF MANAGEMENT

15 For salaries, support, maintenance, and miscellaneous  
16 purposes:

17 ..... \$ 260,000

18 Sec. 77. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF  
19 ADMINISTRATIVE SERVICES. The appropriations to the department  
20 of administrative services for the fiscal year beginning July  
21 1, 2010, in 2010 Iowa Acts, Senate File 2367, from the general  
22 fund of the state shall be increased by \$2,761,100. The number  
23 of full-time equivalent positions authorized for the department  
24 of administrative services for the fiscal year beginning  
25 July 1, 2010, in 2010 Iowa Acts, Senate File 2367, shall be  
26 increased by 34.40.

27 Sec. 78. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF  
28 MANAGEMENT. The appropriations to the department of management  
29 for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts,  
30 Senate File 2367, from the general fund of the state shall be  
31 decreased by \$2,761,100. The number of full-time equivalent  
32 positions authorized for the department of management for the  
33 fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate  
34 File 2367, shall be decreased by 34.40.

35 Sec. 79. RAILROAD COMPANY — LIMITED LIABILITY. A railroad

1 company which alters facilities described in section 327F.2  
2 pursuant to a written agreement with a political subdivision  
3 with a population of more than 15,100, but less than 15,150,  
4 according to the 2000 certified federal census, to construct a  
5 flood mitigation project shall not held liable for any damages  
6 caused by the alteration due to a flood.

7 Sec. 80. BRAILLE AND SIGHT SAVING SCHOOL STUDY.

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

16 2. For purposes of conducting the study, the state board of  
17 regents shall form a committee with representatives of all of  
18 the following:

19 a. Parents of students who are blind or visually impaired.

20 b. Constituent organizations for the blind or visually  
21 impaired.

22 c. The department of education.

23 d. The department for the blind.

24 e. The department of human services.

25 f. Area education agencies.

26 g. School boards and school board administrators.

27 h. The governor's developmental disabilities council.

28 i. Administration of the statewide system for vision  
29 services.

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

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

33 Sec. 81. PLUMBERS, MECHANICAL PROFESSIONALS, AND  
34 CONTRACTORS — EFFECTIVE UPON ENACTMENT.

35 1. Notwithstanding the provisions of section 105.18,



1 subsection 2, paragraph "c", subparagraph (3), to the contrary,  
2 the plumbing and mechanical systems board shall, through  
3 September 30, 2010, allow a person who has not previously held  
4 a license issued under section 105.18 to sit for the state  
5 master licensing examination for the applicable discipline if  
6 that person submits evidence of work experience which the board  
7 deems to be equivalent to forty-eight months experience as a  
8 licensed master in the applicable discipline.

9 2. This section, being deemed of immediate importance,  
10 takes effect upon enactment.

11 Sec. 82. Section 8D.13, subsection 5, Code 2009, is amended  
12 to read as follows:

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

29 b. The lease provisions of this subsection do not apply to a  
30 school district which elects to provide one hundred percent of  
31 the financing for the district's connection.

32 Sec. 83. Section 16.100A, subsection 6, paragraph d, Code  
33 Supplement 2009, is amended to read as follows:

34 d. General public members shall be reimbursed by the Iowa  
35 finance authority for actual and necessary expenses incurred

1 while engaged in their official duties. ~~Expense payments shall~~  
2 ~~be made from appropriations made for purposes of this section.~~

3 Sec. 84. Section 16.181, subsection 1, paragraph a, Code  
4 Supplement 2009, is amended to read as follows:

5 a. A housing trust fund is created within the authority.  
6 The moneys in the housing trust fund are annually appropriated  
7 to the authority to be used for the development and  
8 preservation of affordable housing for low-income people in  
9 the state and for the Iowa mortgage help initiative. Payment  
10 of interest, recaptures of awards, or other repayments  
11 to the housing trust fund shall be deposited in the fund.  
12 Notwithstanding section 12C.7, interest or earnings on moneys  
13 in the housing trust fund or appropriated to the fund shall  
14 be credited to the fund. Notwithstanding section 8.33,  
15 unencumbered and unobligated moneys remaining in the fund  
16 at the close of each fiscal year shall not revert but shall  
17 remain available for expenditure for the same purposes in the  
18 succeeding fiscal year.

19 Sec. 85. Section 20.19, Code 2009, is amended to read as  
20 follows:

21 **20.19 Impasse procedures — agreement of parties.**

22 As the first step in the performance of their duty to  
23 bargain, the public employer and the employee organization  
24 shall endeavor to agree upon impasse procedures. Such  
25 agreement shall provide for implementation of these impasse  
26 procedures not later than one hundred twenty days prior to  
27 the certified budget submission date of the public employer.  
28 However, if public employees represented by the employee  
29 organization are teachers licensed under chapter 272, and the  
30 public employer is a school district or area education agency,  
31 the agreement shall provide for implementation of impasse  
32 procedures not later than one hundred twenty days prior to May  
33 31 of the year when the collective bargaining agreement is  
34 to become effective. If the public employer is a community  
35 college, the agreement shall provide for implementation of

1 impasse procedures not later than one hundred twenty days prior  
2 to May 31 of the year when the collective bargaining agreement  
3 is to become effective. If the public employer is not subject  
4 to the budget certification requirements of section 24.17 and  
5 other applicable sections, the agreement shall provide for  
6 implementation of impasse procedures not later than one hundred  
7 twenty days prior to the date the next fiscal or budget year of  
8 the public employer commences. If the parties fail to agree  
9 upon impasse procedures under the provisions of this section,  
10 the impasse procedures provided in sections 20.20 to 20.22  
11 shall apply.

12 Sec. 86. Section 20.20, Code 2009, is amended to read as  
13 follows:

14 **20.20 Mediation.**

15 In the absence of an impasse agreement negotiated pursuant  
16 to section 20.19 or the failure of either party to utilize its  
17 procedures, one hundred twenty days prior to the certified  
18 budget submission date, or one hundred twenty days prior to  
19 May 31 of the year when the collective bargaining agreement  
20 is to become effective if public employees represented by the  
21 employee organization are teachers licensed under chapter  
22 272 and the public employer is a school district or area  
23 education agency, the board shall, upon the request of either  
24 party, appoint an impartial and disinterested person to act  
25 as mediator. If the public employer is a community college,  
26 and in the absence of an impasse agreement negotiated pursuant  
27 to section 20.19 or the failure of either party to utilize  
28 its procedures, one hundred twenty days prior to May 31  
29 of the year when the collective bargaining agreement is to  
30 become effective, the board, upon the request of either party,  
31 shall appoint an impartial and disinterested person to act as  
32 mediator. If the public employer is not subject to the budget  
33 certification requirements of section 24.17 or other applicable  
34 sections and in the absence of an impasse agreement negotiated  
35 pursuant to section 20.19, or the failure of either party to

1 utilize its procedures, one hundred twenty days prior to the  
2 date the next fiscal or budget year of the public employer  
3 commences, the board, upon the request of either party, shall  
4 appoint an impartial and disinterested person to act as a  
5 mediator. It shall be the function of the mediator to bring  
6 the parties together to effectuate a settlement of the dispute,  
7 but the mediator may not compel the parties to agree.

8 Sec. 87. Section 99B.12A, unnumbered paragraph 1, Code  
9 2009, is amended to read as follows:

10 ~~An organization that is exempt from federal income taxes~~  
11 ~~under section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6),~~  
12 ~~501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal~~  
13 ~~Revenue Code as defined in section 422.3, A person shall be~~  
14 authorized to conduct a bingo occasion without a license as  
15 otherwise required by this chapter if all of the following  
16 requirements are met:

17 Sec. 88. Section 99B.17, Code 2009, is amended to read as  
18 follows:

19 **99B.17 Gambling on credit unlawful — exception.**

20 1. A person who tenders and a person who receives any  
21 promise, agreement, note, bill, bond, contract, mortgage or  
22 other security, or any negotiable instrument, as consideration  
23 for any wager or bet, whether or not lawfully conducted or  
24 engaged in pursuant to this chapter, commits a misdemeanor.  
25 However, a participant in a bingo occasion or in a contest  
26 lawful under section 99B.11 may make payment by personal check  
27 for any entry or participation fee assessed by the sponsor of  
28 the bingo occasion or contest.

29 2. A participant in a raffle conducted by an eligible  
30 qualified organization may purchase raffle tickets by personal  
31 check, money order, bank check, cashier's check, electronic  
32 check, or debit card for one raffle conducted by the eligible  
33 qualified organization during a calendar year. The department  
34 shall adopt rules setting minimum standards concerning the  
35 purchase of raffle tickets as authorized by this subsection

1 which shall ensure compliance with applicable federal law and  
2 for the protection of personal information consistent with  
3 payment card industry compliance regulations. For purposes  
4 of this subsection, an "eligible qualified organization" is a  
5 qualified organization that has conducted a raffle pursuant to  
6 section 99B.7 during the previous eight consecutive calendar  
7 years in which the net proceeds are distributed to a museum.

8 Sec. 89. Section 155A.6A, subsection 3, Code 2009, is  
9 amended to read as follows:

10 3. a. Beginning July 1, 2009, a person who is in the  
11 process of acquiring national certification as a pharmacy  
12 technician and who is in training to become a pharmacy  
13 technician shall register with the board as a pharmacy  
14 technician. The registration shall be issued for a period not  
15 to exceed one year and shall not be renewable.

16 b. A person who is registered as a pharmacy technician or a  
17 pharmacy technician trainee prior to January 1, 2010, who has  
18 worked as a pharmacy technician or pharmacy technician trainee  
19 for a minimum of two thousand hours in the previous eighteen  
20 months under the direction of a licensed pharmacist or who  
21 has received certification as a pharmacy technician through a  
22 certification program accredited by the national commission for  
23 certifying agencies, is exempt from meeting any examination  
24 requirement for registration pursuant to subsection 2.

25 Sec. 90. Section 174.1, subsection 2, paragraphs b and c,  
26 Code 2009, are amended to read as follows:

27 b. The organization owns buildings and or other improvements  
28 situated on the fairgrounds which have been specially  
29 constructed for purposes of conducting a fair event.

30 c. The market value of the fairgrounds and buildings and  
31 other improvements located on the fairgrounds is at least  
32 eighty twenty-five thousand dollars.

33 Sec. 91. Section 174.1, subsection 3, Code 2009, is amended  
34 to read as follows:

35 3. "*Fair event*" means an annual gathering of the public

1 on fairgrounds that incorporates agricultural exhibits,  
2 demonstrations, shows, or competitions ~~and which includes all~~  
3 ~~of the following:~~

4 ~~a.~~ Programs that include programs or projects sponsored by  
5 4-H clubs, future farmers of America, or the Iowa cooperative  
6 extension service in agriculture and home economics of Iowa  
7 state university. Other activities may include any of the  
8 following:

9 ~~b.~~ a. Commercial exhibits sponsored by manufacturers or  
10 other businesses.

11 ~~c.~~ b. Educational programs or exhibits sponsored by  
12 governmental entities or nonprofit organizations.

13 ~~d.~~ c. Competition in culinary arts, fine arts, or home  
14 craft arts.

15 Sec. 92. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
16 APPLICABILITY. The provision of this division of this Act  
17 amending section 155A.6A, subsection 3, being deemed of  
18 immediate importance, takes effect upon enactment and applies  
19 retroactively to January 1, 2010.

20 DIVISION VIII

21 BICYCLES

22 Sec. 93. NEW SECTION. **321.281 Actions against bicyclists.**

23 1. A person operating a motor vehicle shall not steer the  
24 motor vehicle unreasonably close to or toward a person riding  
25 a bicycle on a highway, including the roadway or the shoulder  
26 adjacent to the roadway.

27 2. A person shall not knowingly project any object or  
28 substance at or against a person riding a bicycle on a highway.

29 3. A person who violates this section commits a simple  
30 misdemeanor punishable as a scheduled violation under section  
31 805.8A, subsection 14, paragraph "k".

32 Sec. 94. Section 805.8A, subsection 14, Code Supplement  
33 2009, is amended by adding the following new paragraph:

34 NEW PARAGRAPH. *k.* Actions against a person on a bicycle.

35 For violations under section 321.281 the scheduled fine is two

1 hundred fifty dollars.

2 DIVISION IX

3 HOTEL AND MOTEL TAX

4 Sec. 95. Section 423A.4, subsections 1 and 3, Code 2009, are  
5 amended to read as follows:

6 1. A city ~~or county~~ may impose by ordinance of the city  
7 council ~~or by resolution of the board of supervisors~~ a hotel  
8 and motel tax, at a rate not to exceed ~~seven~~ nine percent,  
9 which shall be imposed in increments of one or more full  
10 percentage points upon the sales price from the renting of  
11 lodging. A county may impose by resolution of the board of  
12 supervisors a hotel and motel tax, at a rate not to exceed  
13 eight percent, which shall be imposed in increments of one  
14 or more full percentage points upon the sales price from the  
15 renting of lodging. The tax when imposed by a city shall apply  
16 only within the corporate boundaries of that city and when  
17 imposed by a county shall apply only outside incorporated areas  
18 within that county. However, if a county imposes a hotel and  
19 motel tax of eight percent, one percentage point of that hotel  
20 and motel tax may, subject to the requirements of subsection  
21 3A, be imposed by the county in both the incorporated areas and  
22 the unincorporated areas within that county. A change to the  
23 imposition of an eight percent county hotel and motel tax to  
24 impose the one percentage point of such tax in the incorporated  
25 areas of the county or to exclude the incorporated areas of the  
26 county from imposition of the one percentage point of such tax  
27 is a change in the rate of the hotel and motel tax for purposes  
28 of this section, and subsection 4, paragraph "b", subparagraph  
29 (3), applies to the election on such a proposition.

30 3. A Subject to the requirements of subsection 5, a local  
31 hotel and motel tax shall be imposed on January 1 or July 1,  
32 following the notification of the director of revenue. Once  
33 imposed, the tax shall remain in effect at the rate imposed  
34 for a minimum of one year. A local hotel and motel tax shall  
35 terminate only on June 30 or December 31. At least forty-five

1 days prior to the tax being effective or prior to a revision in  
2 the tax rate or prior to the repeal of the tax, a city or county  
3 shall provide notice by mail of such action to the director of  
4 revenue. The director shall have the authority to waive the  
5 notice requirement.

6 Sec. 96. Section 423A.4, Code 2009, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 3A. A county shall not submit a proposition  
9 to the electorate to impose a hotel and motel tax of eight  
10 percent that includes the imposition of one percentage point  
11 of such tax in the incorporated areas of the county unless the  
12 county is currently imposing a hotel and motel tax of seven  
13 percent in the unincorporated areas of the county. An election  
14 on the question of increasing the rate of a county hotel and  
15 motel tax to eight percent shall not be held less than one  
16 year following the election that approved the county hotel  
17 and motel tax rate of seven percent if such increase to eight  
18 percent also includes the imposition of one percentage point  
19 of such tax in the incorporated areas of the county. A county  
20 imposing a hotel and motel tax of eight percent that includes  
21 the imposition of one percentage point of such tax in the  
22 incorporated areas of the county shall not submit a proposition  
23 to the electorate to reduce the tax rate to a rate of less than  
24 seven percent until a reduction to a rate of seven percent is  
25 first approved at election.

26 Sec. 97. Section 423A.4, subsection 4, paragraph b, Code  
27 2009, is amended to read as follows:

28 *b.* (1) If the tax applies only within the corporate  
29 boundaries of a city, only the registered voters of the city  
30 shall be permitted to vote. The election shall be held at the  
31 time of the regular city election or at a special election  
32 called for that purpose.

33 (2) If the tax applies only in the unincorporated areas of a  
34 county, only the registered voters of the unincorporated areas  
35 of the county shall be permitted to vote. The election shall



1 be held at the time of the general election or at a special  
2 election called for that purpose.

3 (3) If the tax applies in both the incorporated and  
4 unincorporated areas of a county, all registered voters of the  
5 county shall be permitted to vote. The election shall be held  
6 at the time of the general election or at a special election  
7 called for that purpose.

8 Sec. 98. Section 423A.4, Code 2009, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 5. *a.* For any imposition of a local hotel  
11 and motel tax, or any increase in the rate of a local hotel  
12 and motel tax, approved at election on or after the effective  
13 date of this division of this Act, the city council or county  
14 board of supervisors where the tax or the tax rate increase was  
15 approved shall, within ten days following approval at election,  
16 appoint a citizen advisory committee consisting of not less  
17 than five individuals. Each individual appointed to the  
18 citizen advisory committee shall be a resident of the city or  
19 the unincorporated area of the county where the tax or the tax  
20 rate increase was approved. Each individual appointed to the  
21 citizen advisory committee for an increase in a county hotel  
22 and motel tax to eight percent that includes the imposition  
23 of one percentage point of such tax in the incorporated areas  
24 of the county, shall be a resident of the county. A vacancy  
25 on the citizen advisory committee shall be filled in the same  
26 manner as the original appointment. Committee members shall  
27 not receive compensation by reason of their membership on the  
28 committee.

29 *b.* The citizen advisory committee shall develop and  
30 submit recommendations to the city council or county board  
31 of supervisors, as applicable, relating to the use of the  
32 increased revenues resulting from the imposition of the tax or  
33 the increased tax rate. Recommendations for the use of such  
34 increased revenues shall be consistent with the requirements  
35 of section 423A.7, subsection 4. The recommendations of the

1 citizen advisory committee shall not relieve the city or county  
2 from compliance with the requirements of section 423A.7,  
3 subsection 4.

4 *c.* If a city or county fails to appoint a citizen advisory  
5 committee as required under this subsection, the director of  
6 revenue shall not impose the tax, or the increase in the tax  
7 rate, notwithstanding subsection 3. The director of revenue  
8 shall only impose the tax, or an increase in the tax rate,  
9 approved on or after the effective date of this division of  
10 this Act on January 1 or July 1, following the appointment of  
11 a citizen advisory committee.

12 *d.* The citizen advisory committee shall be dissolved on  
13 the date the tax or the increased tax rate is imposed by the  
14 director of revenue.

15 Sec. 99. Section 423A.7, subsection 2, Code 2009, is amended  
16 to read as follows:

17 2. All moneys in the local transient guest tax fund shall  
18 be remitted at least quarterly by the department, pursuant to  
19 rules of the director of revenue, to each city in the amount  
20 collected from businesses in that city and to each county in  
21 the amount collected from businesses in the unincorporated  
22 areas of the county. However, if a county imposes a hotel and  
23 motel tax of eight percent and imposes one percentage point of  
24 that hotel and motel tax within the incorporated areas of the  
25 county pursuant to section 423A.4, subsection 1, the amount  
26 collected from businesses within the incorporated areas of the  
27 county as the result of the hotel and motel tax imposed by the  
28 county shall be remitted by the department to that county.

29 Sec. 100. Section 423A.7, subsection 4, paragraphs a and b,  
30 Code 2009, are amended to read as follows:

31 *a.* (1) Each county or city which levies the tax shall  
32 spend at least fifty percent of the revenues derived therefrom  
33 for the acquisition of sites for, or constructing, improving,  
34 enlarging, equipping, repairing, operating, or maintaining of  
35 recreation, convention, cultural, or entertainment facilities

1 including but not limited to memorial buildings, halls and  
2 monuments, civic center convention buildings, auditoriums,  
3 coliseums, and parking areas or facilities located at those  
4 recreation, convention, cultural, or entertainment facilities  
5 or the payment of principal and interest, when due, on bonds  
6 or other evidence of indebtedness issued by the county or city  
7 for those recreation, convention, cultural, or entertainment  
8 facilities; or for the promotion and encouragement of tourist  
9 and convention business in the city or county and surrounding  
10 areas.

11 (2) Each city imposing a hotel and motel tax of eight  
12 percent shall spend at least one-eighth of the revenues derived  
13 therefrom for the marketing of community attractions, tourism  
14 facilities, and other tourism opportunities located within  
15 that city. Each city imposing a hotel and motel tax of nine  
16 percent shall spend at least two-ninths of the revenues derived  
17 therefrom for the marketing of community attractions, tourism  
18 facilities, and other tourism opportunities located within that  
19 city. Each county imposing a hotel and motel tax of eight  
20 percent shall spend at least one-eighth of the revenues derived  
21 therefrom for the marketing of community attractions, tourism  
22 facilities, and other tourism opportunities located within that  
23 county.

24 b. The remaining revenues, following the expenditures  
25 required under paragraph "a", may be spent by the city or  
26 county which levies the tax for any city or county operations  
27 authorized by law as a proper purpose for the expenditure  
28 within statutory limitations of city or county revenues derived  
29 from ad valorem taxes.

30 EXPLANATION

31 This bill makes, reduces, and transfers appropriations,  
32 provides for salaries and compensation of state employees, and  
33 covers other properly related matters. The bill is organized  
34 into divisions.

35 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2011-2012.

1 Code section 331.439, subsection 3, provides that county mental  
2 health, mental retardation, and developmental disabilities  
3 (MH/MR/DD) service expenditures for a fiscal year are limited  
4 to a fixed budget amount and that the fixed amount is subject  
5 to an allowed growth factor adjustment. The allowed growth  
6 factor adjustment is to be set by statute enacted during the  
7 fiscal year which commences two years from the beginning  
8 date of the fiscal year in progress at the time the statute  
9 is enacted. The MH/MR/DD/BI commission is required to make  
10 a recommendation of the adjustment amount to the governor  
11 annually in November and the governor is required to submit a  
12 recommendation for the amount to the general assembly at the  
13 time the governor's budget is submitted. The bill provides  
14 that for the allowed growth adjustment factor legislation for  
15 FY 2011-2012, the governor must submit a recommendation on or  
16 before January 11, 2011, and the statute providing the allowed  
17 growth factor adjustment is to be enacted within 30 calendar  
18 days of the date the 2011 session of the general assembly  
19 convenes.

20 STANDING APPROPRIATIONS AND RELATED MATTERS. For the budget  
21 process applicable to FY 2011-2012, state agencies are required  
22 to submit estimates and other expenditure information as called  
23 for by the director of the department of management instead of  
24 the information required under Code section 8.23.

25 The division limits the standing unlimited appropriation  
26 for FY 2010-2011 for expenses of the general assembly and the  
27 legislative agencies.

28 The division limits the standing unlimited appropriation for  
29 FY 2010-2011 for payment for nonpublic school transportation.  
30 The division limits the standing limited appropriation for FY  
31 2010-2011 for operational support grants and community cultural  
32 grants, for regional tourism marketing, for the Iowa power  
33 fund, for the enforcement of Code chapter 453D relating to  
34 tobacco product manufacturers, for the center for congenital  
35 and inherited disorders central registry, for primary and

1 secondary child abuse prevention programs, for programs for  
2 at-risk children, and for mental health, mental retardation,  
3 and developmental disabilities services property tax relief.

4 The standing appropriation made for state foundation aid  
5 allowable growth for schools under Code section 257.16 for  
6 fiscal year 2010-2011, is limited to a specific amount. Of  
7 that amount, a specific amount is designated for the teacher  
8 salary supplements, the professional development supplements,  
9 and the early intervention supplement in accordance with Code  
10 section 257.10, subsections 9 through 11, and Code section  
11 257.37A.

12 The standing appropriation made in Code section 426B.1 for  
13 property tax relief through county levies for MH/MR/DD services  
14 is revised to eliminate a standing amount of \$6.6 million that  
15 is designated for the medical assistance (Medicaid) program.

16 The division eliminates for FY 2010-2011 a standing  
17 appropriation for instructional support state aid.

18 The division credits to the general fund of the state a  
19 portion of federal moneys received by the Iowa veterans home  
20 for costs to improve and renovate a medical clinic at the  
21 home. These provisions take effect upon enactment and are  
22 retroactively applicable to July 1, 2009.

23 For FY 2010-2011, the division funds the following property  
24 tax credits from the property tax credit fund created in the  
25 bill instead of entirely funding the credits from the general  
26 fund of the state: homestead, agricultural land and family  
27 farm, military service, and elderly and disabled tax credit  
28 and reimbursement. The division appropriates moneys from the  
29 general fund and the cash reserve fund for deposit in the  
30 property tax credit fund. These provisions take effect upon  
31 enactment.

32 The division appropriates moneys from the cash reserve fund  
33 to the executive council for FY 2010-2011 for performance of  
34 duty by the executive council. The bill requires that such  
35 moneys must be used prior to the standing appropriation made

1 from the general fund for the same purposes.

2 The division provides that certain cash reserve fund  
3 requirements do not apply to any appropriations made in the  
4 bill from the cash reserve fund.

5 The division provides that the contingent appropriation from  
6 the general fund of the state to the cash reserve fund pursuant  
7 to Code section 8.57, subsection 1, shall not be made for FY  
8 2010-2011.

9 The division provides for the nonreversion of moneys  
10 appropriated in 2009 Iowa Acts, chapter 179, for FY 2009-2010  
11 from the cash reserve fund to the executive council for  
12 performance of duty. This provision takes effect upon  
13 enactment.

14 SALARIES, COMPENSATION, AND RELATED MATTERS. This division  
15 of the bill relates to the funding for the fiscal year  
16 beginning July 1, 2010, of salary increases for appointed  
17 nonelected officers, employees subject to collective bargaining  
18 agreements, certain noncontract employees, and board of regents  
19 employees.

20 For FY 2010-2011 the maximum and minimum salary levels of all  
21 pay plans of noncontract state employees shall not increase and  
22 shall remain as they exist for FY 2009-2010. The pay levels  
23 for noncontract judicial branch employees shall not increase.

24 A supplemental authorization is provided to fund salaries  
25 from trust, revolving, and special funds for which the general  
26 assembly has established a budget.

27 The division prohibits bonus pay for employees of the  
28 executive branch except for employees of the state board of  
29 regents, the judicial branch, and the legislative branch,  
30 unless the bonus pay is otherwise authorized by law, required  
31 pursuant to an employment contract entered into before July  
32 1, 2010, or required pursuant to a collective bargaining  
33 agreement.

34 The division appropriates all federal grants to and the  
35 federal receipts of the agencies affected by this division

1 which are received and are expended for purposes of this  
2 division.

3 The division requires sworn peace officers in the department  
4 of public safety who are not covered by a collective bargaining  
5 agreement to receive the same per diem meal allowance as  
6 the sworn peace officers covered by a collective bargaining  
7 agreement.

8 The salary model administrator is required to work in  
9 conjunction with the department of management and the  
10 legislative services agency to analyze, compare, and project  
11 state salary and benefit information.

12 The division adds the position of chief information officer,  
13 a position created in 2010 Iowa Acts, Senate File 2088, to  
14 salary range 7 for appointed state officers.

15 APPROPRIATION REDUCTIONS. This division of this bill  
16 provides that the amounts appropriated from the general fund  
17 of the state to the departments and establishments of the  
18 executive branch, but not including appropriations to the state  
19 board of regents, for operational purposes in enactments made  
20 for the fiscal year beginning July 1, 2010, and ending June  
21 30, 2011, are reduced by \$83,760,500. The division requires  
22 the reductions in appropriations to be realized through the  
23 implementation of 2010 Iowa Acts, Senate File 2062, relating to  
24 early retirement, 2010 Iowa Acts, Senate File 2088, relating  
25 to government efficiency, executive order number 20 issued  
26 December 16, 2009, and any other efficiency measure. The  
27 division requires the department of management to apply the  
28 reductions.

29 On or before December 1, 2010, the division requires the  
30 department of management to submit a report to the general  
31 assembly and the legislative services agency regarding  
32 anticipated reductions in appropriations for operational  
33 purposes and anticipated reductions in full-time equivalent  
34 positions for the fiscal year beginning July 1, 2010, and  
35 ending June 30, 2011. The division requires the report to

1 include a categorization of the reductions.

2 The division, for FY 2010-2011, allows the department of  
3 management to transfer up to \$5 million from the cash reserve  
4 fund for purposes of meeting the appropriation reduction  
5 requirements of the division. The division includes reporting  
6 requirements.

7 The division appropriates moneys from the general fund of  
8 the state to the department of administrative services for  
9 implementing the information technology-related provisions of  
10 2010 Iowa Acts, Senate File 2088.

11 STATE FINANCIAL MANAGEMENT DUTIES. This division strikes  
12 the transfer of state financial management duties from the  
13 department of administrative services to the department of  
14 management in 2010 Iowa Acts, Senate File 2088. The division  
15 also provides that any new financial management duties included  
16 in Senate File 2088 relating to establishing a centralized  
17 payroll, creating a searchable budget database, and modifying  
18 payroll frequency, are included as duties of the department of  
19 administrative services.

20 CORRECTIVE PROVISIONS. This division makes corrective  
21 changes relating to 2010 enactments and pending legislation.

22 Code section 2.69(3), as enacted by 2010 Iowa Acts, Senate  
23 File 2088, section 420, and Code section 97D.4(2), are amended  
24 to correctly insert the reference to Code section 2.10 which  
25 provides for per diem and expense payments to legislators.

26 Code section 123.43A(1), as enacted by 2010 Iowa Acts,  
27 Senate File 2088, section 84, is amended to correctly include  
28 the word "otherwise" in the phrase "unless the context  
29 otherwise requires".

30 Code section 162.10D(2), as enacted by 2010 Iowa Acts, House  
31 File 2280, section 18, is amended to correct a grammatical  
32 construction.

33 Code section 216A.113(1), as enacted by 2010 Iowa Acts,  
34 Senate File 2088, section 139, is corrected to refer to the new  
35 name of the commission of deaf services within the department



1 of human rights.

2 Code section 216C.9(1), as amended by 2010 Iowa Acts,  
3 Senate File 2202, section 7, is amended to substitute the word  
4 "reconstructed" for the word "altered" in reference to required  
5 sidewalk ramp modifications, to make the requirement parallel  
6 to a similar requirement in the same Code subsection relating  
7 to street reconstructions.

8 Code section 256.51(1)(a), as amended by 2010 Iowa Acts,  
9 Senate File 2088, section 316, is amended to eliminate the duty  
10 of the division of libraries and information services of the  
11 department of education to provide information services to the  
12 medical community, to coordinate with the discontinuation of  
13 the medical library as part of the state library as directed by  
14 Senate File 2088.

15 Code section 256F.3(1), as amended by 2010 Iowa Acts,  
16 Senate File 2033, section 10, is amended to add a reference  
17 to innovation zone schools in order to allow the department  
18 of education to monitor the effectiveness of both regular and  
19 innovation zone charter schools. Code section 256F.6(3) is  
20 also amended in a similar manner to allow the department of  
21 education to conduct ongoing reviews of all parties' compliance  
22 with contracts for both regular and innovation zone charter  
23 schools.

24 Code section 260C.44, Code 2009, as amended by 2010 Iowa  
25 Acts, Senate File 2340, section 35, is amended to correctly  
26 refer to the United States department of labor, office of  
27 apprenticeship.

28 Code section 298.4(2), as amended by 2010 Iowa Acts, Senate  
29 File 2237, section 103, is amended to correct a grammatical  
30 construction (singular noun needed).

31 Code section 317.1, as amended by 2010 Iowa Acts, Senate  
32 File 2340, section 86, is amended to correct the hierarchical  
33 designation of Code section subunits (subsection numbers  
34 needed).

35 Code section 321J.2(3)(d)(1,2) is amended to reconcile

1 the restructuring of Code section 321J.2 made in 2010 Iowa  
2 Acts, Senate File 431, with the amendments made to that same  
3 Code section in 2010 Iowa Acts, House File 2452 (allowing the  
4 department of transportation to issue a temporary restricted  
5 license under Code chapter 321J without requiring the court to  
6 order the department to do so). The reconciliation provision  
7 and the duplicative provision in 2010 Iowa Acts, House File  
8 2452, section 3, which is repealed, take effect December 1,  
9 2010.

10 Code section 336.4, as amended by 2010 Iowa Acts, Senate File  
11 2088, section 323, is amended to substitute the word "reside"  
12 for the word "resident" in order to correct the phrase "who  
13 reside within the library district".

14 Code section 435.26B(1)(c), as enacted by 2010 Iowa  
15 Acts, Senate File 2199, section 13, is amended to correct a  
16 grammatical construction (plural noun needed).

17 Code section 455B.104(4), as enacted by 2010 Iowa Acts,  
18 Senate File 2088, section 258, is amended to change the date  
19 by which the department of natural resources must submit its  
20 greenhouse gas emissions report for the previous calendar year  
21 from September 1 to December 31. The change is consistent with  
22 an earlier amendment dealing with the same report made in 2010  
23 Iowa Acts, Senate File 2243, section 2.

24 Code section 489.116, as amended by 2010 Iowa Acts, House  
25 File 2478, section 5, is amended to correctly number the  
26 three subsections in that Code section, and references to the  
27 subsections of Code section 489.116 are corrected in Code  
28 sections 489.1005, 489.1009, and 489.1013.

29 Code section 508C.3(1)(b)(2)(b), as amended by 2010 Iowa  
30 Acts, Senate File 2272, is amended to correct a hierarchical  
31 Code section subunit reference (subparagraph division reference  
32 needed).

33 Code section 514C.26(1)(c)(2)(j), as enacted by 2010 Iowa  
34 Acts, House File 2075, section 1, is amended to correct an  
35 internal reference to a hierarchical designation of a Code

1 section subunit (subparagraph division reference needed).

2 Code section 543B.29(1)(e)(2), as enacted by 2010 Iowa Acts,  
3 Senate File 2326, section 5, is amended to correct an internal  
4 reference to lettered paragraph "e".

5 Code section 562A.29A(1)(b), as enacted by 2010 Iowa Acts,  
6 Senate File 2300, section 3, is amended to correct a reference  
7 to a rule of civil procedure (singular noun needed).

8 Code section 685.6(9)(d), as enacted by 2010 Iowa Acts,  
9 Senate File 2088, section 343, is amended to correct a  
10 reference to the district court of the state (definite article  
11 added).

12 Code sections 692A.102 and 901A.1 are amended to refer to a  
13 violation of Code section 710.10 as "enticing a minor" rather  
14 than "enticing a minor away" to conform to the changes made to  
15 Code section 710.10 in 2010 Iowa Acts, House File 2438, section  
16 1. The amendments are effective contingent on the enactment of  
17 2010 Iowa Acts, House File 2438.

18 Code section 805.6(3)(a), as enacted by 2010 Iowa Acts,  
19 Senate File 2340, section 63, is amended to correct a  
20 grammatical construction (colon needed).

21 Code section 805.6(7), as amended by 2010 Iowa Acts, Senate  
22 File 2340, section 63 (a Code editor's bill), is amended to  
23 conform to the substantive changes to the same language made  
24 by, and contingent upon the enactment of, 2010 Iowa Acts,  
25 Senate File 2197, section 5.

26 2010 Iowa Acts, House File 2399, section 2, is amended  
27 to correct an error in displaying existing Code language  
28 in the bill. That bill section inadvertently deleted the  
29 word "power" in a reference to a baseload electric power  
30 generating facility, and substituted the word "alternative" for  
31 "alternate" in a reference to an alternate energy production  
32 facility.

33 2010 Iowa Acts, Senate File 2237, section 180, subsection 4,  
34 paragraph a, is amended to insert the correct word "through"  
35 in a reference to lettered paragraphs that the Code editor is

1 directed to modify.

2 2010 Iowa Acts, Senate File 2366, section 23(2), if enacted,  
3 is amended to correct a reference to the implementation costs  
4 of this division of this Act rather than of the entire Act.

5 2010 Iowa Acts, Senate File 431, section 5, if enacted,  
6 is amended to correct the amending statement of that section  
7 to indicate that only unnumbered paragraph 1 of Code section  
8 907.3(3)(c) is being amended. The amendment takes effect  
9 December 1, 2010.

10 2010 Iowa Acts, House File 2280, section 25, is repealed,  
11 which adds a definition to Code chapter 717B for the department  
12 of agriculture and land stewardship. The final version of  
13 House File 2280 deleted all responsibilities of the department  
14 so the definition is no longer necessary or meaningful.

15 2010 Iowa Acts, Senate File 2340, section 117, which  
16 internally numbers an unanchored paragraph, is repealed. The  
17 internal numbering is accomplished in 2010 Iowa Acts, Senate  
18 File 2237, section 125.

19 The division makes certain provisions effective upon  
20 enactment and retroactively applicable to the effective date of  
21 the bills amended by the division.

22 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. This division  
23 relates to various miscellaneous provisions.

24 The division appropriates moneys from the Iowa comprehensive  
25 petroleum underground storage tank fund to the department of  
26 education for FY 2010-2011 for distribution to the tribal  
27 council of the Sac and Fox Indian settlement located on land  
28 held in trust by the secretary of the interior of the United  
29 States for the purposes of educational expenses.

30 The division appropriates moneys from the cash reserve  
31 fund to the department of human services for FY 2010-2011 for  
32 purposes of the medical assistance (Medicaid) program and to  
33 the department of management for operation purposes.

34 The division increases general fund appropriations to  
35 the department of administrative services for FY 2010-2011

1 and increases the number of full-time equivalent positions  
2 authorized. The division decreases general fund appropriations  
3 to the department of management for FY 2010-2011 and decreases  
4 the number of full-time equivalent positions authorized.

5 The division provides that a railroad company which alters  
6 facilities pursuant to a written agreement with a political  
7 subdivision with a population of more than 15,100, but less  
8 than 15,150, according to the 2000 certified federal census to  
9 construct a flood mitigation project shall not be held liable  
10 for any damages caused by the alteration due to a flood.

11 The division requires the state board of regents to conduct  
12 a study of the Iowa braille and sight saving school regarding  
13 the residential services, facilities and facility utilization,  
14 and potential partnerships. The study must be submitted to the  
15 legislative council by August 31, 2010.

16 The division requires the plumbing and mechanical systems  
17 board, from the effective date of the provision to September  
18 30, 2010, to allow a person who has not previously been a  
19 licensed journeyman or master in the applicable discipline  
20 to sit for the state master licensing examination for the  
21 applicable discipline if certain work experience criteria are  
22 met. This provision takes effect upon enactment.

23 The division modifies provisions in Code section 8D.13  
24 applicable to the leasing of facilities for Part III  
25 connections associated with the operation of the Iowa  
26 communications network. Currently, the state is required to  
27 lease all fiberoptic cable facilities or facilities with DS-3  
28 capacity for Part III connections for which state funding is  
29 provided, and to lease all fiberoptic cable facilities or  
30 facilities with DS-3 or DS-1 capacity for specified state  
31 departments and agencies. The division deletes specific  
32 reference to DS-3 or DS-1 capacity, instead providing  
33 that facilities with sufficient capacity as determined  
34 by the commission shall be leased. The division provides  
35 that in determining the capacity to be provided, the Iowa

1 telecommunications and technology commission shall consult with  
2 those agencies associated with the connections for which state  
3 funding is provided.

4 The division strikes a provision in Code section 16.100A  
5 that requires expense payments for general public members of  
6 the council on homelessness to be made from state general fund  
7 appropriations. The division specifies that such expenses must  
8 be reimbursed by the Iowa finance authority. The division also  
9 amends Code section 16.181 by authorizing the Iowa finance  
10 authority to use moneys in the housing trust fund for the Iowa  
11 mortgage help initiative. The Iowa mortgage help initiative is  
12 a program that provides foreclosure prevention assistance and  
13 counseling and includes the Iowa mortgage help hotline.

14 The division amends provisions in Code chapter 20  
15 relating to impasse procedures and mediation. The division  
16 provides that if the public employer is not subject to the  
17 budget certification requirements of Code section 24.17 and  
18 other applicable sections, the agreement shall provide for  
19 implementation of impasse procedures not later than 120 days  
20 prior to the date the next fiscal or budget year of the public  
21 employer commences. The division also provides that if the  
22 public employer is not subject to the budget certification  
23 requirements of Code section 24.17 or other applicable sections  
24 and in the absence of an impasse agreement negotiated pursuant  
25 to Code section 20.19, or the failure of either party to  
26 utilize its procedures, 120 days prior to the date the next  
27 fiscal or budget year of the public employer commences, the  
28 board, upon the request of either party, shall appoint an  
29 impartial and disinterested person to act as a mediator.

30 This division amends Code section 99B.12A to authorize  
31 any person to conduct a bingo occasion without a license if  
32 participants are not charged to enter the premises where bingo  
33 is conducted, participants are not charged to play bingo, any  
34 prize awarded is donated, and the bingo occasion is conducted  
35 as an activity and not for fund raising purposes. Current law

1 only allows nonprofit organizations to conduct a bingo occasion  
2 under these limitations without a license.

3 This division amends Code section 99B.17 to authorize a  
4 participant in a raffle conducted by an eligible qualified  
5 organization to purchase raffle tickets by check, money order,  
6 or debit card for one raffle per calendar year. The division  
7 defines an eligible qualified organization as a qualified  
8 organization that has conducted a raffle during the previous  
9 eight consecutive calendar years in which the net proceeds are  
10 distributed to a museum. Current law makes it a misdemeanor  
11 to gamble or wager on credit.

12 The division provides that a person who is registered as  
13 a pharmacy technician or a pharmacy technician trainee prior  
14 to January 1, 2010, who has worked as a pharmacy technician  
15 or pharmacy technician trainee for a designated period of  
16 time under the direction of a licensed pharmacist or who has  
17 received certification as a pharmacy technician through a  
18 certification program accredited by the national commission for  
19 certifying agencies, is exempt from meeting any examination  
20 requirement for registration.

21 The division amends the criteria an organization must meet  
22 to be considered a fair under Code chapter 174. Currently, an  
23 organization must own buildings and other improvements situated  
24 on fairgrounds. The division allows an organization to own  
25 either buildings or improvements situated on a fairground.  
26 Currently, the market value of fairgrounds, buildings, and  
27 other improvements must be at least \$80,000. The division  
28 lowers the threshold to \$25,000. The division changes what  
29 constitutes a fair event under Code chapter 174.

30 BICYCLES. New Code section 321.281 provides that a person  
31 operating a motor vehicle shall not steer the motor vehicle  
32 unreasonably close to or toward a person riding a bicycle  
33 on a highway. The division amends Code section 805.8A to  
34 provide that a person shall not knowingly project any object  
35 or substance at or against a person riding a bicycle on a

1 highway. The division amends Code section 805.8A to provide a  
2 person violating a provision of the division commits a simple  
3 misdemeanor punishable by a scheduled fine of \$250.

4 HOTEL AND MOTEL TAX. Current Code section 423A.4 authorizes  
5 a city or county to impose by ordinance of the city council  
6 or by resolution of the county board of supervisors a local  
7 hotel and motel tax at a rate not to exceed 7 percent. The  
8 imposition, repeal, or change in the rate of a local hotel  
9 and motel tax is also subject to approval at election. This  
10 division increases the maximum allowable local hotel and motel  
11 tax rate for cities from 7 percent to 9 percent. The division  
12 increases the maximum allowable local hotel and motel tax rate  
13 for counties from 7 percent to 8 percent. If a county imposes  
14 a tax of 8 percent, 1 percentage point may be imposed by the  
15 county in both incorporated areas and unincorporated areas  
16 of the county. The bill establishes certain prerequisites  
17 and procedures relating to the imposition of an 8 percent  
18 county hotel and motel tax that includes the imposition of one  
19 percentage point of such tax in the incorporated areas of the  
20 county.

21 The division provides that for any imposition of a local  
22 hotel and motel tax, or any increase in the rate of a local  
23 hotel and motel tax, approved at election on or after the  
24 effective date of the division of the bill, the city council  
25 or county board of supervisors where the tax or the tax rate  
26 increase was approved must, within 10 days following approval  
27 at election, appoint a citizen advisory committee consisting of  
28 not less than five individuals. The division specifies those  
29 individuals who are eligible to serve on a citizen advisory  
30 committee. Vacancies on a citizen advisory committee must  
31 be filled in the same manner as the original appointment.  
32 Committee members do not receive compensation for serving on  
33 the committee.

34 The division requires each citizen advisory committee to  
35 develop and submit recommendations to the city council or



1 county board of supervisors, as applicable, relating to the  
2 use of the increased revenues resulting from the imposition  
3 of the tax or the increased tax rate. Such recommendations  
4 for the use of the increased revenues must be consistent with  
5 statutory requirements for the use of local hotel and motel tax  
6 revenues under Code section 423A.7. Recommendations of the  
7 citizen advisory committee do not relieve the city or county  
8 from complying with the statutory use requirements under Code  
9 section 423A.7.

10 Under the division, if a city or county fails to appoint a  
11 citizen advisory committee, the director of revenue shall not  
12 impose the tax or the increase in the tax rate. The division  
13 only allows the director of revenue to impose the tax or an  
14 increase in the tax rate following the appointment of a citizen  
15 advisory committee. The division provides that each citizen  
16 advisory committee is dissolved on the date the tax or the  
17 increased tax rate is imposed by the director of revenue.

18 If a county imposes an 8 percent hotel and motel tax and  
19 imposes 1 percentage point of the tax within incorporated areas  
20 of the county, the amount collected within the incorporated  
21 areas as a result of the imposed tax shall be remitted by the  
22 department of revenue to that county.

23 The division requires cities imposing an 8 or 9 percent  
24 hotel and motel tax and counties imposing an 8 percent hotel  
25 and motel tax to spend a certain percentage of the revenue on  
26 marketing tourism.