

House File 2531 - Reprinted

HOUSE FILE 2531
BY COMMITTEE ON APPROPRIATIONS
(SUCCESSOR TO HSB 741)

(As Amended and Passed by the House March 25, 2010)

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 making, increasing, and reducing appropriations, providing
4 for salaries and compensation of state employees, providing
5 for matters relating to tax credits, providing for fees
6 and penalties, and providing for properly related matters,
7 and including effective date and retroactive applicability
8 provisions.

9 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 The department of management may adjust the amount allocated
34 pursuant to this subsection in order to reflect any differences
35 resulting from the budget certification process.

1 2. If the remaining balance of the moneys designated in
2 this section, after the allocation made in subsection 1, is
3 less than the amount required to pay the remainder of state
4 foundation aid pursuant to section 257.16, subsection 1, the
5 difference shall be deducted from the payments to each school
6 district and area education agency in the manner provided in
7 section 257.16, subsection 4.

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

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

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

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

25 b. There is appropriated from the general fund of the state
26 to the property tax credit fund created in paragraph "a" for
27 the fiscal year beginning July 1, 2010, and ending June 30,
28 2011, the sum of \$91,256,037.

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

34 d. Notwithstanding section 8.33, the surplus existing
35 in the property tax credit fund created pursuant to 2009

1 Iowa Acts, chapter 179, section 9, at the conclusion of the
2 fiscal year beginning July 1, 2009, and ending June 30, 2010,
3 is transferred to the property tax credit fund created in
4 paragraph "a".

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

- 10 a. For reimbursement for the homestead property tax credit
11 under section 425.1:
12 \$ 87,757,913
- 13 b. For reimbursement for the family farm and agricultural
14 land tax credits under sections 425A.1 and 426.1:
15 \$ 32,395,131
- 16 c. For reimbursement for the military service tax credit
17 under section 426A.1A:
18 \$ 2,400,000
- 19 d. For implementing the elderly and disabled tax credit and
20 reimbursement pursuant to sections 425.16 through 425.39:
21 \$ 23,400,000

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

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

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

14 For performance of duty by the executive council in sections
15 7D.29 and 29C.20:

16 \$ 10,583,628

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

20 Sec. 10. CASH RESERVE FUND APPROPRIATION

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

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

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

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

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

18 CASH RESERVE FUND — PERFORMANCE OF DUTY

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

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

26 Sec. 14. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

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

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

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

4 DIVISION III

5 SALARIES, COMPENSATION, AND RELATED MATTERS

6 Sec. 15. APPOINTED STATE OFFICERS.

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

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

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

1 Sec. 16. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The
2 various state departments, boards, commissions, councils,
3 and agencies, including the state board of regents, for
4 the fiscal year beginning July 1, 2010, and ending June 30,
5 2011, shall provide from available sources pay adjustments,
6 expense reimbursements, and related benefits to fully fund the
7 following:

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

1 12. The collective bargaining agreement negotiated pursuant
2 to chapter 20 for employees in the university of northern Iowa
3 faculty bargaining unit.

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

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

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

15 Sec. 17. NONCONTRACT STATE EMPLOYEES — GENERAL.

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

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

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

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

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

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

1 5, and employees covered by 11 IAC 53.6(3).

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

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

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

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

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

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

1 Sec. 20. SPECIAL FUNDS. For the fiscal year beginning July
2 1, 2010, and ending June 30, 2011, salary adjustments otherwise
3 provided for in this Act may be funded using departmental
4 revolving, trust, or special funds for which the general
5 assembly has established an operating budget, provided doing so
6 does not exceed the operating budget established by the general
7 assembly.

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

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

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

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

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

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

23 DIVISION IV

24 APPROPRIATION REDUCTIONS

25 Sec. 25. APPROPRIATION REDUCTIONS — REPORT.

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

1 the implementation of 2010 Iowa Acts, Senate File 2062, 2010
2 Iowa Acts, Senate File 2088, executive order number 20 issued
3 December 16, 2009, and any other efficiency measure. The
4 reductions to operational appropriations required by this
5 subsection shall be applied by the department of management.

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

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

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

35 For implementing 2010 Iowa Acts, Senate File 2088, division

1 I, including salaries, support, maintenance, and miscellaneous
2 purposes:
3 \$ 2,300,000

4 DIVISION V

5 STATE FINANCIAL MANAGEMENT DUTIES

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

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

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

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

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

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

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

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

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

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

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

16 DIVISION VI

17 CORRECTIVE PROVISIONS

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

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

30 Sec. 35. Section 46.3, subsection 3, Code 2009, as amended
31 by 2010 Iowa Acts, Senate File 2343, section 1, if enacted, is
32 amended to read as follows:

33 3. A No more than a simple majority of the commissioners
34 appointed shall be of the same gender.

35 Sec. 36. Section 97D.4, subsection 2, Code 2009, is amended

1 to read as follows:

2 2. The members of the committee shall be reimbursed for
3 actual and necessary expenses incurred in the performance of
4 their duties and shall be paid a per diem as specified in
5 section ~~7E.6~~ 2.10 for each day in which they engaged in the
6 performance of their duties. However, per diem compensation
7 and expenses shall not be paid when the general assembly is
8 actually in session at the seat of government. Expenses and
9 per diem shall be paid from funds appropriated pursuant to
10 section 2.12.

11 Sec. 37. Section 123.43A, subsection 1, unnumbered
12 paragraph 1, as enacted by 2010 Iowa Acts, Senate File 2088,
13 section 84, is amended to read as follows:

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

16 Sec. 38. Section 162.10D, subsection 2, as enacted by 2010
17 Iowa Acts, House File 2280, section 18, is amended to read as
18 follows:

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

25 Sec. 39. Section 216A.113, subsection 1, as enacted by 2010
26 Iowa Acts, Senate File 2088, section 139, is amended to read
27 as follows:

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

1 Sec. 40. Section 216C.9, subsection 1, Code 2009, as amended
2 by 2010 Iowa Acts, Senate File 2202, section 7, if enacted, is
3 amended to read as follows:

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

12 Sec. 41. Section 256.51, subsection 1, paragraph a, Code
13 2009, as amended by 2010 Iowa Acts, Senate File 2088, section
14 316, is amended to read as follows:

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

18 Sec. 42. Section 256F.3, subsection 1, Code 2009, as amended
19 by 2010 Iowa Acts, Senate File 2033, section 10, is amended to
20 read as follows:

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

29 Sec. 43. Section 256F.6, subsection 3, Code 2009, is amended
30 to read as follows:

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

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

1 read as follows:

2 **260C.44 Apprenticeship programs.**

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

11 2. For purposes of this section:

12 a. "*Apprentice*" means a person who is at least sixteen
13 years of age, except where a higher minimum age is required by
14 law, who is employed in an apprenticeable occupation, and is
15 registered with the United States department of labor, office
16 of apprenticeship.

17 b. "*Apprenticeable occupation*" means an occupation approved
18 for apprenticeship by the United States department of labor,
19 office of apprenticeship and ~~training~~.

20 c. "*Apprenticeship program*" means a plan, registered with
21 the United States office of apprenticeship which contains
22 the terms and conditions for the qualification, recruitment,
23 selection, employment, and training of apprentices, including
24 the requirement for a written apprenticeship agreement.

25 d. "*Apprenticeship sponsor*" means a person operating an
26 apprenticeship program or in whose name an apprenticeship
27 program is being operated, registered, or approved.

28 Sec. 45. Section 298.4, subsection 2, if enacted by 2010
29 Iowa Acts, Senate File 2237, section 103, is amended to read
30 as follows:

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

35 Sec. 46. Section 317.1, Code 2009, as amended by 2010 Iowa

1 Acts, Senate File 2340, section 86, if enacted, is amended to
2 read as follows:

3 **317.1 Definitions.**

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

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

10 ~~b.~~ 2. "Commissioner" means the county weed commissioner or
11 the commissioner's deputy within each county.

12 Sec. 47. Section 321J.2, subsection 3, paragraph d,
13 subparagraphs (1) and (2), if enacted by 2010 Iowa Acts, Senate
14 File 431, section 1, are amended to read as follows:

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

27 (2) A defendant whose alcohol concentration is more than .10
28 shall not be eligible for any temporary restricted license for
29 at least thirty days if a test was obtained, and an accident
30 resulting in personal injury or property damage occurred or the
31 defendant's alcohol concentration exceeded .15. There shall be
32 no such period of ineligibility if no such accident occurred
33 and the defendant's alcohol concentration did not exceed .15.
34 In either case, where a defendant's alcohol concentration is
35 more than .10, the department shall require the defendant shall

1 ~~be ordered~~ to install an ignition interlock device of a type
2 approved by the commissioner of public safety on all vehicles
3 owned or operated by the defendant if the defendant seeks a
4 temporary restricted license.

5 Sec. 48. Section 336.4, Code 2009, as amended by 2010 Iowa
6 Acts, Senate File 2088, section 323, is amended to read as
7 follows:

8 **336.4 Library trustees.**

9 In any area in which a library district has been established
10 in accordance with this chapter, a board of library
11 trustees, consisting of five, seven, or nine members who
12 ~~resident~~ reside within the library district, shall be appointed
13 by the governing bodies of the jurisdictions comprising the
14 library district.

15 Sec. 49. Section 435.26B, subsection 1, paragraph c, if
16 enacted by 2010 Iowa Acts, Senate File 2199, section 13, is
17 amended to read as follows:

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

23 Sec. 50. Section 455B.104, subsection 4, as enacted by 2010
24 Iowa Acts, Senate File 2088, section 258, is amended to read
25 as follows:

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

33 Sec. 51. Section 476.53, subsection 2, paragraph a, Code
34 2009, as amended by 2010 Iowa Acts, House File 2399, section 2,
35 if enacted, is amended to read as follows:

1 a. The general assembly's intent with regard to the
2 development of electric power generating and transmission
3 facilities, or the significant alteration of an existing
4 generating facility, as provided in subsection 1, shall be
5 implemented in a manner that is cost-effective and compatible
6 with the environmental policies of the state, as expressed in
7 Title XI.

8 Sec. 52. Section 489.116, subsection 4, as amended by 2010
9 Iowa Acts, House File 2478, section 5, if enacted, is amended
10 to read as follows:

11 ~~4.~~ 3. A limited liability company or foreign limited
12 liability company may be served pursuant to this section, as
13 provided in another provision of this chapter, or as provided
14 in sections 617.3 through 617.6, unless the manner of service
15 is otherwise specifically provided for by another provision of
16 law.

17 Sec. 53. Section 489.1005, subsection 2, Code 2009, is
18 amended to read as follows:

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

32 Sec. 54. Section 489.1009, subsection 3, Code 2009, is
33 amended to read as follows:

34 3. A converted organization that is a foreign organization
35 consents to the jurisdiction of the courts of this state to

1 enforce any debt, obligation, or other liability for which
2 the converting limited liability company is liable if, before
3 the conversion, the converting limited liability company was
4 subject to suit in this state on the debt, obligation, or
5 other liability. A converted organization that is a foreign
6 organization 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. 55. Section 489.1013, subsection 2, Code 2009, is
14 amended to read as follows:

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

29 Sec. 56. Section 508C.3, subsection 1, paragraph b,
30 subparagraph (2), subparagraph division (b), Code 2009, as
31 amended by 2010 Iowa Acts, Senate File 2272, section 1, if
32 enacted, is amended to read as follows:

33 (b) The person is not eligible for coverage by an
34 association described in subparagraph ~~part~~ division (a) in any
35 other state due to the fact that the insurer was not licensed

1 in the state at the time specified in that state's guaranty
2 association law.

3 Sec. 57. Section 514C.26, subsection 1, paragraph c,
4 subparagraph (2), subparagraph division (j), as enacted by 2010
5 Iowa Acts, House File 2075, section 1, is amended to read as
6 follows:

7 (j) Costs of extra treatments, services, procedures, tests,
8 or drugs that would not be performed or administered except
9 for participation in the cancer clinical trial. Nothing in
10 this subparagraph ~~subdivision~~ division shall limit payment for
11 treatments, services, procedures, tests, or drugs that are
12 otherwise a covered benefit under subparagraph (1).

13 Sec. 58. Section 543B.29, subsection 1, paragraph e,
14 subparagraph (2), if enacted by 2010 Iowa Acts, Senate File
15 2326, section 5, is amended to read as follows:

16 (2) The commission, when considering the revocation
17 or suspension of a license pursuant to this paragraph "e",
18 shall consider the nature of the offense; any aggravating or
19 extenuating circumstances which are documented; the time lapsed
20 since the conduct or conviction; the rehabilitation, treatment,
21 or restitution performed by the licensee; and any other factors
22 the commission deems relevant. Character references may be
23 required but shall not be obtained from licensed real estate
24 brokers or salespersons.

25 Sec. 59. Section 562A.29A, subsection 1, paragraph b, as
26 enacted by 2010 Iowa Acts, Senate File 2300, section 3, is
27 amended to read as follows:

28 b. Personal service pursuant to ~~rules~~ rule of civil
29 procedure 1.305, Iowa court rules, for the personal service of
30 original notice.

31 Sec. 60. Section 685.6, subsection 9, paragraph d, as
32 enacted by 2010 Iowa Acts, Senate File 2088, section 343, is
33 amended to read as follows:

34 d. At any time during which any custodian is in custody
35 or control of any documentary material or answers to

1 interrogatories produced, or transcripts of oral testimony
2 given, by any person in compliance with any civil investigative
3 demand issued under subsection 1, such person, and in the
4 case of an express demand for any product of discovery, the
5 person from whom such discovery was obtained, may file, in
6 the district court of the state for the judicial district
7 within which the office of such custodian is located, and serve
8 upon such custodian, a petition for an order of such court to
9 require the performance by the custodian of any duty imposed
10 upon the custodian by this section.

11 Sec. 61. Section 692A.102, subsection 1, paragraph c,
12 subparagraph (30), Code Supplement 2009, is amended to read as
13 follows:

14 (30) Enticing ~~away~~ a minor in violation of section 710.10,
15 if the violation includes an intent to commit sexual abuse,
16 sexual exploitation, sexual contact, or sexual conduct directed
17 towards a minor.

18 Sec. 62. Section 805.6, subsection 3, paragraph a, if
19 enacted by 2010 Iowa Acts, Senate File 2340, section 63, is
20 amended to read as follows:

21 a. The uniform citation and complaint shall contain
22 spaces for the parties' names; the address of the alleged
23 offender; the registration number of the offender's vehicle;
24 the information required by section 805.2, a warning which
25 states: I hereby swear and affirm that the information
26 provided by me on this citation is true under penalty of
27 providing false information; and a statement that providing
28 false information is a violation of section 719.3; a list of
29 the scheduled fines prescribed by sections 805.8A, 805.8B, and
30 805.8C, either separately or by group, and a statement of the
31 court costs payable in scheduled violation cases, whether or
32 not a court appearance is required or is demanded; a brief
33 explanation of sections 805.9 and 805.10; and a space where the
34 defendant may sign an admission of the violation when permitted
35 by section 805.9; and the uniform citation and complaint shall

1 require that the defendant appear before a court at a specified
2 time and place. The uniform citation and complaint also may
3 contain a space for the imprint of a credit card, and may
4 contain any other information which the commissioner of public
5 safety, the director of transportation, and the director of the
6 department of natural resources may determine.

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

10 9. Supplies of uniform citation and complaint forms
11 existing or on order on July 1, 2010, may be used until
12 exhausted.

13 Sec. 64. Section 901A.1, subsection 1, paragraph c, Code
14 2009, is amended to read as follows:

15 c. Enticing a minor ~~away~~ in violation of section 710.10,
16 subsection 1.

17 Sec. 65. The portion of 2010 Iowa Acts, House File 2399,
18 section 2, if enacted, that enacts section 476.53, subsection
19 3, paragraph a, subparagraph (1), unnumbered paragraph 1, is
20 amended by striking the unnumbered paragraph and inserting in
21 lieu thereof the following:

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

32 Sec. 66. 2010 Iowa Acts, Senate File 431, section 5, if
33 enacted, is amended by striking the section and inserting in
34 lieu thereof the following:

35 SEC. 5. Section 907.3, subsection 3, paragraph c,

1 unnumbered paragraph 1, Code Supplement 2009, is amended to
2 read as follows:

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

9 Sec. 67. 2010 Iowa Acts, Senate File 2237, section 180,
10 subsection 4, paragraph a, as enacted, is amended to read as
11 follows:

12 a. The Code editor is directed to strike the words "title"
13 or "Title" and insert "Tit." within federal Act references
14 in sections 13.31, subsections 1 and 6; 15E.192, subsection
15 2; 15E.195, subsections 1 and 2; 30.1, subsection 3; 47.1,
16 subsection 5; 96.11, subsection 10, paragraph "c"; 97C.1;
17 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered paragraph
18 1, and subsections 1 and 2; 135C.9, subsection 1, paragraph
19 "b"; 142A.8, subsection 2; 203C.1, subsection 26; 207.21,
20 subsections 1, 4, and 5; 207.22, subsection 3, paragraph
21 "b"; 217.38; 228.1, subsection 7; 230.20, subsection 6;
22 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2,
23 subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24,
24 subsection 2, paragraph "b"; 249B.1, subsections 6 and 7;
25 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10,
26 subsection 3; 249J.22, subsection 3; 252B.6, subsection
27 3; 252B.9, subsection 2, paragraph "b", subparagraph (1),
28 subsection 3, paragraphs "c", "d", "e", subparagraph (1), and
29 "f"; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered
30 paragraph 2; 259.9; 260C.18A, subsection 2, paragraph "c";
31 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105,
32 subsection 5; 321.450, subsections 1 and 3; 403.6, subsection
33 7; 455B.133, subsection 3 and subsection 8, paragraph "a";
34 459A.102, subsection 19; 483A.4, subsection 1; 486A.101,
35 subsection 2, paragraph "a"; 488.102, subsection 3, paragraph

1 "a"; 490A.102, subsection 2; 514.7, subsections 2 through 4;
2 514B.1, subsection 5, paragraphs "b" ~~through~~ through "d"; 514C.8,
3 subsection 1; 514F.4, subsection 2, paragraph "a"; 514I.9,
4 subsection 1; 523A.401, subsection 5, paragraph "a"; 523A.402,
5 subsection 5, paragraph "a"; 523A.602, subsection 3; 534.205,
6 subsection 1; 541A.1, subsection 8, paragraph "b", subparagraph
7 (2); and 541A.6, Code 2009.

8 Sec. 68. 2010 Iowa Acts, Senate File 2366, section 23,
9 subsection 2, if enacted, is amended to read as follows:

10 2. The costs associated with implementation of this
11 division of this Act shall be funded exclusively through moneys
12 appropriated from the quality assurance trust fund, and shall
13 result in budget neutrality to the general fund of the state
14 for the fiscal year beginning July 1, 2009, and ending June 30,
15 2010.

16 Sec. 69. REPEAL. 2010 Iowa Acts, House File 2280, section
17 25, is repealed.

18 Sec. 70. REPEAL. 2010 Iowa Acts, House File 2452, section
19 3, is repealed.

20 Sec. 71. REPEAL. 2010 Iowa Acts, Senate File 2340, section
21 117, is repealed.

22 Sec. 72. CONDITIONAL EFFECTIVE DATE. The sections of this
23 division of this Act amending sections 489.1005, 489.1009, and
24 489.1013, take effect only if 2010 Iowa Acts, House File 2478,
25 is enacted.

26 Sec. 73. CONDITIONAL EFFECTIVE DATE. The sections of this
27 division of this Act amending section 692A.102, subsection
28 1, paragraph "c", subparagraph (30), and section 901A.1,
29 subsection 1, paragraph "c", take effect only if 2010 Iowa Acts,
30 House File 2438, is enacted.

31 Sec. 74. CONTINGENT EFFECTIVE DATE. The section of this
32 division of this Act amending section 805.6, subsection 7,
33 takes effect only if 2010 Iowa Acts, Senate File 2197, is
34 enacted.

35 Sec. 75. EFFECTIVE UPON ENACTMENT AND RETROACTIVE

1 APPLICABILITY. The following sections of this division of this
2 Act, being deemed of immediate importance, take effect upon
3 enactment and apply retroactively as follows:

4 1. The section of this division of this Act amending section
5 162.10D, subsection 2, as enacted by 2010 Iowa Acts, House File
6 2280, section 18, applies retroactively to March 9, 2010.

7 2. The section of this division of this Act amending section
8 216A.113, subsection 1, as enacted by 2010 Iowa Acts, Senate
9 File 2088, section 139, applies retroactively to March 10,
10 2010.

11 3. The section of this division of this Act amending section
12 256.51, subsection 1, paragraph "a", Code 2009, as amended
13 by 2010 Iowa Acts, Senate File 2088, section 316, applies
14 retroactively to March 10, 2010.

15 4. The section of this division of this Act amending section
16 435.26B, subsection 1, paragraph "c", if enacted by 2010 Iowa
17 Acts, Senate File 2199, section 13, applies retroactively to
18 the effective date of 2010 Iowa Acts, Senate File 2199.

19 5. The section of this division of this Act amending section
20 562A.29A, subsection 1, paragraph "b", as enacted by 2010 Iowa
21 Acts, Senate File 2300, section 3, applies retroactively to
22 March 2, 2010.

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

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

31 Sec. 76. EFFECTIVE DATE. The following sections of this
32 division of this Act take effect December 1, 2010:

33 1. The section of this division of this Act amending section
34 321J.2, subsection 3, paragraph "d", subparagraphs (1) and (2),
35 if enacted by 2010 Iowa Acts, Senate File 431, section 1.

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

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

7 DIVISION VII

8 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

9 Sec. 77. SAC AND FOX INDIAN SETTLEMENT — EDUCATIONAL
10 EXPENSES. There is appropriated from the Iowa comprehensive
11 petroleum underground storage tank fund to the department of
12 education for the fiscal year beginning July 1, 2010, and
13 ending June 30, 2011, the following amount, or so much thereof
14 as is necessary, to be used for the purposes designated:

15 Notwithstanding section 455G.3, subsection 1, for
16 distribution to the tribal council of the Sac and Fox Indian
17 settlement located on land held in trust by the secretary
18 of the interior of the United States. Moneys appropriated
19 under this section shall be used for the purposes specified in
20 section 256.30:

21 \$ 90,000

22 Sec. 78. CASH RESERVE FUND APPROPRIATIONS. There is
23 appropriated from the cash reserve fund created in section 8.56
24 to the following departments and agencies for the fiscal year
25 beginning July 1, 2010, and ending June 30, 2011, the following
26 amounts to be used for the purposes designated:

27 1. DEPARTMENT OF HUMAN SERVICES

28 For the medical assistance program:

29 \$187,800,000

30 2. DEPARTMENT OF MANAGEMENT

31 For salaries, support, maintenance, and miscellaneous
32 purposes:

33 \$ 260,000

34 Sec. 79. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF
35 ADMINISTRATIVE SERVICES. The appropriations to the department

1 of administrative services for the fiscal year beginning July
2 1, 2010, in 2010 Iowa Acts, Senate File 2367, from the general
3 fund of the state shall be increased by \$2,761,100. The number
4 of full-time equivalent positions authorized for the department
5 of administrative services for the fiscal year beginning
6 July 1, 2010, in 2010 Iowa Acts, Senate File 2367, shall be
7 increased by 34.40.

8 Sec. 80. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF
9 MANAGEMENT. The appropriations to the department of management
10 for the fiscal year beginning July 1, 2010, in 2010 Iowa Acts,
11 Senate File 2367, from the general fund of the state shall be
12 decreased by \$2,761,100. The number of full-time equivalent
13 positions authorized for the department of management for the
14 fiscal year beginning July 1, 2010, in 2010 Iowa Acts, Senate
15 File 2367, shall be decreased by 34.40.

16 Sec. 81. RAILROAD COMPANY — LIMITED LIABILITY. A railroad
17 company which alters facilities described in section 327F.2
18 pursuant to a written agreement with a political subdivision
19 with a population of more than 15,100, but less than 15,150,
20 according to the 2000 certified federal census, to construct
21 a flood mitigation project shall receive the limitation on
22 liability contained in section 670.4, subsection 8, for any
23 damages caused by the alteration due to a flood.

24 Sec. 82. BRAILLE AND SIGHT SAVING SCHOOL STUDY.

25 1. The state board of regents shall conduct a study to
26 examine possible changes to and make recommendations regarding
27 the current structure for providing residential services on
28 the campus of the Iowa braille and sight saving school and
29 to make recommendations regarding appropriate facilities and
30 facility utilization. The study shall also examine potential
31 partnerships with other state agencies as well as private
32 providers of residential services.

33 2. For purposes of conducting the study, the state board of
34 regents shall form a committee with representatives of all of
35 the following:

- 1 a. Parents of students who are blind or visually impaired.
- 2 b. Constituent organizations for the blind or visually
- 3 impaired.
- 4 c. The department of education.
- 5 d. The department for the blind.
- 6 e. The department of human services.
- 7 f. Area education agencies.
- 8 g. School boards and school board administrators.
- 9 h. The governor's developmental disabilities council.
- 10 i. Administration of the statewide system for vision
- 11 services.
- 12 j. Administration of the Iowa school for the deaf.

13 3. By August 31, 2010, the state board of regents shall

14 submit a report of the study to the legislative council.

15 Sec. 83. PLUMBERS, MECHANICAL PROFESSIONALS, AND

16 CONTRACTORS — EFFECTIVE UPON ENACTMENT.

17 1. Notwithstanding the provisions of section 105.18,

18 subsection 2, paragraph "c", subparagraph (3), to the contrary,

19 the plumbing and mechanical systems board shall, through

20 September 30, 2010, allow a person who has not previously held

21 a license issued under section 105.18 to sit for the state

22 master licensing examination for the applicable discipline if

23 that person submits evidence of work experience which the board

24 deems to be equivalent to forty-eight months experience as a

25 licensed master in the applicable discipline.

26 2. This section, being deemed of immediate importance,

27 takes effect upon enactment.

28 Sec. 84. Section 8D.13, subsection 5, Code 2009, is amended

29 to read as follows:

30 5. a. The state shall lease all fiberoptic cable

31 facilities or facilities with ~~DS-3~~ sufficient capacity as

32 determined by the commission for Part III connections, for

33 ~~which state funding is provided. The state shall lease~~

34 ~~all fiberoptic cable facilities or facilities with DS-3 or~~

35 ~~DS-1~~ capacity for the judicial branch, judicial district

1 ~~department~~ departments of correctional services, and state
2 agency connections for which state funding is provided. In
3 determining the capacity to be provided, the commission
4 shall consult with the authorized users associated with
5 the Part III connections, the judicial branch, the judicial
6 district departments of correctional services, and state
7 agencies associated with connections for which state funding
8 is provided. Such facilities shall be leased from qualified
9 providers. The state shall not own such facilities, except for
10 those facilities owned by the state as of January 1, 1994.

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

14 Sec. 85. Section 16.100A, subsection 6, paragraph d, Code
15 Supplement 2009, is amended to read as follows:

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

20 Sec. 86. Section 16.181, subsection 1, paragraph a, Code
21 Supplement 2009, is amended to read as follows:

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

1 Sec. 87. NEW SECTION. 16.188 Workforce housing assistance
2 grant fund.

3 1. A workforce housing assistance grant fund is created
4 under the authority of the Iowa finance authority. The fund
5 shall consist of appropriations made to the fund. The fund
6 shall be separate from the general fund of the state and the
7 balance in the fund shall not be considered part of the balance
8 of the general fund of the state. However, the fund shall be
9 considered a special account for the purposes of section 8.53,
10 relating to generally accepted accounting principles.

11 2. Notwithstanding section 12C.7, subsection 2, interest or
12 earnings on moneys in the fund shall be credited to the fund.

13 3. *a.* Moneys in the fund in a fiscal year are appropriated
14 to the Iowa finance authority to be used for grants for
15 projects that create workforce housing or for projects that
16 include adaptive reuse of buildings for workforce housing. For
17 purposes of this section, "workforce housing" means housing
18 that is affordable for a household whose income does not exceed
19 one hundred twenty percent of the median income for the area.

20 *b.* Priority shall be given to the following types of
21 projects:

22 (1) Projects that are eligible for historic preservation
23 and cultural and entertainment district tax credits under
24 section 404A.1.

25 (2) Projects for the construction of new single-family
26 dwellings that incorporate one or more energy-efficient
27 measures. The authority shall by rule identify the types of
28 energy-efficient measures that will qualify a project for
29 priority under this subparagraph.

30 (3) Projects that utilize new markets tax credits,
31 established under the federal Community Renewal Tax Relief Act
32 of 2000, Pub. L. No. 106-554, 114 Stat. 2763A, and undertaken
33 by a qualified community development entity, as defined in the
34 federal Act.

35 (4) Projects that are located in an area where other state

1 funding has been used to support the creation of new jobs.

2 *c.* In any fiscal year, an area shall not receive grants
3 totaling more than twenty-five percent of the moneys expended
4 from the fund in that fiscal year. For purposes of this
5 paragraph, "area" means the same area used to determine the
6 median income under paragraph "a".

7 4. Annually, on or before January 15 of each year, the
8 authority shall report to the legislative services agency and
9 the department of management the status of all projects that
10 received moneys from the workforce housing assistance grant
11 fund. The report shall include a description of each project,
12 the progress of work completed, the total estimated cost of
13 each project, a list of all revenue sources being used to fund
14 each project, the amount of funds expended, the amount of
15 funds obligated, and the date each project was completed or an
16 estimated completion date of each project, where applicable.

17 5. Payment of moneys from appropriations from the fund shall
18 be made in a manner that does not adversely affect the tax
19 exempt status of any outstanding bonds issued by the treasurer
20 of state pursuant to section 12.87.

21 6. The authority shall adopt rules pursuant to chapter 17A
22 to administer this section.

23 Sec. 88. Section 20.19, Code 2009, is amended to read as
24 follows:

25 **20.19 Impasse procedures — agreement of parties.**

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

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

16 Sec. 89. Section 20.20, Code 2009, is amended to read as
17 follows:

18 **20.20 Mediation.**

19 In the absence of an impasse agreement negotiated pursuant
20 to section 20.19 or the failure of either party to utilize its
21 procedures, one hundred twenty days prior to the certified
22 budget submission date, or one hundred twenty days prior to
23 May 31 of the year when the collective bargaining agreement
24 is to become effective if public employees represented by the
25 employee organization are teachers licensed under chapter
26 272 and the public employer is a school district or area
27 education agency, the board shall, upon the request of either
28 party, appoint an impartial and disinterested person to act
29 as mediator. If the public employer is a community college,
30 and in the absence of an impasse agreement negotiated pursuant
31 to section 20.19 or the failure of either party to utilize
32 its procedures, one hundred twenty days prior to May 31
33 of the year when the collective bargaining agreement is to
34 become effective, the board, upon the request of either party,
35 shall appoint an impartial and disinterested person to act as

1 mediator. If the public employer is not subject to the budget
2 certification requirements of section 24.17 or other applicable
3 sections and in the absence of an impasse agreement negotiated
4 pursuant to section 20.19, or the failure of either party to
5 utilize its procedures, one hundred twenty days prior to the
6 date the next fiscal or budget year of the public employer
7 commences, the board, upon the request of either party, shall
8 appoint an impartial and disinterested person to act as a
9 mediator. It shall be the function of the mediator to bring
10 the parties together to effectuate a settlement of the dispute,
11 but the mediator may not compel the parties to agree.

12 Sec. 90. Section 99B.12A, unnumbered paragraph 1, Code
13 2009, is amended to read as follows:

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

21 Sec. 91. Section 99B.17, Code 2009, is amended to read as
22 follows:

23 **99B.17 Gambling on credit unlawful — exception.**

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

33 2. A participant in a raffle conducted by an eligible
34 qualified organization may purchase raffle tickets by personal
35 check, money order, bank check, cashier's check, electronic

1 check, or debit card for one raffle conducted by the eligible
2 qualified organization during a calendar year. The department
3 shall adopt rules setting minimum standards concerning the
4 purchase of raffle tickets as authorized by this subsection
5 which shall ensure compliance with applicable federal law and
6 for the protection of personal information consistent with
7 payment card industry compliance regulations. For purposes
8 of this subsection, an "eligible qualified organization" is a
9 qualified organization that has conducted a raffle pursuant to
10 section 99B.7 during the previous eight consecutive calendar
11 years in which the net proceeds are distributed to a museum.

12 Sec. 92. Section 155A.6A, subsection 3, Code 2009, is
13 amended to read as follows:

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

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

29 Sec. 93. Section 174.1, subsection 2, paragraphs b and c,
30 Code 2009, are amended to read as follows:

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

34 c. The market value of the fairgrounds and buildings and
35 other improvements located on the fairgrounds is at least

1 ~~eighty~~ twenty-five thousand dollars.

2 Sec. 94. Section 174.1, subsection 3, Code 2009, is amended
3 to read as follows:

4 3. "*Fair event*" means an annual gathering of the public
5 on fairgrounds that incorporates agricultural exhibits,
6 demonstrations, shows, or competitions ~~and which includes all~~
7 ~~of the following:~~

8 ~~a.~~ Programs that include programs or projects sponsored by
9 4-H clubs, future farmers of America, or the Iowa cooperative
10 extension service in agriculture and home economics of Iowa
11 state university. Other activities may include any of the
12 following:

13 ~~b.~~ a. Commercial exhibits sponsored by manufacturers or
14 other businesses.

15 ~~c.~~ b. Educational programs or exhibits sponsored by
16 governmental entities or nonprofit organizations.

17 ~~d.~~ c. Competition in culinary arts, fine arts, or home
18 craft arts.

19 Sec. 95. 2010 Iowa Acts, Senate File 2378, section 20,
20 subsection 1, if enacted, is amended to read as follows:

21 1. A public safety enforcement fund is created in the
22 state treasury under the control of the treasurer of state.
23 Notwithstanding section 602.8108, after the necessary amount is
24 remitted for deposit in the Iowa prison infrastructure fund as
25 provided in section 602.8108A, the state court administrator
26 shall allocate to the treasurer of state for deposit in the
27 public safety enforcement fund the ~~first~~ next nine million one
28 hundred thousand dollars of the moneys received under section
29 602.8108, subsection 2, during the fiscal year beginning July
30 1, 2010, and ending June 30, 2011. Moneys deposited into the
31 fund are appropriated to the treasurer of state for allocation
32 as provided in subsection 2.

33 Sec. 96. Section 232.188, subsection 5, paragraph b,
34 unnumbered paragraph 1, Code 2009, is amended to read as
35 follows:

1 Notwithstanding section 8.33, moneys designated for a
2 project's decategorization services funding pool that remain
3 unencumbered or unobligated at the close of the fiscal year
4 shall not revert but shall remain available for expenditure
5 as directed by the project's governance board for child
6 welfare and juvenile justice systems enhancements and other
7 purposes of the project ~~until the close of the succeeding~~
8 ~~fiscal year and~~ for the next two succeeding fiscal years.
9 Such moneys shall be known as "*carryover funding*". Moneys may
10 be made available to a funding pool from one or more of the
11 following sources:

12 Sec. 97. Section 256.7, subsection 29, Code Supplement
13 2009, is amended to read as follows:

14 29. Adopt rules establishing nutritional content standards
15 for foods and beverages sold or provided on the school grounds
16 of any school district or accredited nonpublic school during
17 the school day exclusive of the food provided by any federal
18 school food program or pursuant to an agreement with any agency
19 of the federal government in accordance with the provisions
20 of chapter 283A, and exclusive of foods sold for fundraising
21 purposes and foods and beverages sold at concession stands.
22 The standards shall be consistent with the dietary guidelines
23 for Americans issued by the United States department of
24 agriculture food and nutrition service. Nothing in this
25 subsection shall prohibit a local school district from adopting
26 their own standards for food and beverages sold or provided
27 on the school grounds during the school day, provided such
28 standards are not more restrictive than those implemented by
29 the department.

30 Sec. 98. Section 455A.13, Code 2009, is amended to read as
31 follows:

32 **455A.13 State nurseries.**

33 1. Notwithstanding section 17A.2, subsection 11,
34 paragraph "g", the department of natural resources shall adopt
35 administrative rules establishing a range of prices of plant

1 material grown at the state forest nurseries to cover all
2 expenses related to the growing of the plants. The department
3 is authorized to sell plant material in other states.

4 ~~1.~~ 2. The department shall develop programs to encourage
5 the wise management and preservation of existing woodlands
6 and shall continue its efforts to encourage forestation and
7 reforestation on private and public lands in the state.

8 ~~2.~~ 3. The department shall encourage a cooperative
9 relationship between the state forest nurseries and private
10 nurseries in the state in order to achieve these goals.

11 Sec. 99. Section 466B.4, subsection 2, Code Supplement
12 2009, is amended to read as follows:

13 2. Marketing campaign. The water resources coordinating
14 council shall develop a marketing campaign to educate Iowans
15 about the need to take personal responsibility for the quality
16 and quantity of water in their local watersheds. The emphasis
17 of the campaign shall be that not only is everyone responsible
18 for clean water, but that everyone benefits from it as well,
19 and that everyone is responsible for and benefits from reducing
20 the risk for flooding and mitigating possible future flood
21 damage. The goals of the campaign shall be to convince Iowans
22 to take personal responsibility for clean water and reducing
23 the risk of flooding and to equip them with the tools necessary
24 to effect change through local water quality improvement
25 projects and better flood plain management and flood risk
26 programs.

27 Sec. 100. NEW SECTION. **466B.12 Flood plain managers.**

28 The council shall encourage and support the formation of
29 a chapter of the association of state flood plain managers
30 in Iowa that would provide a vehicle for local flood
31 plain managers and flood plain planners to further pursue
32 professional educational opportunities.

33 Sec. 101. NEW SECTION. **466B.13 Flood education.**

34 The Iowa state university agricultural extension service,
35 the council, and agency members of the council shall, to the

1 extent feasible, work with flood plain and hydrology experts
2 to educate the general public about flood plains, flood risks,
3 and basic flood plain management principles. This educational
4 effort shall include developing educational materials and
5 programs in consultation with flood plain experts.

6 Sec. 102. Section 729.6, subsection 1, Code 2009, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *Oob.* "*Genetic services*" means the same as
9 defined in 29 U.S.C. § 1191b(d)(8).

10 Sec. 103. Section 729.6, subsection 1, paragraph c, Code
11 2009, as amended by 2010 Iowa Acts, Senate File 2215, if
12 enacted, is amended to read as follows:

13 *c.* "*Genetic testing*" means the same as genetic test as
14 defined in 29 U.S.C. § 1191b(d)(7). "*Genetic testing*" does not
15 mean routine physical measurement, a routine chemical, blood,
16 or urine analysis, a biopsy, an autopsy, or clinical specimen
17 obtained solely for the purpose of conducting an immediate
18 clinical or diagnostic test to detect an existing disease,
19 illness, impairment, or disorder, or a test for drugs or for
20 human immunodeficiency virus infections.

21 Sec. 104. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
22 APPLICABILITY. The provision of this division of this Act
23 amending section 155A.6A, subsection 3, being deemed of
24 immediate importance, takes effect upon enactment and applies
25 retroactively to January 1, 2010.

26 DIVISION VIII

27 BICYCLES

28 Sec. 105. NEW SECTION. **321.281 Actions against bicyclists.**

29 1. A person operating a motor vehicle shall not steer the
30 motor vehicle unreasonably close to or toward a person riding
31 a bicycle on a highway, including the roadway or the shoulder
32 adjacent to the roadway.

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

35 3. A person who violates this section commits a simple

1 misdemeanor punishable as a scheduled violation under section
2 805.8A, subsection 14, paragraph "k".

3 Sec. 106. Section 805.8A, subsection 14, Code Supplement
4 2009, is amended by adding the following new paragraph:

5 NEW PARAGRAPH. k. Actions against a person on a bicycle.
6 For violations under section 321.281 the scheduled fine is two
7 hundred fifty dollars.

8 DIVISION IX

9 FIRE SUPPRESSION SYSTEMS

10 Sec. 107. Section 100.35, Code 2009, is amended to read as
11 follows:

12 **100.35 Rules of marshal.**

13 1. The fire marshal shall adopt, and may amend rules
14 under chapter 17A, which include standards relating to exits
15 and exit lights, fire escapes, fire protection, fire safety
16 and the elimination of fire hazards, in and for churches,
17 schools, hotels, theaters, amphitheatres, hospitals, health
18 care facilities as defined in section 135C.1, boarding homes
19 or housing, rest homes, dormitories, college buildings, lodge
20 halls, club rooms, public meeting places, places of amusement,
21 apartment buildings, food establishments as defined in section
22 137F.1, and all other buildings or structures in which persons
23 congregate from time to time, whether publicly or privately
24 owned. Violation of a rule adopted by the fire marshal is a
25 simple misdemeanor. However, upon proof that the fire marshal
26 gave written notice to the defendant of the violation, and
27 proof that the violation constituted a clear and present danger
28 to life, and proof that the defendant failed to eliminate the
29 condition giving rise to the violation within thirty days after
30 receipt of notice from the fire marshal, the penalty is that
31 provided by law for a serious misdemeanor. Each day of the
32 continuing violation of a rule after conviction of a violation
33 of the rule is a separate offense. A conviction is subject to
34 appeal as in other criminal cases.

35 2. Rules by the fire marshal affecting the construction

1 of new buildings, additions to buildings or rehabilitation of
2 existing buildings and related to fire protection, shall be
3 substantially in accord with the provisions of the nationally
4 recognized building and related codes adopted as the state
5 building code pursuant to section 103A.7 or with codes adopted
6 by a local subdivision which are in substantial accord with the
7 codes comprising the state building code. The rules adopted
8 by the fire marshal shall not require the installation of fire
9 sprinklers or a related fire suppression system in a one-family
10 or two-family residential dwelling or a residential building
11 that contains no more than four dwelling units.

12 3. The rules adopted by the state fire marshal under
13 this section shall provide standards for fire resistance of
14 cellulose insulation sold or used in this state, whether for
15 public or private use. The rules shall provide for approval of
16 the cellulose insulation by at least one nationally recognized
17 independent testing laboratory.

18 Sec. 108. Section 103A.7, subsection 2, paragraph d, Code
19 Supplement 2009, is amended to read as follows:

20 d. Protection of the health, safety, and welfare of
21 occupants and users. The rules adopted by the state building
22 code commissioner shall not require the installation of fire
23 sprinklers or a related fire suppression system in a one-family
24 or two-family residential dwelling or a residential building
25 that contains no more than four dwelling units.

26 Sec. 109. EFFECTIVE UPON ENACTMENT. This division of this
27 Act, being deemed of immediate importance, takes effect upon
28 enactment.

29 DIVISION X

30 RENEWABLE FUELS AND COPRODUCTS

31 Sec. 110. Section 159A.6, subsection 1, Code Supplement
32 2009, is amended to read as follows:

33 1. The office shall support education regarding, and
34 promotion and advertising of, renewable fuels and coproducts.
35 The office shall consult with the petroleum marketers

1 and convenience stores of Iowa, the Iowa corn growers
2 association, and the Iowa soybean association.

3 DIVISION XI

4 IDENTIFICATION OF WORKER MISCLASSIFICATION

5 Sec. 111. Section 421.17, Code 2009, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 31. If the director has reason to believe,
8 as a result of an investigation or audit, that a taxpayer may
9 have misclassified workers, then to assist the department of
10 workforce development, the director is authorized to provide
11 to the department of workforce development the following
12 confidential information with respect to such a taxpayer:

13 a. Withholding and payroll tax information.

14 b. The taxpayer's identity, including taxpayer
15 identification number and date of birth.

16 c. The results or most recent status of the audit or
17 investigation.

18 Sec. 112. Section 422.20, subsection 3, paragraph a, Code
19 2009, is amended to read as follows:

20 a. Unless otherwise expressly permitted by section 8A.504,
21 section 96.11, subsection 6, section 421.17, subsections 22,
22 23, and 26, and 31, sections 252B.9, 321.120, 421.19, 421.28,
23 422.72, and 452A.63, and this section, a tax return, return
24 information, or investigative or audit information shall not
25 be divulged to any person or entity, other than the taxpayer,
26 the department, or internal revenue service for use in a matter
27 unrelated to tax administration.

28 Sec. 113. Section 422.72, subsection 3, paragraph a, Code
29 2009, is amended to read as follows:

30 a. Unless otherwise expressly permitted by section 8A.504,
31 section 96.11, subsection 6, section 421.17, subsections 22,
32 23, and 26, and 31, sections 252B.9, 321.120, 421.19, 421.28,
33 422.20, and 452A.63, and this section, a tax return, return
34 information, or investigative or audit information shall not
35 be divulged to any person or entity, other than the taxpayer,

1 the department, or internal revenue service for use in a matter
2 unrelated to tax administration.

3 Sec. 114. EFFECTIVE UPON ENACTMENT. This division of this
4 Act, being deemed of immediate importance, takes effect upon
5 enactment.