

House Study Bill 741 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON OLDSON)

A BILL FOR

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

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DIVISION I

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

Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING

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

DIVISION II

STANDING APPROPRIATIONS

AND RELATED MATTERS

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2011-2012.

1. For the budget process applicable to the fiscal year beginning July 1, 2011, on or before October 1, 2010, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

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

1 programs or results.

2 Sec. 3. GENERAL ASSEMBLY.

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

7 \$ 5,939,790

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

11 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

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

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

21 \$ 443,300

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

24 \$ 862,028

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

28 \$ 182,044

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

31 \$ 217,772

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

33 \$ 11,493,891

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

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

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

4 \$ 7,060,931

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

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

12 \$ 81,199,911

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

15 \$ 19,591

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

18 \$ 19,600,000

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

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

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

27 \$ 2,494,057,875

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

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

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

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

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

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

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

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

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

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

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

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

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

11 \$ 87,757,913

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

14 \$ 32,395,131

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

17 \$ 2,400,000

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

20 \$ 23,400,000

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

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

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

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

15 \$ 10,583,628

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

19 Sec. 10. CASH RESERVE FUND APPROPRIATION

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

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

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

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

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

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

17 CASH RESERVE FUND — PERFORMANCE OF DUTY

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

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

25 Sec. 14. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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

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

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

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

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DIVISION III

4

SALARIES, COMPENSATION, AND RELATED MATTERS

5

Sec. 15. APPOINTED STATE OFFICERS.

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

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

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

35 Sec. 16. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The

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

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

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

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

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

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

14 Sec. 17. NONCONTRACT STATE EMPLOYEES — GENERAL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 DIVISION IV

23 APPROPRIATION REDUCTIONS

24 Sec. 25. APPROPRIATION REDUCTIONS — REPORT.

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

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

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

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

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

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

1 purposes:

2 \$ 2,300,000

3 DIVISION V

4 STATE FINANCIAL MANAGEMENT DUTIES

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

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

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

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

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

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

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

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

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

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

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

15 DIVISION VI

16 CORRECTIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 2. For purposes of this section:

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

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

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

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

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

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

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

32 317.1 Definitions.

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

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

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

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

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

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

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

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

1 follows:

2 **336.4 Library trustees.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (2) The commission, when considering the revocation

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

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

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

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

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

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

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

1 towards a minor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 25, is repealed.

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

4 Sec. 69. CONDITIONAL EFFECTIVE DATE. The sections of this
5 division of this Act amending sections 489.1005, 489.1009, and
6 489.1013, take effect only if 2010 Iowa Acts, House File 2478,
7 is enacted.

8 Sec. 70. CONTINGENT EFFECTIVE DATE. The section of this
9 division of this Act amending section 805.6, subsection 7,
10 takes effect only if 2010 Iowa Acts, Senate File 2197, is
11 enacted.

12 Sec. 71. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
13 APPLICABILITY. The following sections of this division of this
14 Act, being deemed of immediate importance, take effect upon
15 enactment and apply retroactively as follows:

16 1. The section of this division of this Act amending section
17 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File
18 2280, section 18, applies retroactively to March 9, 2010.

19 2. The section of this division of this Act amending section
20 216A.113, subsection 1, as enacted by 2010 Iowa Acts, Senate
21 File 2088, section 139, applies retroactively to March 10,
22 2010.

23 3. The section of this division of this Act amending section
24 256.51, subsection 1, paragraph a, Code 2009, as amended
25 by 2010 Iowa Acts, Senate File 2088, section 316, applies
26 retroactively to March 10, 2010.

27 4. The section of this division of this Act amending section
28 435.26B, subsection 1, paragraph c, if enacted by 2010 Iowa
29 Acts, Senate File 2199, section 13, applies retroactively to
30 the effective date of 2010 Iowa Acts, Senate File 2199.

31 5. The section of this division of this Act amending section
32 562A.29A, subsection 1, paragraph b, as enacted by 2010 Iowa
33 Acts, Senate File 2300, section 3, applies retroactively to
34 March 2, 2010.

35 6. The section of this division of this Act amending the

1 portion of 2010 Iowa Acts, House File 2399, section 2, that
2 enacts section 476.53, subsection 3, paragraph a, subparagraph
3 (1), unnumbered paragraph 1, applies retroactively to March 9,
4 2010.

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

8 Sec. 72. EFFECTIVE DATE. The following sections of this
9 division of this Act take effect December 1, 2010:

10 1. The section of this division of this Act amending section
11 321J.2, subsection 3, paragraph "d", subparagraphs (1) and (2),
12 if enacted by 2010 Iowa Acts, Senate File 431, section 1.

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

16 3. The section of this division of this Act emending 2010
17 Iowa Acts, Senate File 431, section 5, if 2010 Iowa Acts,
18 Senate File 431, is enacted.

19 DIVISION VII

20 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

21 Sec. 73. SAC AND FOX INDIAN SETTLEMENT — EDUCATIONAL
22 EXPENSES. There is appropriated from the Iowa comprehensive
23 petroleum underground storage tank fund to the department of
24 education for the fiscal year beginning July 1, 2010, and
25 ending June 30, 2011, the following amount, or so much thereof
26 as is necessary, to be used for the purposes designated:

27 Notwithstanding section 455G.3, subsection 1, for
28 distribution to the tribal council of the Sac and Fox Indian
29 settlement located on land held in trust by the secretary
30 of the interior of the United States. Moneys appropriated
31 under this section shall be used for the purposes specified in
32 section 256.30:

33 \$ 90,000

34 Sec. 74. CASH RESERVE FUND APPROPRIATIONS. There is
35 appropriated from the cash reserve fund created in section 8.56

1 to the following departments and agencies for the fiscal year
2 beginning July 1, 2010, and ending June 30, 2011, the following
3 amounts to be used for the purposes designated:

4 1. DEPARTMENT OF HUMAN SERVICES

5 For the medical assistance program:

6 \$187,800,000

7 2. DEPARTMENT OF MANAGEMENT

8 For salaries, support, maintenance, and miscellaneous
9 purposes:

10 \$ 260,000

11 Sec. 75. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF
12 ADMINISTRATIVE SERVICES. The appropriations to the department
13 of administrative services for the fiscal year beginning July
14 1, 2010, in 2010 Iowa Acts, Senate File 2367, from the general
15 fund of the state shall be increased by \$2,761,100. The number
16 of full-time equivalent positions authorized for the department
17 of administrative services for the fiscal year beginning
18 July 1, 2010, in 2010 Iowa Acts, Senate File 2367, shall be
19 increased by 34.40.

20 Sec. 76. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF
21 MANAGEMENT. The appropriations to the department of management
22 for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts,
23 Senate File 2367, from the general fund of the state shall be
24 decreased by \$2,761,100. The number of full-time equivalent
25 positions authorized for the department of management for the
26 fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate
27 File 2367, shall be decreased by 34.40.

28 Sec. 77. RAILROAD COMPANY — LIMITED LIABILITY. A railroad
29 company which alters facilities described in section 327F.2
30 pursuant to a written agreement with a political subdivision
31 with a population of more than 15,100, but less than 15,150,
32 according to the 2000 certified federal census, to construct a
33 flood mitigation project shall not held liable for any damages
34 caused by the alteration due to a flood.

35 Sec. 78. BRAILLE AND SIGHT SAVING SCHOOL STUDY.

1 1. The state board of regents shall conduct a study to
2 examine possible changes to and make recommendations regarding
3 the current structure for providing residential services on
4 the campus of the Iowa braille and sight saving school and
5 to make recommendations regarding appropriate facilities and
6 facility utilization. The study shall also examine potential
7 partnerships with other state agencies as well as private
8 providers of residential services.

9 2. For purposes of conducting the study, the state board of
10 regents shall form a committee with representatives of all of
11 the following:

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

13 b. Constituent organizations for the blind or visually
14 impaired.

15 c. The department of education.

16 d. The department for the blind.

17 e. The department of human services.

18 f. Area education agencies.

19 g. School boards and school board administrators.

20 h. The governor's developmental disabilities council.

21 i. Administration of the statewide system for vision
22 services.

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

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

26 Sec. 79. PLUMBERS, MECHANICAL PROFESSIONALS, AND
27 CONTRACTORS — EFFECTIVE UPON ENACTMENT.

28 1. Notwithstanding the provisions of section 105.18,
29 subsection 2, paragraph "c", subparagraph (3), to the contrary,
30 the plumbing and mechanical systems board shall, through
31 September 30, 2010, allow a person who has not previously held
32 a license issued under section 105.18 to sit for the state
33 master licensing examination for the applicable discipline if
34 that person submits evidence of work experience which the board
35 deems to be equivalent to forty-eight months experience as a

1 licensed master in the applicable discipline.

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

4 Sec. 80. Section 8D.13, subsection 5, Code 2009, is amended
5 to read as follows:

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

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

25 Sec. 81. Section 16.100A, subsection 6, paragraph d, Code
26 Supplement 2009, is amended to read as follows:

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

31 Sec. 82. Section 16.181, subsection 1, paragraph a, Code
32 Supplement 2009, is amended to read as follows:

33 a. A housing trust fund is created within the authority.
34 The moneys in the housing trust fund are annually appropriated
35 to the authority to be used for the development and

1 preservation of affordable housing for low-income people in
2 the state and for the Iowa mortgage help initiative. Payment
3 of interest, recaptures of awards, or other repayments
4 to the housing trust fund shall be deposited in the fund.
5 Notwithstanding section 12C.7, interest or earnings on moneys
6 in the housing trust fund or appropriated to the fund shall
7 be credited to the fund. Notwithstanding section 8.33,
8 unencumbered and unobligated moneys remaining in the fund
9 at the close of each fiscal year shall not revert but shall
10 remain available for expenditure for the same purposes in the
11 succeeding fiscal year.

12 Sec. 83. Section 20.19, Code 2009, is amended to read as
13 follows:

14 **20.19 Impasse procedures — agreement of parties.**

15 As the first step in the performance of their duty to
16 bargain, the public employer and the employee organization
17 shall endeavor to agree upon impasse procedures. Such
18 agreement shall provide for implementation of these impasse
19 procedures not later than one hundred twenty days prior to
20 the certified budget submission date of the public employer.
21 However, if public employees represented by the employee
22 organization are teachers licensed under chapter 272, and the
23 public employer is a school district or area education agency,
24 the agreement shall provide for implementation of impasse
25 procedures not later than one hundred twenty days prior to May
26 31 of the year when the collective bargaining agreement is
27 to become effective. If the public employer is a community
28 college, the agreement shall provide for implementation of
29 impasse procedures not later than one hundred twenty days prior
30 to May 31 of the year when the collective bargaining agreement
31 is to become effective. If the public employer is not subject
32 to the budget certification requirements of section 24.17 and
33 other applicable sections, the agreement shall provide for
34 implementation of impasse procedures not later than one hundred
35 twenty days prior to the date the next fiscal or budget year of

1 the public employer commences. If the parties fail to agree
2 upon impasse procedures under the provisions of this section,
3 the impasse procedures provided in sections 20.20 to 20.22
4 shall apply.

5 Sec. 84. Section 20.20, Code 2009, is amended to read as
6 follows:

7 **20.20 Mediation.**

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

1 Sec. 85. Section 99B.12A, unnumbered paragraph 1, Code
2 2009, is amended to read as follows:

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

10 Sec. 86. Section 99B.17, Code 2009, is amended to read as
11 follows:

12 **99B.17 Gambling on credit unlawful — exception.**

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

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

1 Sec. 87. Section 155A.6A, subsection 3, Code 2009, is
2 amended to read as follows:

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

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

18 Sec. 88. Section 174.1, subsection 2, paragraphs b and c,
19 Code 2009, are amended to read as follows:

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

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

26 Sec. 89. Section 174.1, subsection 3, Code 2009, is amended
27 to read as follows:

28 3. "*Fair event*" means an annual gathering of the public
29 on fairgrounds that incorporates agricultural exhibits,
30 demonstrations, shows, or competitions ~~and which includes all~~
31 ~~of the following:~~

32 a. ~~Programs~~ that include programs or projects sponsored by
33 4-H clubs, future farmers of America, or the Iowa cooperative
34 extension service in agriculture and home economics of Iowa
35 state university. Other activities may include any of the

1 following:

2 ~~b.~~ a. Commercial exhibits sponsored by manufacturers or
3 other businesses.

4 ~~e.~~ b. Educational programs or exhibits sponsored by
5 governmental entities or nonprofit organizations.

6 ~~d.~~ c. Competition in culinary arts, fine arts, or home
7 craft arts.

8 Sec. 90. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
9 APPLICABILITY. The provision of this division of this Act
10 amending section 155A.6A, subsection 3, being deemed of
11 immediate importance, takes effect upon enactment and applies
12 retroactively to January 1, 2010.

13 DIVISION VIII

14 BICYCLES

15 Sec. 91. NEW SECTION. **321.281 Actions against bicyclists.**

16 1. A person operating a motor vehicle shall not steer the
17 motor vehicle unreasonably close to or toward a person riding
18 a bicycle on a highway, including the roadway or the shoulder
19 adjacent to the roadway.

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

22 3. A person who violates this section commits a simple
23 misdemeanor punishable as a scheduled violation under section
24 805.8A, subsection 14, paragraph "k".

25 Sec. 92. Section 805.8A, subsection 14, Code Supplement
26 2009, is amended by adding the following new paragraph:

27 NEW PARAGRAPH. *k.* Actions against a person on a bicycle.
28 For violations under section 321.281 the scheduled fine is two
29 hundred fifty dollars.

30 DIVISION IX

31 HOTEL AND MOTEL TAX

32 Sec. 93. Section 423A.4, subsections 1 and 3, Code 2009, are
33 amended to read as follows:

34 1. A city ~~or county~~ may impose by ordinance of the city
35 council ~~or by resolution of the board of supervisors~~ a hotel

1 and motel tax, at a rate not to exceed ~~seven~~ nine percent,
2 which shall be imposed in increments of one or more full
3 percentage points upon the sales price from the renting of
4 lodging. A county may impose by resolution of the board of
5 supervisors a hotel and motel tax, at a rate not to exceed
6 eight percent, which shall be imposed in increments of one
7 or more full percentage points upon the sales price from the
8 renting of lodging. The tax when imposed by a city shall
9 apply only within the corporate boundaries of that city and
10 when imposed by a county shall apply only outside incorporated
11 areas within that county. However, if a county imposes a hotel
12 and motel tax of eight percent, one percentage point of that
13 hotel and motel tax may be imposed by the county in both the
14 incorporated areas and the unincorporated areas within that
15 county.

16 3. A Subject to the requirements of subsection 5, a local
17 hotel and motel tax shall be imposed on January 1 or July 1,
18 following the notification of the director of revenue. Once
19 imposed, the tax shall remain in effect at the rate imposed
20 for a minimum of one year. A local hotel and motel tax shall
21 terminate only on June 30 or December 31. At least forty-five
22 days prior to the tax being effective or prior to a revision in
23 the tax rate or prior to the repeal of the tax, a city or county
24 shall provide notice by mail of such action to the director of
25 revenue. The director shall have the authority to waive the
26 notice requirement.

27 Sec. 94. Section 423A.4, Code 2009, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 5. a. For any imposition of a local hotel
30 and motel tax, or any increase in the rate of a local hotel
31 and motel tax, approved at election on or after the effective
32 date of this division of this Act, the city council or county
33 board of supervisors where the tax or the tax rate increase was
34 approved shall, within ten days following approval at election,
35 appoint a citizen advisory committee consisting of not less

1 than five individuals. Each individual appointed to the
2 citizen advisory committee shall be a resident of the city or
3 the unincorporated area of the county where the tax or the tax
4 rate increase was approved. A vacancy on the citizen advisory
5 committee shall be filled in the same manner as the original
6 appointment. Committee members shall not receive compensation
7 by reason of their membership on the committee.

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

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

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

29 Sec. 95. Section 423A.7, subsection 2, Code 2009, is amended
30 to read as follows:

31 2. All moneys in the local transient guest tax fund shall
32 be remitted at least quarterly by the department, pursuant to
33 rules of the director of revenue, to each city in the amount
34 collected from businesses in that city and to each county in
35 the amount collected from businesses in the unincorporated

1 areas of the county. However, if a county imposes a hotel and
2 motel tax of eight percent and imposes one percentage point of
3 that hotel and motel tax within the incorporated areas of the
4 county pursuant to section 423A.4, subsection 1, the amount
5 collected from businesses within the incorporated areas of the
6 county as the result of the hotel and motel tax imposed by the
7 county shall be remitted by the department to that county.

8 Sec. 96. Section 423A.7, subsection 4, paragraphs a and b,
9 Code 2009, are amended to read as follows:

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

25 (2) Each city imposing a hotel and motel tax of eight
26 percent shall spend at least one-eighth of the revenues derived
27 therefrom for the marketing of community attractions, tourism
28 facilities, and other tourism opportunities located within
29 that city. Each city imposing a hotel and motel tax of nine
30 percent shall spend at least two-ninths of the revenues derived
31 therefrom for the marketing of community attractions, tourism
32 facilities, and other tourism opportunities located within that
33 city. Each county imposing a hotel and motel tax of eight
34 percent shall spend at least one-eighth of the revenues derived
35 therefrom for the marketing of community attractions, tourism

1 facilities, and other tourism opportunities located within that
2 county.

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

9

EXPLANATION

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

14 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2011-2012.
15 Code section 331.439, subsection 3, provides that county mental
16 health, mental retardation, and developmental disabilities
17 (MH/MR/DD) service expenditures for a fiscal year are limited
18 to a fixed budget amount and that the fixed amount is subject
19 to an allowed growth factor adjustment. The allowed growth
20 factor adjustment is to be set by statute enacted during the
21 fiscal year which commences two years from the beginning
22 date of the fiscal year in progress at the time the statute
23 is enacted. The MH/MR/DD/BI commission is required to make
24 a recommendation of the adjustment amount to the governor
25 annually in November and the governor is required to submit a
26 recommendation for the amount to the general assembly at the
27 time the governor's budget is submitted. The bill provides
28 that for the allowed growth adjustment factor legislation for
29 FY 2011-2012, the governor must submit a recommendation on or
30 before January 11, 2011, and the statute providing the allowed
31 growth factor adjustment is to be enacted within 30 calendar
32 days of the date the 2011 session of the general assembly
33 convenes.

34 STANDING APPROPRIATIONS AND RELATED MATTERS. For the budget
35 process applicable to FY 2011-2012, state agencies are required

1 to submit estimates and other expenditure information as called
2 for by the director of the department of management instead of
3 the information required under Code section 8.23.

4 The division limits the standing unlimited appropriation
5 for FY 2010-2011 for expenses of the general assembly and the
6 legislative agencies.

7 The division limits the standing unlimited appropriation for
8 FY 2010-2011 for payment for nonpublic school transportation.

9 The division limits the standing limited appropriation for FY
10 2010-2011 for operational support grants and community cultural
11 grants, for regional tourism marketing, for the Iowa power
12 fund, for the enforcement of Code chapter 453D relating to
13 tobacco product manufacturers, for the center for congenital
14 and inherited disorders central registry, for primary and
15 secondary child abuse prevention programs, for programs for
16 at-risk children, and for mental health, mental retardation,
17 and developmental disabilities services property tax relief.

18 The standing appropriation made for state foundation aid
19 allowable growth for schools under Code section 257.16 for
20 fiscal year 2010-2011, is limited to a specific amount. Of
21 that amount, a specific amount is designated for the teacher
22 salary supplements, the professional development supplements,
23 and the early intervention supplement in accordance with Code
24 section 257.10, subsections 9 through 11, and Code section
25 257.37A.

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

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

32 The division credits to the general fund of the state a
33 portion of federal moneys received by the Iowa veterans home
34 for costs to improve and renovate a medical clinic at the
35 home. These provisions take effect upon enactment and are

1 retroactively applicable to July 1, 2009.

2 For FY 2010-2011, the division funds the following property
3 tax credits from the property tax credit fund created in the
4 bill instead of entirely funding the credits from the general
5 fund of the state: homestead, agricultural land and family
6 farm, military service, and elderly and disabled tax credit
7 and reimbursement. The division appropriates moneys from the
8 general fund and the cash reserve fund for deposit in the
9 property tax credit fund. These provisions take effect upon
10 enactment.

11 The division appropriates moneys from the cash reserve fund
12 to the executive council for FY 2010-2011 for performance of
13 duty by the executive council. The bill requires that such
14 moneys must be used prior to the standing appropriation made
15 from the general fund for the same purposes.

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

19 The division provides that the contingent appropriation from
20 the general fund of the state to the cash reserve fund pursuant
21 to Code section 8.57, subsection 1, shall not be made for FY
22 2010-2011.

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

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

34 For FY 2010-2011 the maximum and minimum salary levels of all
35 pay plans of noncontract state employees shall not increase and

1 shall remain as they exist for FY 2009-2010. The pay levels
2 for noncontract judicial branch employees shall not increase.

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

6 The division prohibits bonus pay for employees of the
7 executive branch except for employees of the state board of
8 regents, the judicial branch, and the legislative branch,
9 unless the bonus pay is otherwise authorized by law, required
10 pursuant to an employment contract entered into before July
11 1, 2010, or required pursuant to a collective bargaining
12 agreement.

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

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

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

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

29 APPROPRIATION REDUCTIONS. This division of this bill
30 provides that the amounts appropriated from the general fund
31 of the state to the departments and establishments of the
32 executive branch, but not including appropriations to the state
33 board of regents, for operational purposes in enactments made
34 for the fiscal year beginning July 1, 2010, and ending June
35 30, 2011, are reduced by \$83,760,500. The division requires

1 the reductions in appropriations to be realized through the
2 implementation of 2010 Iowa Acts, Senate File 2062, relating to
3 early retirement, 2010 Iowa Acts, Senate File 2088, relating
4 to government efficiency, executive order number 20 issued
5 December 16, 2009, and any other efficiency measure. The
6 division requires the department of management to apply the
7 reductions.

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

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

21 The division appropriates moneys from the general fund of
22 the state to the department of administrative services for
23 implementing the information technology-related provisions of
24 2010 Iowa Acts, Senate File 2088.

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

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

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

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

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

12 Code section 216A.113(1), as enacted by 2010 Iowa Acts,
13 Senate File 2088, section 139, is corrected to refer to the new
14 name of the commission of deaf services within the department
15 of human rights.

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

22 Code section 256.51(1)(a), as amended by 2010 Iowa Acts,
23 Senate File 2088, section 316, is amended to eliminate the duty
24 of the division of libraries and information services of the
25 department of education to provide information services to the
26 medical community, to coordinate with the discontinuation of
27 the medical library as part of the state library as directed by
28 Senate File 2088.

29 Code section 256F.3(1), as amended by 2010 Iowa Acts,
30 Senate File 2033, section 10, is amended to add a reference
31 to innovation zone schools in order to allow the department
32 of education to monitor the effectiveness of both regular and
33 innovation zone charter schools. Code section 256F.6(3) is
34 also amended in a similar manner to allow the department of
35 education to conduct ongoing reviews of all parties' compliance

1 with contracts for both regular and innovation zone charter
2 schools.

3 Code section 260C.44, Code 2009, as amended by 2010 Iowa
4 Acts, Senate File 2340, section 35, is amended to correctly
5 refer to the United States department of labor, office of
6 apprenticeship.

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

10 Code section 317.1, as amended by 2010 Iowa Acts, Senate
11 File 2340, section 86, is amended to correct the hierarchical
12 designation of Code section subunits (subsection numbers
13 needed).

14 Code section 321J.2(3)(d)(1,2) is amended to reconcile
15 the restructuring of Code section 321J.2 made in 2010 Iowa
16 Acts, Senate File 431, with the amendments made to that same
17 Code section in 2010 Iowa Acts, House File 2452 (allowing the
18 department of transportation to issue a temporary restricted
19 license under Code chapter 321J without requiring the court to
20 order the department to do so). The reconciliation provision
21 and the duplicative provision in 2010 Iowa Acts, House File
22 2452, section 3, which is repealed, take effect December 1,
23 2010.

24 Code section 336.4, as amended by 2010 Iowa Acts, Senate File
25 2088, section 323, is amended to substitute the word "reside"
26 for the word "resident" in order to correct the phrase "who
27 reside within the library district".

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

31 Code section 455B.104(4), as enacted by 2010 Iowa Acts,
32 Senate File 2088, section 258, is amended to change the date
33 by which the department of natural resources must submit its
34 greenhouse gas emissions report for the previous calendar year
35 from September 1 to December 31. The change is consistent with

1 an earlier amendment dealing with the same report made in 2010
2 Iowa Acts, Senate File 2243, section 2.

3 Code section 489.116, as amended by 2010 Iowa Acts, House
4 File 2478, section 5, is amended to correctly number the
5 three subsections in that Code section, and references to the
6 subsections of Code section 489.116 are corrected in Code
7 sections 489.1005, 489.1009, and 489.1013.

8 Code section 508C.3(1)(b)(2)(b), as amended by 2010 Iowa
9 Acts, Senate File 2272, is amended to correct a hierarchical
10 Code section subunit reference (subparagraph division reference
11 needed).

12 Code section 514C.26(1)(c)(2)(j), as enacted by 2010 Iowa
13 Acts, House File 2075, section 1, is amended to correct an
14 internal reference to a hierarchical designation of a Code
15 section subunit (subparagraph division reference needed).

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

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

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

26 Code sections 692A.102 and 901A.1 are amended to refer to a
27 violation of Code section 710.10 as "enticing a minor" rather
28 than "enticing a minor away" to conform to the changes made to
29 Code section 710.10 in 2010 Iowa Acts, House File 2438, section
30 1.

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

34 Code Section 805.6(7), as amended by 2010 Iowa Acts, Senate
35 File 2340, section 63 (a Code editor's bill), is amended to

1 conform to the substantive changes to the same language made
2 by, and contingent upon the enactment of, 2010 Iowa Acts,
3 Senate File 2197, section 5.

4 2010 Iowa Acts, House File 2399, section 2, is amended
5 to correct an error in displaying existing Code language
6 in the bill. That bill section inadvertently deleted the
7 word "power" in a reference to a baseload electric power
8 generating facility, and substituted the word "alternative" for
9 "alternate" in a reference to an alternate energy production
10 facility.

11 2010 Iowa Acts, Senate File 2237, section 180, subsection 4,
12 paragraph a, is amended to insert the correct word "through"
13 in a reference to lettered paragraphs that the Code editor is
14 directed to modify.

15 2010 Iowa Acts, Senate File 2366, section 23(2), if enacted,
16 is amended to correct a reference to the implementation costs
17 of this division of this Act rather than of the entire Act.

18 2010 Iowa Acts, Senate File 431, section 5, if enacted,
19 is amended to correct the amending statement of that section
20 to indicate that only unnumbered paragraph 1 of Code section
21 907.3(3)(c) is being amended. The amendment takes effect
22 December 1, 2010.

23 2010 Iowa Acts, House File 2280, section 25, is repealed,
24 which adds a definition to Code chapter 717B for the department
25 of agriculture and land stewardship. The final version of
26 House File 2280 deleted all responsibilities of the department
27 so the definition is no longer necessary or meaningful.

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

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

33 The division appropriates moneys from the Iowa comprehensive
34 petroleum underground storage tank fund to the department of
35 education for FY 2010-2011 for distribution to the tribal

1 council of the Sac and Fox Indian settlement located on land
2 held in trust by the secretary of the interior of the United
3 States for the purposes of educational expenses.

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

8 The division increases general fund appropriations to
9 the department of administrative services for FY 2010-2011
10 and increases the number of full-time equivalent positions
11 authorized. The division decreases general fund appropriations
12 to the department of management for FY 2010-2011 and decreases
13 the number of full-time equivalent positions authorized.

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

20 The division requires the state board of regents to conduct
21 a study of the Iowa braille and sight saving school regarding
22 the residential services, facilities and facility utilization,
23 and potential partnerships. The study must be submitted to the
24 legislative council by August 31, 2010.

25 The division requires the plumbing and mechanical systems
26 board, from the effective date of the provision to September
27 30, 2010, to allow a person who has not previously been a
28 licensed journeyman or master in the applicable discipline
29 to sit for the state master licensing examination for the
30 applicable discipline if certain work experience criteria are
31 met. This provision takes effect upon enactment.

32 The division modifies provisions in Code section 8D.13
33 applicable to the leasing of facilities for Part III
34 connections associated with the operation of the Iowa
35 communications network. Currently, the state is required to

1 lease all fiberoptic cable facilities or facilities with DS-3
2 capacity for Part III connections for which state funding is
3 provided, and to lease all fiberoptic cable facilities or
4 facilities with DS-3 or DS-1 capacity for specified state
5 departments and agencies. The division deletes specific
6 reference to DS-3 or DS-1 capacity, instead providing
7 that facilities with sufficient capacity as determined
8 by the commission shall be leased. The division provides
9 that in determining the capacity to be provided, the Iowa
10 telecommunications and technology commission shall consult with
11 those agencies associated with the connections for which state
12 funding is provided.

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

23 The division amends provisions in Code chapter 20
24 relating to impasse procedures and mediation. The division
25 provides that if the public employer is not subject to the
26 budget certification requirements of Code section 24.17 and
27 other applicable sections, the agreement shall provide for
28 implementation of impasse procedures not later than 120 days
29 prior to the date the next fiscal or budget year of the public
30 employer commences. The division also provides that if the
31 public employer is not subject to the budget certification
32 requirements of Code section 24.17 or other applicable sections
33 and in the absence of an impasse agreement negotiated pursuant
34 to Code section 20.19, or the failure of either party to
35 utilize its procedures, 120 days prior to the date the next

1 fiscal or budget year of the public employer commences, the
2 board, upon the request of either party, shall appoint an
3 impartial and disinterested person to act as a mediator.

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

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

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

30 The division amends the criteria an organization must meet
31 to be considered a fair under Code chapter 174. Currently, an
32 organization must own buildings and other improvements situated
33 on fairgrounds. The division allows an organization to own
34 either buildings or improvements situated on a fairground.
35 Currently, the market value of fairgrounds, buildings, and

1 other improvements must be at least \$80,000. The division
2 lowers the threshold to \$25,000. The division changes what
3 constitutes a fair event under Code chapter 174.

4 BICYCLES. New Code section 321.281 provides that a person
5 operating a motor vehicle shall not steer the motor vehicle
6 unreasonably close to or toward a person riding a bicycle
7 on a highway. The division amends Code section 805.8A to
8 provide that a person shall not knowingly project any object
9 or substance at or against a person riding a bicycle on a
10 highway. The division amends Code section 805.8A to provide a
11 person violating a provision of the division commits a simple
12 misdemeanor punishable by a scheduled fine of \$250.

13 HOTEL AND MOTEL TAX. Current Code section 423A.4 authorizes
14 a city or county to impose by ordinance of the city council
15 or by resolution of the county board of supervisors a local
16 hotel and motel tax at a rate not to exceed 7 percent. The
17 imposition, repeal, or change in the rate of a local hotel
18 and motel tax is also subject to approval at election. This
19 division increases the maximum allowable local hotel and motel
20 tax rate for cities from 7 percent to 9 percent. The division
21 increases the maximum allowable local hotel and motel tax rate
22 for counties from 7 percent to 8 percent. If a county imposes
23 a tax of 8 percent, 1 percentage point may be imposed by the
24 county in both incorporated areas and unincorporated areas of
25 the county.

26 The division provides that for any imposition of a local
27 hotel and motel tax, or any increase in the rate of a local
28 hotel and motel tax, approved at election on or after the
29 effective date of the division of the bill, the city council
30 or county board of supervisors where the tax or the tax rate
31 increase was approved must, within 10 days following approval
32 at election, appoint a citizen advisory committee consisting
33 of not less than five individuals. The division requires each
34 individual appointed to a citizen advisory committee to be a
35 resident of the city or the unincorporated area of the county

1 where the tax or the tax rate increase was approved. Vacancies
2 on a citizen advisory committee must be filled in the same
3 manner as the original appointment. Committee members do not
4 receive compensation for serving on the committee.

5 The division requires each citizen advisory committee to
6 develop and submit recommendations to the city council or
7 county board of supervisors, as applicable, relating to the
8 use of the increased revenues resulting from the imposition
9 of the tax or the increased tax rate. Such recommendations
10 for the use of the increased revenues must be consistent with
11 statutory requirements for the use of local hotel and motel tax
12 revenues under Code section 423A.7. Recommendations of the
13 citizen advisory committee do not relieve the city or county
14 from complying with the statutory use requirements under Code
15 section 423A.7.

16 Under the division, if a city or county fails to appoint a
17 citizen advisory committee, the director of revenue shall not
18 impose the tax or the increase in the tax rate. The division
19 only allows the director of revenue to impose the tax or an
20 increase in the tax rate following the appointment of a citizen
21 advisory committee. The division provides that each citizen
22 advisory committee is dissolved on the date the tax or the
23 increased tax rate is imposed by the director of revenue.

24 If a county imposes an 8 percent hotel and motel tax and
25 imposes 1 percentage point of the tax within incorporated areas
26 of the county, the amount collected within the incorporated
27 areas as a result of the imposed tax shall be remitted by the
28 department of revenue to that county.

29 The division requires cities imposing an 8 or 9 percent
30 hotel and motel tax and counties imposing an 8 percent hotel
31 and motel tax to spend a certain percentage of the revenue on
32 marketing tourism.