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
programs or results.

Sec. 3. GENERAL ASSEMBLY.

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

$ 5,939,790

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

Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

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

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph “d”, subparagraph (1):

$ 443,300

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

$ 862,028

3. For the center for congenital and inherited disorders central registry under section 144.13A, subsection 4, paragraph “a”:

$ 182,044

4. For primary and secondary child abuse prevention programs under section 144.13A, subsection 4, paragraph “a”:

$ 217,772

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

$ 11,493,891

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

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

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

Sec. 8. PROPERTY TAX CREDIT FUND — PAYMENTS IN LIEU OF
GENERAL FUND REIMBURSEMENT.
1. a. A property tax credit fund shall be created in the
office of the treasurer of state to be used for the purposes of
this section.

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

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

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

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

   a. For reimbursement for the homestead property tax credit under section 425.1:
       $87,757,913
   b. For reimbursement for the family farm and agricultural land tax credits under sections 425A.1 and 426.1:
       $32,395,131
   c. For reimbursement for the military service tax credit under section 426A.1A:
       $2,400,000
   d. For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.39:
       $23,400,000

If the director of revenue determines that the amount of claims for credit for property taxes due pursuant to paragraphs “a”, “b”, “c”, and “d”, plus the amount of claims for reimbursement for rent constituting property taxes paid which are to be paid during the fiscal year may exceed the total amount appropriated, the director shall estimate the percentage of the credits and reimbursements which will be funded by the appropriation. The county treasurer shall notify the director of the amount of property tax credits claimed by June 8, 2010. The director shall estimate the percentage of the property tax credits and rent reimbursement claims that will be funded by the appropriation and notify the county treasurer of the percentage estimate by June 15, 2010. The estimated percentage shall be used in computing for each claim the amount of property tax credit and reimbursement for rent.
constituting property taxes paid for that fiscal year. If the director overestimates the percentage of funding, claims for reimbursement for rent constituting property taxes paid shall be paid until they can no longer be paid at the estimated percentage of funding. Rent reimbursement claims filed after that point in time shall receive priority and shall be paid in the following fiscal year.

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

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

$10,583,628

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

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

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

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

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

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

CASH RESERVE FUND — PERFORMANCE OF DUTY

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

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

Sec. 14. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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

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

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

DIVISION III

SALARIES, COMPENSATION, AND RELATED MATTERS

Sec. 15. APPOINTED STATE OFFICERS.

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

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

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

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

1. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.
2. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.
3. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.
4. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.
5. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.
6. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the clerical bargaining unit.
7. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional social services bargaining unit.
8. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the community-based corrections bargaining unit.
9. The collective bargaining agreements negotiated pursuant to chapter 20 for employees in the judicial branch of government bargaining units.
10. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the patient care bargaining unit.
11. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the science bargaining unit.
12. The collective bargaining agreement negotiated pursuant
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1 to chapter 20 for employees in the university of northern Iowa
2 faculty bargaining unit.
3 13. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the state university of Iowa
4 graduate student bargaining unit.
5 14. The collective bargaining agreement negotiated pursuant
to chapter 20 for employees in the state university of Iowa
6 hospital and clinics tertiary health care bargaining unit.
7 15. The annual pay adjustments, related benefits, and
8 expense reimbursements referred to in the sections of this
9 division of this Act addressing noncontract state and state
10 board of regents employees who are not covered by a collective
11 bargaining agreement.
12
13 Sec. 17. NONCONTRACT STATE EMPLOYEES — GENERAL.
14 1. For the fiscal year beginning July 1, 2010:
15 a. The maximum and minimum salary levels of all pay plans
16 provided for in section 8A.413, subsection 3, as they exist for
17 the fiscal year ending June 30, 2010, shall not increase.
18 b. Employees may receive a step increase or the equivalent
19 of a step increase.
20 c. The pay plan for noncontract judicial branch employees
21 shall not be increased.
22 d. The pay plans for state employees who are exempt
23 from chapter 8A, subchapter IV, and who are included in the
24 department of administrative services' centralized payroll
25 system shall not be increased, and any additional changes
26 in any executive branch pay plans shall be approved by the
27 governor.
28 2. This section does not apply to members of the general
29 assembly, board members, commission members, persons whose
30 salaries are set by the general assembly pursuant to this Act
31 or are set by the governor, or other persons designated in the
32 section of this division of this Act addressing appointed state
33 officers, employees designated under section 8A.412, subsection
34 5, and employees covered by 11 IAC 53.6(3).
3. The pay plans for the bargaining eligible employees of the state shall not be increased, and any additional changes in such executive branch pay plans shall be approved by the governor. As used in this section, "bargaining eligible employee" means an employee who is eligible to organize under chapter 20, but has not done so.

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

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

1. Regents merit system employees and merit supervisory employees.

2. Faculty members and professional and scientific employees.

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

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

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

7. The following are range 7 positions: administrator
of the public broadcasting division of the department of
education, director of the department of corrections, director
of the department of education, director of human services,
director of the department of economic development, executive
director of the Iowa telecommunications and technology
commission, executive director of the state board of regents,
director of transportation, director of the department of
workforce development, director of revenue, director of public
health, state court administrator, director of the department
of management, chief information officer, and director of the
department of administrative services.

DIVISION IV

APPROPRIATION REDUCTIONS

Sec. 25. APPROPRIATION REDUCTIONS — REPORT.

1. The amounts appropriated from the general fund of
the state to the departments and establishments of the
executive branch, as defined in section 8.2, but not including
appropriations to the state board of regents, for operational
purposes in enactments made for the fiscal year beginning July
1, 2010, and ending June 30, 2011, are reduced by $83,760,500.
For purposes of this section, “operational purposes”
means salary, support, administrative expenses, or other
personnel-related costs. The reductions in appropriations
required pursuant to this subsection shall be realized through
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
purposes:

1 purposes: $2,300,000

DIVISION V

STATE FINANCIAL MANAGEMENT DUTIES

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

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

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

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

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

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

SEC. 233. DEPARTMENT OF MANAGEMENT ADMINISTRATIVE SERVICES — CENTRALIZED PAYROLL SYSTEM. The department of management administrative services shall examine the possibility of merging all state payroll systems into the centralized payroll system operated by the department. The department shall consult with those entities of state government not utilizing the centralized payroll system, including but not limited to the state department of transportation, about strategies for encouraging utilization of the state's centralized payroll system and by identifying those barriers preventing merging of the payroll systems. The department shall provide information to the joint appropriations subcommittee on administration and regulation...
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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
and expenses shall not be paid when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from funds appropriated pursuant to section 2.12.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 260C.44 Apprenticeship programs.

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

2. For purposes of this section:
   a. "Apprentice" means a person who is at least sixteen years of age, except where a higher minimum age is required by law, who is employed in an apprenticeable occupation, and is registered with the United States department of labor, office of apprenticeship.
   b. "Apprenticeable occupation" means an occupation approved for apprenticeship by the United States department of labor, office of apprenticeship and training.
   c. "Apprenticeship program" means a plan, registered with the United States office of apprenticeship which contains the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.
   d. "Apprenticeship sponsor" means a person operating an apprenticeship program or in whose name an apprenticeship program is being operated, registered, or approved.

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

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

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

317.1 Definitions.

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

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

2. "Commissioner" means the county weed commissioner or the commissioner's deputy within each county.

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

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

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

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

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follows:

336.4 Library trustees. In any area in which a library district has been established in accordance with this chapter, a board of library trustees, consisting of five, seven, or nine members who reside within the library district, shall be appointed by the governing bodies of the jurisdictions comprising the library district.

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

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

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

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

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

4. A limited liability company or foreign limited liability company may be served pursuant to this section, as provided in another provision of this chapter, or as provided in sections 617.3 through 617.6, unless the manner of service is otherwise specifically provided for by another provision of law.
Sec. 51. Section 489.1005, subsection 2, Code 2009, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

a. The Code editor is directed to strike the words “title” or “Title” and insert “Tit.” within federal Act references in sections 13.31, subsections 1 and 6; 15E.192, subsection 2; 15E.195, subsections 1 and 2; 30.1, subsection 3; 47.1, 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 1; 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. The section of this division of this Act amending section 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File 2280, section 18, applies retroactively to March 9, 2010.

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

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

4. The section of this division of this Act amending section 435.26B, subsection 1, paragraph “c”, if enacted by 2010 Iowa Acts, Senate File 2088, section 316, applies retroactively to March 10, 2010.
Acts, Senate File 2199, section 13, applies retroactively to the effective date of 2010 Iowa Acts, Senate File 2199.

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

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


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

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

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

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

DIVISION VII

MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

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

Notwithstanding section 455G.3, subsection 1, for 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
company which alters facilities described in section 327F.2 pursuant to a written agreement with a political subdivision with a population of more than 15,100, but less than 15,150, according to the 2000 certified federal census, to construct a flood mitigation project shall not be held liable for any damages caused by the alteration due to a flood.

Sec. 80. BRAILLE AND SIGHT SAVING SCHOOL STUDY.
1. The state board of regents shall conduct a study to examine possible changes to and make recommendations regarding the current structure for providing residential services on the campus of the Iowa braille and sight saving school and to make recommendations regarding appropriate facilities and facility utilization. The study shall also examine potential partnerships with other state agencies as well as private providers of residential services.
2. For purposes of conducting the study, the state board of regents shall form a committee with representatives of all of the following:
   a. Parents of students who are blind or visually impaired.
   b. Constituent organizations for the blind or visually impaired.
   c. The department of education.
   d. The department for the blind.
   e. The department of human services.
   f. Area education agencies.
   g. School boards and school board administrators.
   h. The governor's developmental disabilities council.
   i. Administration of the statewide system for vision services.
   j. Administration of the Iowa school for the deaf.
3. By August 31, 2010, the state board of regents shall submit a report of the study to the legislative council.

Sec. 81. PLUMBERS, MECHANICAL PROFESSIONALS, AND CONTRACTORS — EFFECTIVE UPON ENACTMENT.
1. Notwithstanding the provisions of section 105.18,
subsection 2, paragraph "c", subparagraph (3), to the contrary, the plumbing and mechanical systems board shall, through September 30, 2010, allow a person who has not previously held a license issued under section 105.18 to sit for the state master licensing examination for the applicable discipline if that person submits evidence of work experience which the board deems to be equivalent to forty-eight months experience as a licensed master in the applicable discipline.

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

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

5. a. The state shall lease all fiberoptic cable facilities or facilities with DS-3 sufficient capacity as determined by the commission for Part III connections, for which state funding is provided. The state shall lease all fiberoptic cable facilities or facilities with DS-3 or DS-1 capacity for the judicial branch, judicial district department departments of correctional services, and state agency connections for which state funding is provided. In determining the capacity to be provided, the commission shall consult with the authorized users associated with the Part III connections, the judicial branch, the judicial district departments of correctional services, and state agencies associated with connections for which state funding is provided. Such facilities shall be leased from qualified providers. The state shall not own such facilities, except for those facilities owned by the state as of January 1, 1994.

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

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

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

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

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

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

20.19 Impasse procedures — agreement of parties.

As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. However, if public employees represented by the employee organization are teachers licensed under chapter 272, and the public employer is a school district or area education agency, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is a community college, the agreement shall provide for implementation of
impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is not subject to the budget certification requirements of section 24.17 and other applicable sections, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 to 20.22 shall apply.

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

20.20 Mediation.

In the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to the certified budget submission date, or one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective if public employees represented by the employee organization are teachers licensed under chapter 272 and the public employer is a school district or area education agency, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. If the public employer is a community college, and in the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as mediator. If the public employer is not subject to the budget certification requirements of section 24.17 or other applicable sections and in the absence of an impasse agreement negotiated pursuant to section 20.19, or the failure of either party to
utilize its procedures, one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as a mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

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

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

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

99B.17 Gambling on credit unlawful — exception.

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

2. A participant in a raffle conducted by an eligible qualified organization may purchase raffle tickets by personal check, money order, bank check, cashier’s check, electronic check, or debit card for one raffle conducted by the eligible qualified organization during a calendar year. The department shall adopt rules setting minimum standards concerning the purchase of raffle tickets as authorized by this subsection.
which shall ensure compliance with applicable federal law and for the protection of personal information consistent with payment card industry compliance regulations. For purposes of this subsection, an “eligible qualified organization” is a qualified organization that has conducted a raffle pursuant to section 99B.7 during the previous eight consecutive calendar years in which the net proceeds are distributed to a museum.

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

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

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

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

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

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

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

3. “Fair event” means an annual gathering of the public
on fairgrounds that incorporates agricultural exhibits, 

demonstrations, shows, or competitions and which includes all 

do of the following: 

a. Programs that include programs or projects sponsored by 

4-H clubs, future farmers of America, or the Iowa cooperative 

extension service in agriculture and home economics of Iowa 

state university. Other activities may include any of the 

following: 

b. Commercial exhibits sponsored by manufacturers or 

other businesses. 

c. Educational programs or exhibits sponsored by 

governmental entities or nonprofit organizations. 

d. Competition in culinary arts, fine arts, or home 

craft arts.

Sec. 92. EFFECTIVE UPON ENACTMENT AND RETROACTIVE 

APPLICABILITY. The provision of this division of this Act 

amending section 155A.6A, subsection 3, being deemed of 

immediate importance, takes effect upon enactment and applies 

retroactively to January 1, 2010.

DIVISION VIII 

BICYCLES 

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

1. A person operating a motor vehicle shall not steer the 

motor vehicle unreasonably close to or toward a person riding 

a bicycle on a highway, including the roadway or the shoulder 

adjacent to the roadway. 

2. A person shall not knowingly project any object or 

substance at or against a person riding a bicycle on a highway. 

3. A person who violates this section commits a simple 

misdemeanor punishable as a scheduled violation under section 

805.8A, subsection 14, paragraph “k”. 

Sec. 94. Section 805.8A, subsection 14, Code Supplement 

2009, is amended by adding the following new paragraph: 

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

For violations under section 321.281 the scheduled fine is two
1 hundred fifty dollars.

DIVISION IX

HOTEL AND MOTEL TAX

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

1. A city or county may impose by ordinance of the city council or by resolution of the board of supervisors a hotel and motel tax, at a rate not to exceed seven nine percent, which shall be imposed in increments of one or more full percentage points upon the sales price from the renting of lodging. A county may impose by resolution of the board of supervisors a hotel and motel tax, at a rate not to exceed eight percent, which shall be imposed in increments of one or more full percentage points upon the sales price from the renting of lodging. The tax when imposed by a city shall apply only within the corporate boundaries of that city and when imposed by a county shall apply only outside incorporated areas within that county. However, if a county imposes a hotel and motel tax of eight percent, one percentage point of that hotel and motel tax may, subject to the requirements of subsection 3A, be imposed by the county in both the incorporated areas and the unincorporated areas within that county. A change to the imposition of an eight percent county hotel and motel tax to impose the one percentage point of such tax in the incorporated areas of the county or to exclude the incorporated areas of the county from imposition of the one percentage point of such tax is a change in the rate of the hotel and motel tax for purposes of this section, and subsection 4, paragraph "b", subparagraph (3), applies to the election on such a proposition.

3. A subject to the requirements of subsection 5, a local hotel and motel tax shall be imposed on January 1 or July 1, following the notification of the director of revenue. Once imposed, the tax shall remain in effect at the rate imposed for a minimum of one year. A local hotel and motel tax shall 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
be held at the time of the general election or at a special
election called for that purpose.

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

Sec. 98. Section 423A.4, Code 2009, is amended by adding the
following new subsection:
NEW SUBSECTION. 5. a. For any imposition of a local hotel
and motel tax, or any increase in the rate of a local hotel
and motel tax, approved at election on or after the effective
date of this division of this Act, the city council or county
board of supervisors where the tax or the tax rate increase was
approved shall, within ten days following approval at election,
appoint a citizen advisory committee consisting of not less
than five individuals. Each individual appointed to the
citizen advisory committee shall be a resident of the city or
the unincorporated area of the county where the tax or the tax
rate increase was approved. Each individual appointed to the
citizen advisory committee for an increase in a county hotel
and motel tax to eight percent that includes the imposition
of one percentage point of such tax in the incorporated areas
of the county, shall be a resident of the county. A vacancy
on the citizen advisory committee shall be filled in the same
manner as the original appointment. Committee members shall
not receive compensation by reason of their membership on the
committee.

b. The citizen advisory committee shall develop and
submit recommendations to the city council or county board
of supervisors, as applicable, relating to the use of the
increased revenues resulting from the imposition of the tax or
the increased tax rate. Recommendations for the use of such
increased revenues shall be consistent with the requirements
of section 423A.7, subsection 4. The recommendations of the
citizen advisory committee shall not relieve the city or county from compliance with the requirements of section 423A.7, subsection 4.

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

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

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

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

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

a. (1) Each county or city which levies the tax shall spend at least fifty percent of the revenues derived therefrom for the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities
including but not limited to memorial buildings, halls and
monuments, civic center convention buildings, auditoriums,
coliseums, and parking areas or facilities located at those
recreation, convention, cultural, or entertainment facilities
or the payment of principal and interest, when due, on bonds
or other evidence of indebtedness issued by the county or city
for those recreation, convention, cultural, or entertainment
facilities; or for the promotion and encouragement of tourist
and convention business in the city or county and surrounding
areas.

(2) Each city imposing a hotel and motel tax of eight
percent shall spend at least one-eighth of the revenues derived
therefrom for the marketing of community attractions, tourism
facilities, and other tourism opportunities located within
that city. Each city imposing a hotel and motel tax of nine
percent shall spend at least two-ninths of the revenues derived
therefrom for the marketing of community attractions, tourism
facilities, and other tourism opportunities located within that
city. Each county imposing a hotel and motel tax of eight
percent shall spend at least one-eighth of the revenues derived
therefrom for the marketing of community attractions, tourism
facilities, and other tourism opportunities located within that
county.

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

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

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

STANDING APPROPRIATIONS AND RELATED MATTERS. For the budget process applicable to FY 2011-2012, state agencies are required to submit estimates and other expenditure information as called for by the director of the department of management instead of the information required under Code section 8.23. The division limits the standing unlimited appropriation for FY 2010-2011 for expenses of the general assembly and the legislative agencies.

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

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

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

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

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

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

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

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

The division appropriates all federal grants to and the federal receipts of the agencies affected by this division.
which are received and are expended for purposes of this
division.

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

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

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

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

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

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

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

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

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

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

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

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

- Code section 216A.113(1), as enacted by 2010 Iowa Acts, Senate File 2088, section 139, is corrected to refer to the new 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.
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 Acts,
15 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
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section subunit (subparagraph division reference needed).

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

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

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

Code sections 692A.102 and 901A.1 are amended to refer to a violation of Code section 710.10 as "enticing a minor" rather than "enticing a minor away" to conform to the changes made to Code section 710.10 in 2010 Iowa Acts, House File 2438, section 1.

The amendments are effective contingent on the enactment of 2010 Iowa Acts, House File 2438.

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

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

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

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

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

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

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

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

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

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

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

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

The division increases general fund appropriations to the department of administrative services for FY 2010-2011.
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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
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 journeyperson 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
telecommunications and technology commission shall consult with
those agencies associated with the connections for which state
funding is provided.

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

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

This division amends Code section 99B.12A to authorize
any person to conduct a bingo occasion without a license if
participants are not charged to enter the premises where bingo
is conducted, participants are not charged to play bingo, any
prize awarded is donated, and the bingo occasion is conducted
as an activity and not for fund raising purposes. Current law
1 only allows nonprofit organizations to conduct a bingo occasion under these limitations without a license.

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

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

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

5 BICYCLES. New Code section 321.281 provides that a person operating a motor vehicle shall not steer the motor vehicle unreasonably close to or toward a person riding a bicycle on a highway. The division amends Code section 805.8A to provide that a person shall not knowingly project any object 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
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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.