HOUSE FILE 697
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 2811YC)

(As Amended and Passed by the House June 8, 2011)

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 and adjusting appropriations, providing for salaries
4 and compensation of state employees, providing for matters
5 relating to taxation, providing for fees and penalties,
6 providing for legal responsibilities, and providing for
7 properly related matters, and including effective date and
8 retroactive and other applicability provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I
2 ADMINISTRATION AND REGULATION
3 FY 2011-2012
4 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.
5 1. There is appropriated from the general fund of the state
6 to the department of administrative services for the fiscal
7 year beginning July 1, 2011, and ending June 30, 2012, the
8 following amounts, or so much thereof as is necessary, to be
9 used for the purposes designated, and for not more than the
10 following full-time equivalent positions:
11 a. For salaries, support, maintenance, and miscellaneous
12 purposes:
13 ..... $ 4,020,344
14 ..... FTEs 84.18
15 b. For the payment of utility costs:
16 ..... $ 2,939,400
17 ..... FTEs 1.00
18 Notwithstanding section 8.33, any excess funds appropriated
19 for utility costs in this lettered paragraph shall not revert
20 to the general fund of the state at the end of the fiscal year
21 but shall remain available for expenditure for the purposes of
22 this lettered paragraph during the succeeding fiscal year.
23 c. For Terrace Hill operations:
24 ..... $ 405,914
25 ..... FTEs 6.88
26 d. For the I3 distribution account:
27 ..... $ 3,328,000
28 e. For operations and maintenance of the Iowa building:
29 ..... $ 1,018,185
30 ..... FTEs 4.00
31 2. Members of the general assembly serving as members of
32 the deferred compensation advisory board shall be entitled
33 to receive per diem and necessary travel and actual expenses
34 pursuant to section 2.10, subsection 5, while carrying out
35 their official duties as members of the board.

1 3. Any funds and premiums collected by the department for
2 workers' compensation shall be segregated into a separate
3 workers' compensation fund in the state treasury to be used
4 for payment of state employees' workers' compensation claims
5 and administrative costs. Notwithstanding section 8.33,
6 unencumbered or unobligated moneys remaining in this workers'
7 compensation fund at the end of the fiscal year shall not
8 revert but shall be available for expenditure for purposes of
9 the fund for subsequent fiscal years.
10 Sec. 2. LEASING AUTHORITY IMPLEMENTATION.
11 1. A state agency that has entered into a lease for any
12 buildings or office space shall forward a copy of each such
13 existing lease to the department of administrative services for
14 review prior to July 1, 2011.
15 2. A state agency that is in the process of entering into or
16 renewing a lease for any building or office space shall contact
17 the department of administrative services prior to finalizing
18 such lease. Such lease shall not be entered into or renewed
19 without the approval of the department.
20 3. The department shall provide space management services
21 and begin to lease all buildings and office space wherever
22 located throughout the state as provided in section 8A.321,
23 as amended by this Act, as soon as practicable, but by
24 no later than December 1, 2011. Prior to assuming those
25 responsibilities, the department shall review and approve
26 leases under subsection 2 unless, in the department's
27 discretion, it is determined that entering into or renewing
28 such lease would not be in the best interests of the state.
29 4. The department is authorized to assess a fee to a state
30 agency for which a lease is negotiated or renewed pursuant
31 to this Act sufficient to cover the department's costs in
32 providing space management services under this Act.
33 Sec. 3. TRAVEL REIMBURSEMENT IMPLEMENTATION.
34 1. If this Act is approved by the governor prior to July 1,
35 2011, the electronic online travel authorization form provided

1 for in section 8A.512A, if enacted, shall be developed on or
2 before July 1, 2011, and executive branch employees subject to
3 that section seeking reimbursement shall utilize the form on
4 and after that date.
5 2. The database to be made available by the department of
6 administrative services as provided in section 8A.512A, if
7 enacted, shall be developed and available for public access on
8 or before January 1, 2012.
9 3. The department shall develop a plan for converting
10 the existing reimbursement process to a paperless process,
11 including implementation steps, a timeline, and an estimated
12 budget. The plan shall be submitted to the governor by no
13 later than January 1, 2012.
14 Sec. 4. REVOLVING FUNDS. There is appropriated to the
15 department of administrative services for the fiscal year
16 beginning July 1, 2011, and ending June 30, 2012, from the
17 revolving funds designated in chapter 8A and from internal
18 service funds created by the department such amounts as the
19 department deems necessary for the operation of the department
20 consistent with the requirements of chapter 8A.
21 Sec. 5. FUNDING FOR IOWACCESS.
22 1. Notwithstanding section 321A.3, subsection 1, for the
23 fiscal year beginning July 1, 2011, and ending June 30, 2012,
24 the first $750,000 collected and transferred by the department
25 of transportation to the treasurer of state with respect to the
26 fees for transactions involving the furnishing of a certified
27 abstract of a vehicle operating record under section 321A.3,
28 subsection 1, shall be transferred to the IowAccess revolving
29 fund for the purposes of developing, implementing, maintaining,
30 and expanding electronic access to government records as
31 provided by law.
32 2. All fees collected with respect to transactions
33 involving IowAccess shall be deposited in the IowAccess
34 revolving fund and shall be used only for the support of
35 IowAccess projects.

1 3. For the fiscal year beginning July 1, 2011, and ending
2 June 30, 2012, there is appropriated from the IowAccess
3 revolving fund, to the office of the secretary of state $75,000
4 for costs associated with decennial redistricting.
5 Sec. 6. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
6 CHARGE. For the fiscal year beginning July 1, 2011, and ending
7 June 30, 2012, the monthly per contract administrative charge
8 which may be assessed by the department of administrative
9 services shall be $2 per contract on all health insurance plans
10 administered by the department.
11 Sec. 7. AUDITOR OF STATE.
12 1. There is appropriated from the general fund of the state
13 to the office of the auditor of state for the fiscal year
14 beginning July 1, 2011, and ending June 30, 2012, the following
15 amount, or so much thereof as is necessary, to be used for
16 the purposes designated, and for not more than the following
17 full-time equivalent positions:
18 For salaries, support, maintenance, and miscellaneous
19 purposes:
20 ..... $ 935,529
21 ..... FTEs 103.00
22 2. The auditor of state may retain additional full-time
23 equivalent positions as is reasonable and necessary to
24 perform governmental subdivision audits which are reimbursable
25 pursuant to section 11.20 or 11.21, to perform audits which are
26 requested by and reimbursable from the federal government, and
27 to perform work requested by and reimbursable from departments
28 or agencies pursuant to section 11.5A or 11.5B. The auditor
29 of state shall notify the department of management, the
30 legislative fiscal committee, and the legislative services
31 agency of the additional full-time equivalent positions
32 retained.
33 3. The auditor of state shall allocate resources from the
34 appropriation in this section solely for audit work related to
35 the comprehensive annual financial report, federally required

1 audits, and investigations of embezzlement, theft, or other
2 significant financial irregularities until the audit of the
3 comprehensive annual financial report is complete.
4 Sec. 8. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
5 is appropriated from the general fund of the state to the
6 Iowa ethics and campaign disclosure board for the fiscal year
7 beginning July 1, 2011, and ending June 30, 2012, the following
8 amount, or so much thereof as is necessary, for the purposes
9 designated:
10 For salaries, support, maintenance, and miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:
13 ..... $ 475,000
14 ..... FTEs 5.00
15 Sec. 9. DEPARTMENT OF COMMERCE.
16 1. There is appropriated from the general fund of the
17 state to the department of commerce for the fiscal year
18 beginning July 1, 2011, and ending June 30, 2012, the following
19 amounts, or so much thereof as is necessary, for the purposes
20 designated:
21 a. ALCOHOLIC BEVERAGES DIVISION
22 (1) For salaries, support, maintenance, and miscellaneous
23 purposes, and for not more than the following full-time
24 equivalent positions:
25 ..... $ 1,220,391
26 ..... FTEs 21.00
27 (2) Of the funds appropriated pursuant to this paragraph, up
28 to $60,000 shall be used to establish and implement a web-based
29 alcohol compliance employee training program for alcoholic
30 beverage sales personnel.
31 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
32 For salaries, support, maintenance, and miscellaneous
33 purposes, and for not more than the following full-time
34 equivalent positions:
35 ..... $ 609,353

1 ..... FTEs 12.00
2 2. There is appropriated from the department of commerce
3 revolving fund created in section 546.12 to the department of
4 commerce for the fiscal year beginning July 1, 2011, and ending
5 June 30, 2012, the following amounts, or so much thereof as is
6 necessary, for the purposes designated:
7 a. BANKING DIVISION
8 For salaries, support, maintenance, and miscellaneous
9 purposes, and for not more than the following full-time
10 equivalent positions:
11 ..... $ 8,851,670
12 ..... FTEs 80.00
13 b. CREDIT UNION DIVISION
14 For salaries, support, maintenance, and miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions:
17 ..... $ 1,727,995
18 ..... FTEs 19.00
19 c. INSURANCE DIVISION
20 (1) For salaries, support, maintenance, and miscellaneous
21 purposes, and for not more than the following full-time
22 equivalent positions:
23 ..... $ 4,983,244
24 ..... FTEs 106.50
25 (2) The insurance division may reallocate authorized
26 full-time equivalent positions as necessary to respond to
27 accreditation recommendations or requirements. The insurance
28 division expenditures for examination purposes may exceed the
29 projected receipts, refunds, and reimbursements, estimated
30 pursuant to section 505.7, subsection 7, including the
31 expenditures for retention of additional personnel, if the
32 expenditures are fully reimbursable and the division first does
33 both of the following:
34 (a) Notifies the department of management, the legislative
35 services agency, and the legislative fiscal committee of the

1 need for the expenditures.
2 (b) Files with each of the entities named in subparagraph
3 division (a) the legislative and regulatory justification for
4 the expenditures, along with an estimate of the expenditures.
5 d. UTILITIES DIVISION
6 (1) For salaries, support, maintenance, and miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:
9 ..... $ 8,173,069
10 ..... FTEs 79.00
11 (2) The utilities division may expend additional funds,
12 including funds for additional personnel, if those additional
13 expenditures are actual expenses which exceed the funds
14 budgeted for utility regulation and the expenditures are fully
15 reimbursable. Before the division expends or encumbers an
16 amount in excess of the funds budgeted for regulation, the
17 division shall first do both of the following:
18 (a) Notify the department of management, the legislative
19 services agency, and the legislative fiscal committee of the
20 need for the expenditures.
21 (b) File with each of the entities named in subparagraph
22 division (a) the legislative and regulatory justification for
23 the expenditures, along with an estimate of the expenditures.
24 (3) In addition to the funds otherwise appropriated to the
25 division in subparagraph (1), and contingent upon the enactment
26 of legislation during the 2011 legislative session relating
27 to the permitting, licensing, construction, and operation of
28 nuclear generation facilities and establishing rate-making
29 principles in relation thereto, for salaries, support,
30 maintenance, and miscellaneous purposes, and for not more than
31 the following full-time equivalent positions:
32 ..... $ 500,000
33 ..... FTEs 3.50
34 3. CHARGES. Each division and the office of consumer
35 advocate shall include in its charges assessed or revenues

generated an amount sufficient to cover the amount stated in its appropriation and any state-assessed indirect costs determined by the department of administrative services.

Sec. 10. DEPARTMENT OF COMMERCE —— PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund of the Iowa finance authority created in section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 62,317

Sec. 11. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 2,288,025

..... FTEs 22.88

Sec. 12. GOVERNOR´S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor´s office of drug control policy for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full-time equivalent positions:

1 ..... $ 326,043
2 ..... FTEs 8.00
3 Sec. 13. DEPARTMENT OF HUMAN RIGHTS. There is appropriated
4 from the general fund of the state to the department of human
5 rights for the fiscal year beginning July 1, 2011, and ending
6 June 30, 2012, the following amounts, or so much thereof as is
7 necessary, to be used for the purposes designated:
8 1. CENTRAL ADMINISTRATION DIVISION
9 For salaries, support, maintenance, and miscellaneous
10 purposes, and for not more than the following full-time
11 equivalent positions:
12 ..... $ 206,103
13 ..... FTEs 7.00
14 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
15 For salaries, support, maintenance, and miscellaneous
16 purposes, and for not more than the following full-time
17 equivalent positions:
18 ..... $ 820,135
19 ..... FTEs 17.00
20 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
21 For salaries, support, maintenance, and miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions:
24 ..... $ 1,023,892
25 ..... FTEs 10.00
26 The criminal and juvenile justice planning advisory council
27 and the juvenile justice advisory council shall coordinate
28 their efforts in carrying out their respective duties relative
29 to juvenile justice.
30 Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS. There
31 is appropriated from the general fund of the state to the
32 department of inspections and appeals for the fiscal year
33 beginning July 1, 2011, and ending June 30, 2012, the following
34 amounts, or so much thereof as is necessary, for the purposes
35 designated:

1 1. ADMINISTRATION DIVISION
2 For salaries, support, maintenance, and miscellaneous
3 purposes, and for not more than the following full-time
4 equivalent positions:
5 ..... $ 1,537,715
6 ..... FTEs 37.40
7 2. ADMINISTRATIVE HEARINGS DIVISION
8 For salaries, support, maintenance, and miscellaneous
9 purposes, and for not more than the following full-time
10 equivalent positions:
11 ..... $ 528,753
12 ..... FTEs 23.00
13 3. INVESTIGATIONS DIVISION
14 a. For salaries, support, maintenance, and miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions:
17 ..... $ 1,168,639
18 ..... FTEs 58.50
19 b. The department, in coordination with the investigations
20 division, shall provide a report to the general assembly by
21 January 10, 2012, concerning the fiscal impact of additional
22 full-time equivalent positions on the department's efforts
23 relative to the Medicaid divestiture program under chapter
24 249F.
25 4. HEALTH FACILITIES DIVISION
26 a. For salaries, support, maintenance, and miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:
29 ..... $ 3,555,328
30 ..... FTEs 134.75
31 b. The department shall, in coordination with the health
32 facilities division, make the following information available
33 to the public in a timely manner, to include providing the
34 information on the department's internet website, during the
35 fiscal year beginning July 1, 2011, and ending June 30, 2012:

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division's level of collaboration and to identify new opportunities for cooperation.

5. EMPLOYMENT APPEAL BOARD

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 42,215

..... FTEs 14.00

b. The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

6. CHILD ADVOCACY BOARD

1 a. For foster care review and the court appointed special
2 advocate program, including salaries, support, maintenance, and
3 miscellaneous purposes, and for not more than the following
4 full-time equivalent positions:
5 ..... $ 2,554,771
6 ..... FTEs 40.80
7 b. The department of human services, in coordination with
8 the child advocacy board and the department of inspections and
9 appeals, shall submit an application for funding available
10 pursuant to Tit. IV-E of the federal Social Security Act for
11 claims for child advocacy board administrative review costs.
12 c. The court appointed special advocate program shall
13 investigate and develop opportunities for expanding
14 fund-raising for the program.
15 d. Administrative costs charged by the department of
16 inspections and appeals for items funded under this subsection
17 shall not exceed 4 percent of the amount appropriated in this
18 subsection.
19 Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS —— MUNICIPAL
20 CORPORATION FOOD INSPECTIONS. For the fiscal year beginning
21 July 1, 2011, and ending June 30, 2012, the department of
22 inspections and appeals shall retain any license fees generated
23 during the fiscal year as a result of actions under section
24 137F.3A occurring during the period beginning July 1, 2009,
25 and ending June 30, 2011, for the purpose of enforcing the
26 provisions of chapters 137C, 137D, and 137F.
27 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS ——
28 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any
29 provision of section 135C.16 to the contrary, inspections of
30 health care facilities that are only state-licensed and not
31 certified under the Medicare or Medicaid programs shall not be
32 inspected by the department of inspections and appeals every
33 thirty months, but only as provided pursuant to sections 135C.9
34 and 135C.38.
35 Sec. 17. DEPARTMENT OF INSPECTIONS AND APPEALS —— GENERAL

1 SUPPORT — MEDICAID FRAUD FUND APPROPRIATION. There is
2 appropriated from the Medicaid fraud fund created in section
3 249.7 to the health facilities division of the department of
4 inspections and appeals for the fiscal year beginning July
5 1, 2011, and ending June 30, 2012, the following amount, or
6 so much thereof as is necessary, to be used for the purposes
7 designated:
8 For salaries, support, maintenance, and miscellaneous
9 purposes:
10 ..... $ 650,000
11 Sec. 18. INVESTIGATIONS DIVISION OF DEPARTMENT OF
12 INSPECTIONS AND APPEALS — CONTINGENT FTE AUTHORIZATION. If
13 Senate File 313 or successor legislation providing for debt
14 setoff or other recovery activities for nonpayment of premiums
15 pursuant to section 249A.3, subsection 2, paragraph "a",
16 subparagraph (1), relating to a special income eligibility
17 group under the Medicaid program, or pursuant to section
18 249J.8, subsection 1, relating to the expansion population
19 eligibility group under the IowaCare program, is enacted by
20 the Eighty-fourth General Assembly, 2011 Session, in addition
21 to other full-time equivalent positions authorized for the
22 investigations division of the department of inspections and
23 appeals for the fiscal year beginning July 1, 2011, not more
24 than 2.00 FTEs are authorized, to the extent funded through
25 moneys available to the department of human services, to
26 be used to implement such provisions of Senate File 313 or
27 successor legislation.
28 Sec. 19. RACING AND GAMING COMMISSION.
29 1. RACETRACK REGULATION
30 There is appropriated from the gaming regulatory revolving
31 fund established in section 99F.20 to the racing and gaming
32 commission of the department of inspections and appeals for the
33 fiscal year beginning July 1, 2011, and ending June 30, 2012,
34 the following amount, or so much thereof as is necessary, to be
35 used for the purposes designated:

1 For salaries, support, maintenance, and miscellaneous
2 purposes for the regulation of pari-mutuel racetracks, and for
3 not more than the following full-time equivalent positions:
4 ..... $ 2,511,440
5 ..... FTEs 28.53
6 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
7 There is appropriated from the gaming regulatory revolving
8 fund established in section 99F.20 to the racing and gaming
9 commission of the department of inspections and appeals for the
10 fiscal year beginning July 1, 2011, and ending June 30, 2012,
11 the following amount, or so much thereof as is necessary, to be
12 used for the purposes designated:
13 For salaries, support, maintenance, and miscellaneous
14 purposes for administration and enforcement of the excursion
15 boat gambling and gambling structure laws, and for not more
16 than the following full-time equivalent positions:
17 ..... $ 3,078,100
18 ..... FTEs 44.22
19 Sec. 20. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF
20 INSPECTIONS AND APPEALS. There is appropriated from the road
21 use tax fund created in section 312.1 to the administrative
22 hearings division of the department of inspections and appeals
23 for the fiscal year beginning July 1, 2011, and ending June 30,
24 2012, the following amount, or so much thereof as is necessary,
25 for the purposes designated:
26 For salaries, support, maintenance, and miscellaneous
27 purposes:
28 ..... $ 1,623,897
29 Sec. 21. DEPARTMENT OF MANAGEMENT.
30 1. There is appropriated from the general fund of the state
31 to the department of management for the fiscal year beginning
32 July 1, 2011, and ending June 30, 2012, the following amounts,
33 or so much thereof as is necessary, to be used for the purposes
34 designated:
35 For salaries, support, maintenance, and miscellaneous

1 purposes, and for not more than the following full-time
2 equivalent positions:
3 ..... $ 2,423,998
4 ..... FTEs 25.00
5 2. Of the moneys appropriated in this section, the
6 department shall use a portion for enterprise resource
7 planning, providing for a salary model administrator,
8 conducting performance audits, and for the department's LEAN
9 process.
10 Sec. 22. ROAD USE TAX APPROPRIATION — DEPARTMENT OF
11 MANAGEMENT. There is appropriated from the road use tax fund
12 created in section 312.1 to the department of management for
13 the fiscal year beginning July 1, 2011, and ending June 30,
14 2012, the following amount, or so much thereof as is necessary,
15 to be used for the purposes designated:
16 For salaries, support, maintenance, and miscellaneous
17 purposes:
18 ..... $ 56,000
19 Sec. 23. DEPARTMENT OF REVENUE.
20 1. There is appropriated from the general fund of the state
21 to the department of revenue for the fiscal year beginning July
22 1, 2011, and ending June 30, 2012, the following amounts, or
23 so much thereof as is necessary, to be used for the purposes
24 designated:
25 For salaries, support, maintenance, and miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:
28 ..... $ 17,615,484
29 ..... FTEs 303.48
30 2. Of the funds appropriated pursuant to this section,
31 $400,000 shall be used to pay the direct costs of compliance
32 related to the collection and distribution of local sales and
33 services taxes imposed pursuant to chapters 423B and 423E.
34 3. The director of revenue shall prepare and issue a state
35 appraisal manual and the revisions to the state appraisal

manual as provided in section 421.17, subsection 17, without cost to a city or county.

Sec. 24. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor fuel tax fund created by section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

..... $ 1,305,775

Sec. 25. SECRETARY OF STATE.

1. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,895,585

..... FTEs 45.00

2. The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 26. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 490.122, subsection 1, paragraphs "a" and "s", and section 504.113, subsection 1, paragraphs "a", "c", "d", "j", "k", "l", and "m", for the fiscal year beginning July 1, 2011, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund

1 under rules established by the secretary of state is final and
2 not subject to review pursuant to chapter 17A.
3 Sec. 27. TREASURER.
4 1. There is appropriated from the general fund of the
5 state to the office of treasurer of state for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purposes designated:
9 For salaries, support, maintenance, and miscellaneous
10 purposes, and for not more than the following full-time
11 equivalent positions:
12 ..... $ 854,289
13 ..... FTEs 28.80
14 2. The office of treasurer of state shall supply clerical
15 and secretarial support for the executive council.
16 Sec. 28. ROAD USE TAX APPROPRIATION —— OFFICE OF TREASURER
17 OF STATE. There is appropriated from the road use tax fund
18 created in section 312.1 to the office of treasurer of state
19 for the fiscal year beginning July 1, 2011, and ending June 30,
20 2012, the following amount, or so much thereof as is necessary,
21 to be used for the purposes designated:
22 For enterprise resource management costs related to the
23 distribution of road use tax funds:
24 ..... $ 93,148
25 Sec. 29. IPERS —— GENERAL OFFICE. There is appropriated
26 from the Iowa public employees' retirement system fund to the
27 Iowa public employees' retirement system for the fiscal year
28 beginning July 1, 2011, and ending June 30, 2012, the following
29 amount, or so much thereof as is necessary, to be used for the
30 purposes designated:
31 For salaries, support, maintenance, and other operational
32 purposes to pay the costs of the Iowa public employees'
33 retirement system, and for not more than the following
34 full-time equivalent positions:
35 ..... $ 17,686,968

..... FTEs 90.13

Sec. 30. STATE CAPITOL SIDEWALK HEATING — DISCONNECTION. The department of administrative services shall disconnect electricity to the heated sidewalk installed in the entry walkway on the East side of the state capitol building, and shall not reconnect the electricity without the authorization of the general assembly.

Sec. 31. Section 8A.111, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 32. Section 8A.311, subsection 15, Code 2011, is amended to read as follows:

15. *a.* A bidder ~~awarded~~, to be considered for an award of a state construction contract, shall disclose to the state agency awarding the contract the names of all subcontractors~~,~~ and suppliers who will work on the project being bid~~,~~ within forty-eight hours after the ~~award of the contract~~ published date and time by which bids must submitted.

b. A bidder shall not replace a subcontractor or supplier disclosed under paragraph *"a"* without the approval of the state agency awarding the contract.

c. A bidder, prior to an award or who is awarded a state construction contract, shall disclose all of the following, as applicable:

~~*b.*~~ (1) If a subcontractor ~~named~~ or supplier disclosed under paragraph *"a"* by a bidder ~~awarded a state construction contract~~ is replaced, ~~or if~~ the reason for replacement and the name of the new subcontractor or supplier.

(2) If the cost of work to be done by a subcontractor or supplier is ~~reduced, the bidder shall disclose the name of the new subcontractor or~~ changed or if the replacement of a subcontractor or supplier results in a change in the cost, the amount of the ~~reduced~~ change in cost.

Sec. 33. Section 8A.315, subsection 1, paragraph d, Code 2011, is amended by striking the paragraph.

Sec. 34. Section 8A.321, subsection 6, Code 2011, is amended

to read as follows:

6. *a.* Lease all buildings and office space necessary to carry out the provisions of this subchapter or necessary for the proper functioning of any state agency ~~at the seat of government~~ wherever located throughout the state. For state agencies at the seat of government, the director may lease buildings and office space in Polk county or in a county contiguous to Polk county. If no specific appropriation has been made, the proposed lease shall be submitted to the executive council for approval. The cost of any lease for which no specific appropriation has been made shall be paid from the fund provided in section 7D.29. Additionally, the director shall also develop cooperative relationships with the state board of regents in order to promote colocation of state agencies.

b. When the general assembly is not in session, the director may request moneys from the executive council for moving state agencies ~~located at the seat of government~~ from one location to another. The request may include moving costs, telecommunications costs, repair costs, or any other costs relating to the move. The executive council may approve and shall pay the costs from funds provided in section 7D.29 if it determines the agency or department has no available funds for these expenses.

~~*c.* Coordinate the leasing of buildings and office space by state agencies throughout the state and develop cooperative relationships with the state board of regents in order to promote the colocation of state agencies.~~

Sec. 35. Section 8A.327, subsection 1, Code 2011, is amended to read as follows:

1. A rent revolving fund is created in the state treasury under the control of the department to be used by the department to pay the lease or rental costs of all buildings and office space necessary for the proper functioning of any state agency ~~at the seat of state government~~ wherever located

throughout the state as provided in section 8A.321, subsection 6, except that this fund shall not be used to pay the rental or lease costs of a state agency which has not received funds budgeted for rental or lease purposes.

Sec. 36. Section 8A.361, Code 2011, is amended to read as follows:

8A.361 Vehicle assignment — authority in department.

The department shall provide for the assignment of all ~~state-owned~~ motor vehicles ~~to~~ utilized by all state officers and employees, and ~~to~~ by all state offices, departments, bureaus, and commissions, except the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other agencies exempted by law.

Sec. 37. Section 8A.362, subsection 4, paragraphs a through c, Code 2011, are amended to read as follows:

a. The director shall provide for the purchase of ~~all~~ motor vehicles for all branches of the state government, except the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other state agency exempted by law, which are not rented or leased pursuant to section 8A.367. The director shall purchase new vehicles in accordance with competitive bidding procedures for items or services as provided in this subchapter. The director may purchase used or preowned vehicles at governmental or dealer auctions if the purchase is determined to be in the best interests of the state.

b. The director, and any other state agency, which for purposes of this subsection includes but is not limited to community colleges and institutions under the control of the state board of regents, or local governmental subdivisions purchasing new motor vehicles, shall purchase ~~new passenger~~ motor vehicles and light trucks, which are not rented or leased pursuant to section 8A.367, so that the average fuel efficiency for the fleet of new passenger vehicles and light trucks

purchased in that year equals or exceeds the average fuel economy standard for the vehicles' model year as established by the United States secretary of transportation under 15 U.S.C. § 2002. This paragraph does not apply to vehicles purchased for law enforcement purposes or used for off-road maintenance work, or work vehicles used to pull loaded trailers.

c. Not later than June 15 of each year, the director shall report compliance with the corporate average fuel economy standards published by the United States secretary of transportation for ~~new~~ assigned motor vehicles, other than motor vehicles purchased by the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other state agency exempted from the requirements of this subsection. The report of compliance shall classify the vehicles ~~purchased~~ assigned for the current vehicle model year using the following categories: passenger automobiles, enforcement automobiles, vans, and light trucks. The director shall deliver a copy of the report to the office of energy independence. As used in this paragraph, *"corporate average fuel economy"* means the corporate average fuel economy as defined in 49 C.F.R. § 533.5.

Sec. 38. Section 8A.362, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 39. Section 8A.362, subsections 7 through 9, Code 2011, are amended to read as follows:

7. The director may authorize the establishment of motor pools consisting of a number of ~~state-owned~~ state-assigned motor vehicles under the director's supervision. The director may store the motor vehicles in a public or private garage. If the director establishes a motor pool, any state officer or employee desiring the use of a ~~state-owned~~ state-assigned motor vehicle on state business shall notify the director of the need for a vehicle within a reasonable time prior to actual use of the motor vehicle. The director may assign a motor vehicle from the motor pool to the state officer or employee, or from

1 the vendor awarded a contract pursuant to section 8A.367. If
2 two or more state officers or employees desire the use of a
3 ~~state-owned~~ state-assigned motor vehicle for a trip to the
4 same destination for the same length of time, the director may
5 assign one vehicle to make the trip.
6 8. The director shall require that a sign be placed on
7 each state-owned motor vehicle in a conspicuous place which
8 indicates its ownership by the state. This requirement
9 shall not apply to motor vehicles requested to be exempt by
10 the director or by the commissioner of public safety. All
11 state-owned motor vehicles shall display registration plates
12 bearing the word "official" except motor vehicles requested to
13 be furnished with ordinary plates by the director or by the
14 commissioner of public safety pursuant to section 321.19. The
15 director shall keep an accurate record of the registration
16 plates used on all state-owned motor vehicles. This subsection
17 shall not apply to an assigned vehicle rented or leased
18 pursuant to section 8A.367.
19 9. All fuel used in ~~state-owned~~ state-assigned automobiles
20 shall be purchased at cost from the various installations
21 or garages of the state department of transportation, state
22 board of regents, department of human services, or state motor
23 pools throughout the state, unless the state-owned sources
24 for the purchase of fuel are not reasonably accessible. If
25 the director determines that state-owned sources for the
26 purchase of fuel are not reasonably accessible, the director
27 shall authorize the purchase of fuel from other sources. The
28 director may prescribe a manner, other than the use of the
29 revolving fund, in which the purchase of fuel from state-owned
30 sources is charged to the state agency responsible for the
31 use of the motor vehicle. The director shall prescribe the
32 manner in which oil and other normal motor vehicle maintenance
33 for state-owned motor vehicles may be purchased from private
34 sources, if they cannot be reasonably obtained from a state
35 motor pool. The director may advertise for bids and award

1 contracts in accordance with competitive bidding procedures
2 for items and services as provided in this subchapter for
3 furnishing fuel, oil, grease, and vehicle replacement parts for
4 all state-owned motor vehicles. The director and other state
5 agencies, when advertising for bids for gasoline, shall also
6 seek bids for ethanol blended gasoline.
7 Sec. 40. Section 8A.363, subsection 1, Code 2011, is amended
8 to read as follows:
9 1. A state officer or employee shall not use a ~~state-owned~~
10 state-assigned motor vehicle for personal private use. A
11 state officer or employee shall not be compensated for driving
12 a privately owned motor vehicle unless it is done on state
13 business with the approval of the director. In that case
14 the state officer or employee shall receive an amount to be
15 determined by the director. The amount shall not exceed
16 the maximum allowable under the federal internal revenue
17 service rules per mile, notwithstanding established mileage
18 requirements or depreciation allowances. However, the director
19 may authorize private motor vehicle rates in excess of the
20 rate allowed under the federal internal revenue service rules
21 for state business use of substantially modified or specially
22 equipped privately owned vehicles required by persons with
23 disabilities. A statutory provision establishing reimbursement
24 for necessary mileage, travel, or actual expenses to a state
25 officer falls under the private motor vehicle mileage rate
26 limitation provided in this section unless specifically
27 provided otherwise. Any peace officer employed by the state
28 as defined in section 801.4 who is required to use a private
29 motor vehicle in the performance of official duties shall
30 receive the private vehicle mileage rate at the rate provided
31 in this section. However, the director may delegate authority
32 to officials of the state, and department heads, for the
33 use of private vehicles on state business up to a yearly
34 mileage figure established by the director. If a ~~state~~ motor
35 vehicle has been assigned to a state officer or employee, the

1 officer or employee shall not collect mileage for the use of a
2 privately owned motor vehicle unless the ~~state~~ motor vehicle
3 assigned is not usable.
4 Sec. 41. NEW SECTION. **8A.367 State-owned passenger vehicles**
5 **— disposition and sale — fleet privatization.**
6 1. For purposes of this section, *"passenger vehicles"*
7 means United States environmental protection agency designated
8 compact sedans, compact wagon, midsize sedans, midsize wagons,
9 full-size sedans, and passenger minivans, and additional
10 vehicle classes determined by the department to be able to be
11 reasonably supported by a private entity for rental or leasing.
12 *"Passenger vehicles"* does not mean utility vehicles, vans other
13 than passenger minivans, fire trucks, ambulances, motor homes,
14 buses, medium-duty and heavy-duty trucks, heavy construction
15 equipment, and other highway maintenance vehicles, vehicles
16 assigned for law enforcement purposes, and any other classes of
17 vehicles of limited application approved by the director of the
18 department of administrative services.
19 2. On or before September 30, 2011, the department shall
20 implement a request for proposal process to enter into a
21 contract for the purpose of state passenger vehicle rental or
22 leasing from a private entity. Prior to awarding a contract, a
23 private entity shall demonstrate the following:
24 *a.* Existence of sufficient inventory of passenger vehicles
25 within this state to accommodate the needs of the state in
26 assigning passenger vehicles.
27 *b.* Existence of adequate personnel in any county within
28 the state where rental and leasing activity can be supported
29 to satisfy the terms of the contract in renting or leasing
30 state-assigned vehicles.
31 *c.* Existence of adequate personnel to facilitate the
32 sale and disposition of the existing state-owned passenger
33 vehicles returned to the department pursuant to subsection 3 or
34 otherwise under the control of the department. Notwithstanding
35 the provisions of section 8A.364 to the contrary, proceeds from

1 the sale of motor vehicles as provided by this subsection shall
2 be credited to the fund from which the motor vehicles were
3 purchased.
4 3. By March 1, 2012, the department shall award a vehicle
5 rental or leasing contract to a private entity, and shall
6 assign passenger vehicles for rental or lease pursuant to that
7 contract, to the extent the department determines doing so
8 would be economically feasible and financially advantageous.
9 By March 1, 2012, all state-assigned passenger vehicles
10 designated for use by multiple drivers, and located in any
11 county of this state which can support the operation of a
12 private entity for rental and leasing purposes, which the
13 department determines would be suitable for rental or leasing
14 shall be returned to the department for use and disposition as
15 provided in this section.
16 4. Notwithstanding any other provision of state law to the
17 contrary, a private entity awarded a contract pursuant to this
18 section shall not be required to indemnify or hold harmless the
19 state for any liability the state might have to any third party
20 due to the negligence of the state or any of its employees.
21 5. The department shall conduct an ongoing evaluation
22 regarding the economic advantages of renting or leasing
23 state-assigned vehicles versus state ownership of such
24 vehicles, and shall accordingly adjust the number of vehicles
25 subject to the rental and leasing contract pursuant to this
26 section at intervals specified in the contract.
27 Sec. 42. Section 8A.512, subsection 2, Code 2011, is amended
28 by striking the subsection.
29 Sec. 43. NEW SECTION. **8A.512A Executive branch employee**
30 **travel — information and database.**
31 1. The department shall develop and maintain the following:
32 *a.* An electronic travel authorization form to be used
33 for any executive branch employee's reimbursable travel,
34 conference, or related expenditures associated with
35 the employee's official duties. The electronic travel

1 authorization form shall include all of the following:
2 (1) The identification of the employee, the employee's
3 title, and the employee's department or agency.
4 (2) The travel departure point and destination point.
5 (3) The reason for the travel.
6 (4) The estimated reimbursable expenses.
7 (5) The date or dates upon which the travel is to occur.
8 *b.* A searchable database available on the department's
9 internet site containing information related to all executive
10 branch employee travel that includes all of the following:
11 (1) The identification of the employee who engaged in the
12 travel, the employee's department or agency, and the employee's
13 title.
14 (2) The travel departure point and destination point.
15 (3) The reason for the travel.
16 (4) The actual amount of expenses reimbursed.
17 (5) The date or dates upon which the travel occurred.
18 *c.* Notwithstanding paragraph *"b"* of this subsection, the
19 searchable database shall not include information regarding
20 travel by officers and employees of the department of
21 public safety occurring in relation to or during the course
22 of criminal investigations, including but not limited to
23 undercover operations.
24 2. A claim for reimbursement for any travel, conference, or
25 related expenditures shall only be allowed after the occurrence
26 of both of the following:
27 *a.* The electronic travel authorization form is approved by
28 the head of the employee's department.
29 *b.* The request for reimbursement is submitted by the
30 employee on the appropriate form with required approvals.
31 3. For purposes of this section, *"executive branch employee"*
32 means an employee of the executive branch as defined in section
33 7E.2, other than a member or employee of the state board of
34 regents and institutions under the control of the state board
35 of regents.

Sec. 44. Section 22.3A, subsection 1, paragraph e, Code 2011, is amended to read as follows:

e. "Data processing software" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data, and includes any program or set of programs, procedures, or routines used to employ and control capabilities of computer hardware. As used in this paragraph *"data processing software"* includes but is not limited to an operating system, compiler, assembler, utility, library resource, maintenance routine, application, ~~or~~ computer networking program, or the associated documentation.

Sec. 45. Section 99D.14, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* Notwithstanding sections 8.60 and 99D.17, the portion of the fee paid pursuant to paragraph *"a"* relating to the costs of the commission, shall not be deposited in the general fund of the state but instead shall be deposited into the gaming regulatory revolving fund established in section 99F.20.

Sec. 46. Section 99F.10, subsection 4, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* Notwithstanding sections 8.60 and 99F.4, the portion of the fee paid pursuant to paragraph *"a"* relating to the costs of the commission, shall not be deposited in the general fund of the state but instead shall be deposited into the gaming regulatory revolving fund established in section 99F.20.

Sec. 47. NEW SECTION. **99F.20 Gaming regulatory revolving fund.**

1. A gaming regulatory revolving fund is created in the state treasury under the control of the department of inspections and appeals. The fund shall consist of fees collected and deposited into the fund paid by licensees pursuant to section 99D.14, subsection 2, paragraph *"c"*, and fees paid by licensees pursuant to section 99F.10, subsection

1 4, paragraph "c". All costs relating to racetrack, excursion
2 boat, and gambling structure regulation shall be paid from the
3 fund as provided in appropriations made for this purpose by
4 the general assembly. The department shall provide quarterly
5 reports to the department of management and the legislative
6 services agency specifying revenues billed and collected and
7 expenditures from the fund in a format as determined by the
8 department of management in consultation with the legislative
9 services agency.
10 2. To meet the department's cash flow needs, the department
11 may temporarily use funds from the general fund of the state
12 to pay expenses in excess of moneys available in the revolving
13 fund if those additional expenditures are fully reimbursable
14 and the department reimburses the general fund of the state
15 and ensures all moneys are repaid in full by the close of the
16 fiscal year. Notwithstanding any provision to the contrary,
17 the department shall, to the fullest extent possible, make
18 an estimate of billings and make such billings as early as
19 possible in each fiscal year, so that the need for the use of
20 general fund moneys is minimized to the lowest extent possible.
21 Periodic billings shall be deemed sufficient to satisfy this
22 requirement. Because any general fund moneys used shall be
23 fully reimbursed, such temporary use of funds from the general
24 fund of the state shall not constitute an appropriation for
25 purposes of calculating the state general fund expenditure
26 limitation pursuant to section 8.54.
27 3. Section 8.33 does not apply to any moneys credited or
28 appropriated to the revolving fund from any other fund.
29 4. The establishment of the revolving fund pursuant to this
30 section shall not be interpreted in any manner to compromise
31 or impact the accountability of, or limit authority with
32 respect to, the department under state law. Any provision
33 applicable to, or responsibility of, the department shall not
34 be altered or impacted by the existence of the fund and shall
35 remain applicable to the same extent as if the department were

1 receiving moneys pursuant to a general fund appropriation.
2 The department shall comply with directions by the governor
3 to executive branch departments regarding restrictions on
4 out-of-state travel, hiring justifications, association
5 memberships, equipment purchases, consulting contracts, and
6 any other expenditure efficiencies that the governor deems
7 appropriate.
8 Sec. 48. Section 217.20, Code 2011, is amended by striking
9 the section.
10 Sec. 49. Section 249A.7, subsection 3, as amended by 2011
11 Iowa Acts, House File 389, section 1, is amended by striking
12 the subsection and inserting in lieu thereof the following:
13 3. *a.* A Medicaid fraud fund is created in the state
14 treasury under the authority of the department of inspections
15 and appeals. Moneys from penalties, investigative costs
16 recoupled by the Medicaid fraud control unit, and other amounts
17 received as a result of prosecutions involving the department
18 of inspections and appeals investigations and audits to ensure
19 compliance with the medical assistance program that are not
20 credited to the program shall be credited to the fund.
21 *b.* Notwithstanding section 8.33, moneys credited to the
22 fund from any other account or fund shall not revert to the
23 other account or fund. Moneys in the fund shall only be used as
24 provided in appropriations from the fund and shall be used in
25 accordance with applicable laws, regulations, and the policies
26 of the office of inspector general of the United States
27 department of health and human services.
28 *c.* For the purposes of this subsection, *"investigative*
29 *costs"* means the reasonable value of a Medicaid fraud control
30 unit investigator's, auditor's or employee's time, any moneys
31 expended by the Medicaid fraud control unit, and the reasonable
32 fair market value of resources used or expended by the Medicaid
33 fraud control unit in a case resulting in a criminal conviction
34 of a provider under this chapter or chapter 714 or 715A.
35 Sec. 50. Section 546.12, Code 2011, is amended to read as

1 follows:
2 **546.12 Department of commerce revolving fund.**
3 1. A department of commerce revolving fund is created in
4 the state treasury. The fund shall consist of moneys collected
5 by the banking division; credit union division; utilities
6 division, including moneys collected on behalf of the office
7 of consumer advocate established in section 475A.3; and the
8 insurance division of the department; and deposited into an
9 account for that division or office within the fund on a
10 monthly basis. Except as otherwise provided by statute, all
11 costs for operating the office of consumer advocate and the
12 banking division, the credit union division, the utilities
13 division, and the insurance division of the department shall be
14 paid from the division's accounts within the fund, subject to
15 appropriation by the general assembly. The insurance division
16 shall administer the fund and all other divisions shall work
17 with the insurance division to make sure the fund is properly
18 accounted and reported to the department of management and the
19 department of administrative services. The divisions shall
20 provide quarterly reports to the department of management
21 and the legislative services agency on revenues billed and
22 collected and expenditures from the fund in a format as
23 determined by the department of management in consultation with
24 the legislative services agency.
25 2. To meet cash flow needs for the office of consumer
26 advocate and the banking division, credit union division,
27 utilities division, or the insurance division of the
28 department, the administrative head of that division or
29 office may temporarily use funds from the general fund of the
30 state to pay expenses in excess of moneys available in the
31 revolving fund for that division or office if those additional
32 expenditures are fully reimbursable and the division or office
33 reimburses the general fund of the state and ensures all
34 moneys are repaid in full by the close of the fiscal year.
35 Notwithstanding any provision to the contrary, the divisions

1 shall, to the fullest extent possible, make an estimate
2 of billings and make such billings as early as possible in
3 each fiscal year, so that the need for the use of general
4 fund moneys is minimized to the lowest extent possible.
5 Periodic billings shall be deemed sufficient to satisfy this
6 requirement. Because any general fund moneys used shall be
7 fully reimbursed, such temporary use of funds from the general
8 fund of the state shall not constitute an appropriation for
9 purposes of calculating the state general fund expenditure
10 limitation pursuant to section 8.54.
11 3. Section 8.33 does not apply to any moneys credited or
12 appropriated to the revolving fund from any other fund.
13 4. The establishment of the revolving fund pursuant
14 to this section shall not be interpreted in any manner to
15 compromise or impact the accountability of, or limit authority
16 with respect to, an agency or entity under state law. Any
17 provision applicable to, or responsibility of, a division or
18 office collecting moneys for deposit into the fund established
19 pursuant to this section shall not be altered or impacted by
20 the existence of the fund and shall remain applicable to the
21 same extent as if the division or office were receiving moneys
22 pursuant to a general fund appropriation. Appropriations from
23 the revolving fund shall not be subject to the provisions of
24 section 8.31, subsection 5. The divisions of the department
25 of commerce shall comply with directions by the governor
26 to executive branch departments regarding restrictions on
27 out-of-state travel, hiring justifications, association
28 memberships, equipment purchases, consulting contracts, and
29 any other expenditure efficiencies that the governor deems
30 appropriate.
31 Sec. 51. Section 715C.2, subsection 1, Code 2011, is amended
32 to read as follows:
33 1. Any person who owns or licenses computerized data that
34 includes a consumer's personal information that is used in
35 the course of the person's business, vocation, occupation,

or volunteer activities and that was subject to a breach of security shall give notice of the breach of security following discovery of such breach of security, or receipt of notification under subsection 2, to any consumer whose personal information was included in the information that was breached. The consumer notification shall be made in the most expeditious manner possible and without unreasonable delay, consistent with the legitimate needs of law enforcement as provided in subsection 3, and consistent with any measures necessary to sufficiently determine contact information for the affected consumers, determine the scope of the breach, and restore the reasonable integrity, security, and confidentiality of the data. A person required to provide notice of a breach of security under this section shall also notify the attorney general as to the timing, content, and distribution of the notice to consumers and an approximate number of affected consumers.

Sec. 52. Section 904.114, Code 2011, is amended to read as follows:

904.114 Travel expenses.

The director, staff members, assistants, and employees, in addition to salary, shall receive their necessary traveling expenses by the nearest practicable route, when engaged in the performance of official business. Permission shall not be granted to any person to travel to another state except by approval of the board ~~and the executive council~~.

Sec. 53. 2009 Iowa Acts, chapter 169, section 4, subsection 2, is amended to read as follows:

2. a. From the moneys appropriated in this section, there is transferred to the department of human rights two hundred fifty thousand dollars for deposit in the individual development account state match fund created in section 541A.7. Notwithstanding other provisions to the contrary in section 541A.3, subsection 1, moneys appropriated to the individual development account state match fund under this subsection

1 shall be used to provide the state match to account holders
2 affected by a natural disaster occurring in 2008 for which the
3 president of the United States declared a disaster area, and
4 who have a household income that is equal to or less than three
5 hundred percent of the federal poverty level as defined by the
6 most recently revised poverty income guidelines published by
7 the United States department of health and human services.
8 b. Moneys transferred pursuant to paragraph "a" that
9 remain unencumbered or unobligated on July 1, 2011, shall be
10 transferred to the taxpayers trust fund created in section
11 8.57E.
12 Sec. 54. 2010 Iowa Acts, chapter 1193, section 29, is
13 amended to read as follows:
14 SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES —
15 INFORMATION TECHNOLOGY.
16 1. There is appropriated from the general fund of the state
17 to the department of administrative services for the fiscal
18 year beginning July 1, 2010, and ending June 30, 2011, the
19 following amount, or so much thereof as is necessary, to be
20 used for the purposes designated:
21 For implementing 2010 Iowa Acts, Senate File 2088, division
22 I, including salaries, support, maintenance, and miscellaneous
23 purposes:
24 ..... $ 2,300,000
25 2. Notwithstanding section 8.33, moneys appropriated in
26 this section that remain unencumbered or unobligated at the
27 close of the fiscal year ending June 30, 2011, shall not revert
28 but shall remain available for expenditure for the purposes
29 designated until the close of the fiscal year ending June 30,
30 2012.
31 Sec. 55. 2011 Iowa Acts, House File 45, section 8, is
32 amended to read as follows:
33 SEC. 8. SALE OR LEASE OF IOWA COMMUNICATIONS NETWORK. The
34 Iowa telecommunications and technology commission shall
35 implement a request for proposals process to sell or lease

1 the Iowa communications network. The request for proposals
2 shall provide for the sale to be concluded or the lease to
3 commence during the fiscal year beginning July 1, ~~2011~~ 2012.
4 The commission shall condition the sale or lease of the Iowa
5 communications network with terms that will allow existing
6 authorized users of the network to continue such use at a
7 lower overall long-term cost when compared to the anticipated
8 operation and maintenance costs if state ownership and control
9 were to continue. Public funds shall not be used to secure
10 the purchase of the network. The commission shall submit
11 periodic status reports to the general assembly at three-month
12 intervals, beginning on October 1, 2011, regarding progress
13 made toward selling or leasing the network. Compliance with
14 or implementation of this section shall be deemed to satisfy
15 the statutory requirement specified in section 8D.12 regarding
16 prior authorization to dispose of the network.
17 Sec. 56. REPEAL. 2009 Iowa Acts, chapter 179, section 146,
18 is repealed.
19 Sec. 57. CODE EDITOR DIRECTIVE. The Code editor is directed
20 to change the words "state-owned" to "state-assigned", to the
21 extent not otherwise changed pursuant to this Act, in Code
22 sections 8A.362, 8A.363, 8A.364, and 8A.366.
23 Sec. 58. MEDICAID FRAUD FUND TRANSITION.
24 1. Unencumbered and unobligated moneys in and moneys
25 reverting to the Medicaid fraud account created in section
26 249A.7, Code 2011, on or after June 30, 2011, shall be credited
27 to the Medicaid fraud fund created in section 249A.7, by this
28 division of this Act.
29 2. The appropriations made from the Medicaid fraud account
30 for the fiscal years beginning July 1, 2011, and July 1, 2012,
31 shall instead be charged to the Medicaid fraud fund created in
32 section 249A.7, by this division of this Act.
33 3. This section of this Act, being deemed of immediate
34 importance, takes effect upon enactment, and, if this Act is
35 approved by the governor on or after July 1, 2011, subsection 1

1 of this section applies retroactively to June 30, 2011.
2 Sec. 59. EFFECTIVE UPON ENACTMENT.
3 1. The section of this division of this Act directing the
4 department of administrative services to disconnect electricity
5 to the heated sidewalk installed at the state capitol building,
6 being deemed of immediate importance, takes effect upon
7 enactment.
8 2. The section of this division of this Act providing
9 implementation provisions regarding leasing authority of
10 the department of administrative services, being deemed of
11 immediate importance, takes effect upon enactment.
12 3. The sections of this division of this Act relating to
13 executive branch employee travel and travel reimbursement
14 implementation, being deemed of immediate importance, take
15 effect upon enactment.
16 4. The section of this division of this Act relating to
17 nonreversion of moneys appropriated to the department of
18 administrative services for implementation of 2010 Iowa Acts,
19 chapter 1031, division I, being deemed of immediate importance,
20 takes effect upon enactment.
21 DIVISION II
22 ADMINISTRATION AND REGULATION
23 FY 2012-2013
24 Sec. 60. DEPARTMENT OF ADMINISTRATIVE SERVICES.
25 1. There is appropriated from the general fund of the state
26 to the department of administrative services for the fiscal
27 year beginning July 1, 2012, and ending June 30, 2013, the
28 following amounts, or so much thereof as is necessary, to be
29 used for the purposes designated, and for not more than the
30 following full-time equivalent positions:
31 a. For salaries, support, maintenance, and miscellaneous
32 purposes:
33 ..... $ 3,417,292
34 ..... FTEs 84.18
35 b. For the payment of utility costs:

1 ..... $ 2,498,490
2 ..... FTEs 1.00
3 Notwithstanding section 8.33, any excess funds appropriated
4 for utility costs in this lettered paragraph shall not revert
5 to the general fund of the state at the end of the fiscal year
6 but shall remain available for expenditure for the purposes of
7 this lettered paragraph during the succeeding fiscal year.
8 c. For Terrace Hill operations:
9 ..... $ 345,027
10 ..... FTEs 6.88
11 d. For the I3 distribution account:
12 ..... $ 2,828,800
13 e. For operations and maintenance of the Iowa building:
14 ..... $ 865,457
15 ..... FTEs 4.00
16 2. Members of the general assembly serving as members of
17 the deferred compensation advisory board shall be entitled
18 to receive per diem and necessary travel and actual expenses
19 pursuant to section 2.10, subsection 5, while carrying out
20 their official duties as members of the board.
21 3. Any funds and premiums collected by the department for
22 workers' compensation shall be segregated into a separate
23 workers' compensation fund in the state treasury to be used
24 for payment of state employees' workers' compensation claims
25 and administrative costs. Notwithstanding section 8.33,
26 unencumbered or unobligated moneys remaining in this workers'
27 compensation fund at the end of the fiscal year shall not
28 revert but shall be available for expenditure for purposes of
29 the fund for subsequent fiscal years.
30 Sec. 61. REVOLVING FUNDS. There is appropriated to the
31 department of administrative services for the fiscal year
32 beginning July 1, 2012, and ending June 30, 2013, from the
33 revolving funds designated in chapter 8A and from internal
34 service funds created by the department such amounts as the
35 department deems necessary for the operation of the department

1 consistent with the requirements of chapter 8A.
2 Sec. 62. FUNDING FOR IOWACCESS.
3 1. Notwithstanding section 321A.3, subsection 1, for the
4 fiscal year beginning July 1, 2012, and ending June 30, 2013,
5 the first $750,000 collected and transferred by the department
6 of transportation to the treasurer of state with respect to the
7 fees for transactions involving the furnishing of a certified
8 abstract of a vehicle operating record under section 321A.3,
9 subsection 1, shall be transferred to the IowAccess revolving
10 fund for the purposes of developing, implementing, maintaining,
11 and expanding electronic access to government records as
12 provided by law.
13 2. All fees collected with respect to transactions
14 involving IowAccess shall be deposited in the IowAccess
15 revolving fund and shall be used only for the support of
16 IowAccess projects.
17 Sec. 63. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
18 CHARGE. For the fiscal year beginning July 1, 2012, and ending
19 June 30, 2013, the monthly per contract administrative charge
20 which may be assessed by the department of administrative
21 services shall be $2 per contract on all health insurance plans
22 administered by the department.
23 Sec. 64. AUDITOR OF STATE.
24 1. There is appropriated from the general fund of the state
25 to the office of the auditor of state for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the following
27 amount, or so much thereof as is necessary, to be used for
28 the purposes designated, and for not more than the following
29 full-time equivalent positions:
30 For salaries, support, maintenance, and miscellaneous
31 purposes:
32 ..... $ 795,200
33 ..... FTEs 103.00
34 2. The auditor of state may retain additional full-time
35 equivalent positions as is reasonable and necessary to

1 perform governmental subdivision audits which are reimbursable
2 pursuant to section 11.20 or 11.21, to perform audits which are
3 requested by and reimbursable from the federal government, and
4 to perform work requested by and reimbursable from departments
5 or agencies pursuant to section 11.5A or 11.5B. The auditor
6 of state shall notify the department of management, the
7 legislative fiscal committee, and the legislative services
8 agency of the additional full-time equivalent positions
9 retained.
10 Sec. 65. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
11 is appropriated from the general fund of the state to the
12 Iowa ethics and campaign disclosure board for the fiscal year
13 beginning July 1, 2012, and ending June 30, 2013, the following
14 amount, or so much thereof as is necessary, for the purposes
15 designated:
16 For salaries, support, maintenance, and miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions:
19 ..... $ 403,750
20 ..... FTEs 5.00
21 Sec. 66. DEPARTMENT OF COMMERCE.
22 1. There is appropriated from the general fund of the
23 state to the department of commerce for the fiscal year
24 beginning July 1, 2012, and ending June 30, 2013, the following
25 amounts, or so much thereof as is necessary, for the purposes
26 designated:
27 a. ALCOHOLIC BEVERAGES DIVISION
28 For salaries, support, maintenance, and miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:
31 ..... $ 1,037,332
32 ..... FTEs 21.00
33 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
34 For salaries, support, maintenance, and miscellaneous
35 purposes, and for not more than the following full-time

1 equivalent positions:
2 ..... $ 517,950
3 ..... FTEs 12.00
4 2. There is appropriated from the department of commerce
5 revolving fund created in section 546.12 to the department of
6 commerce for the fiscal year beginning July 1, 2012, and ending
7 June 30, 2013, the following amounts, or so much thereof as is
8 necessary, for the purposes designated:
9 a. BANKING DIVISION
10 For salaries, support, maintenance, and miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:
13 ..... $ 7,523,920
14 ..... FTEs 80.00
15 b. CREDIT UNION DIVISION
16 For salaries, support, maintenance, and miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions:
19 ..... $ 1,468,796
20 ..... FTEs 19.00
21 c. INSURANCE DIVISION
22 (1) For salaries, support, maintenance, and miscellaneous
23 purposes, and for not more than the following full-time
24 equivalent positions:
25 ..... $ 4,235,757
26 ..... FTEs 106.50
27 (2) The insurance division may reallocate authorized
28 full-time equivalent positions as necessary to respond to
29 accreditation recommendations or requirements. The insurance
30 division expenditures for examination purposes may exceed the
31 projected receipts, refunds, and reimbursements, estimated
32 pursuant to section 505.7, subsection 7, including the
33 expenditures for retention of additional personnel, if the
34 expenditures are fully reimbursable and the division first does
35 both of the following:

1 (a) Notifies the department of management, the legislative
2 services agency, and the legislative fiscal committee of the
3 need for the expenditures.
4 (b) Files with each of the entities named in subparagraph
5 division (a) the legislative and regulatory justification for
6 the expenditures, along with an estimate of the expenditures.
7 d. UTILITIES DIVISION
8 (1) For salaries, support, maintenance, and miscellaneous
9 purposes, and for not more than the following full-time
10 equivalent positions:
11 ..... $ 6,947,109
12 ..... FTEs 79.00
13 (2) The utilities division may expend additional funds,
14 including funds for additional personnel, if those additional
15 expenditures are actual expenses which exceed the funds
16 budgeted for utility regulation and the expenditures are fully
17 reimbursable. Before the division expends or encumbers an
18 amount in excess of the funds budgeted for regulation, the
19 division shall first do both of the following:
20 (a) Notify the department of management, the legislative
21 services agency, and the legislative fiscal committee of the
22 need for the expenditures.
23 (b) File with each of the entities named in subparagraph
24 division (a) the legislative and regulatory justification for
25 the expenditures, along with an estimate of the expenditures.
26 (3) In addition to the funds otherwise appropriated to the
27 division in subparagraph (1), and contingent upon the enactment
28 of legislation during the 2011 legislative session relating
29 to the permitting, licensing, construction, and operation of
30 nuclear generation facilities and establishing rate-making
31 principles in relation thereto, for salaries, support,
32 maintenance, and miscellaneous purposes, and for not more than
33 the following full-time equivalent positions:
34 ..... $ 425,000
35 ..... FTEs 5.00

1 3. CHARGES. Each division and the office of consumer
2 advocate shall include in its charges assessed or revenues
3 generated an amount sufficient to cover the amount stated
4 in its appropriation and any state-assessed indirect costs
5 determined by the department of administrative services.
6 Sec. 67. DEPARTMENT OF COMMERCE —— PROFESSIONAL LICENSING
7 AND REGULATION BUREAU. There is appropriated from the housing
8 trust fund of the Iowa finance authority created in section
9 16.181, to the bureau of professional licensing and regulation
10 of the banking division of the department of commerce for the
11 fiscal year beginning July 1, 2012, and ending June 30, 2013,
12 the following amount, or so much thereof as is necessary, to be
13 used for the purposes designated:
14 For salaries, support, maintenance, and miscellaneous
15 purposes:
16 ..... $ 52,969
17 Sec. 68. GOVERNOR AND LIEUTENANT GOVERNOR. There is
18 appropriated from the general fund of the state to the offices
19 of the governor and the lieutenant governor for the fiscal year
20 beginning July 1, 2012, and ending June 30, 2013, the following
21 amounts, or so much thereof as is necessary, to be used for the
22 purposes designated:
23 For salaries, support, maintenance, and miscellaneous
24 purposes:
25 ..... $ 1,944,821
26 ..... FTEs 22.88
27 Sec. 69. GOVERNOR´S OFFICE OF DRUG CONTROL POLICY. There
28 is appropriated from the general fund of the state to the
29 governor´s office of drug control policy for the fiscal year
30 beginning July 1, 2012, and ending June 30, 2013, the following
31 amount, or so much thereof as is necessary, to be used for the
32 purposes designated:
33 For salaries, support, maintenance, and miscellaneous
34 purposes, including statewide coordination of the drug abuse
35 resistance education (D.A.R.E.) programs or similar programs,

1 and for not more than the following full-time equivalent
2 positions:
3 ..... $ 277,137
4 ..... FTEs 8.00
5 Sec. 70. DEPARTMENT OF HUMAN RIGHTS. There is appropriated
6 from the general fund of the state to the department of human
7 rights for the fiscal year beginning July 1, 2012, and ending
8 June 30, 2013, the following amounts, or so much thereof as is
9 necessary, to be used for the purposes designated:
10 1. CENTRAL ADMINISTRATION DIVISION
11 For salaries, support, maintenance, and miscellaneous
12 purposes, and for not more than the following full-time
13 equivalent positions:
14 ..... $ 175,188
15 ..... FTEs 7.00
16 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
17 For salaries, support, maintenance, and miscellaneous
18 purposes, and for not more than the following full-time
19 equivalent positions:
20 ..... $ 697,115
21 ..... FTEs 17.00
22 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
23 For salaries, support, maintenance, and miscellaneous
24 purposes, and for not more than the following full-time
25 equivalent positions:
26 ..... $ 870,308
27 ..... FTEs 10.00
28 The criminal and juvenile justice planning advisory council
29 and the juvenile justice advisory council shall coordinate
30 their efforts in carrying out their respective duties relative
31 to juvenile justice.
32 Sec. 71. DEPARTMENT OF INSPECTIONS AND APPEALS. There
33 is appropriated from the general fund of the state to the
34 department of inspections and appeals for the fiscal year
35 beginning July 1, 2012, and ending June 30, 2013, the following

1 amounts, or so much thereof as is necessary, for the purposes
2 designated:
3 1. ADMINISTRATION DIVISION
4 For salaries, support, maintenance, and miscellaneous
5 purposes, and for not more than the following full-time
6 equivalent positions:
7 ..... $ 1,307,058
8 ..... FTEs 37.40
9 2. ADMINISTRATIVE HEARINGS DIVISION
10 For salaries, support, maintenance, and miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:
13 ..... $ 449,440
14 ..... FTEs 23.00
15 3. INVESTIGATIONS DIVISION
16 a. For salaries, support, maintenance, and miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions:
19 ..... $ 993,343
20 ..... FTEs 58.50
21 b. The department, in coordination with the investigations
22 division, shall provide a report to the general assembly by
23 January 10, 2013, concerning the fiscal impact of additional
24 full-time equivalent positions on the department's efforts
25 relative to the Medicaid divestiture program under chapter
26 249F.
27 4. HEALTH FACILITIES DIVISION
28 a. For salaries, support, maintenance, and miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:
31 ..... $ 3,022,029
32 ..... FTEs 134.75
33 b. The department shall, in coordination with the health
34 facilities division, make the following information available
35 to the public in a timely manner, to include providing the

information on the department's internet website, during the fiscal year beginning July 1, 2012, and ending June 30, 2013:

(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.

(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.

(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.

(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division's level of collaboration and to identify new opportunities for cooperation.

5. EMPLOYMENT APPEAL BOARD

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 35,883

..... FTEs 14.00

b. The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed

1 to conduct hearings required pursuant to chapter 91C.
2 6. CHILD ADVOCACY BOARD
3 a. For foster care review and the court appointed special
4 advocate program, including salaries, support, maintenance, and
5 miscellaneous purposes, and for not more than the following
6 full-time equivalent positions:
7 ..... $ 2,171,555
8 ..... FTEs 40.80
9 b. The department of human services, in coordination with
10 the child advocacy board and the department of inspections and
11 appeals, shall submit an application for funding available
12 pursuant to Tit. IV-E of the federal Social Security Act for
13 claims for child advocacy board administrative review costs.
14 c. The court appointed special advocate program shall
15 investigate and develop opportunities for expanding
16 fund-raising for the program.
17 d. Administrative costs charged by the department of
18 inspections and appeals for items funded under this subsection
19 shall not exceed 4 percent of the amount appropriated in this
20 subsection.
21 Sec. 72. DEPARTMENT OF INSPECTIONS AND APPEALS —— MUNICIPAL
22 CORPORATION FOOD INSPECTIONS. For the fiscal year beginning
23 July 1, 2012, and ending June 30, 2013, the department of
24 inspections and appeals shall retain any license fees generated
25 during the fiscal year as a result of actions under section
26 137F.3A occurring during the period beginning July 1, 2009,
27 and ending June 30, 2012, for the purpose of enforcing the
28 provisions of chapters 137C, 137D, and 137F.
29 Sec. 73. DEPARTMENT OF INSPECTIONS AND APPEALS ——
30 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any
31 provision of section 135C.16 to the contrary, inspections of
32 health care facilities that are only state-licensed and not
33 certified under the Medicare or Medicaid programs shall not be
34 inspected by the department of inspections and appeals every
35 thirty months, but only as provided pursuant to sections 135C.9

1 and 135C.38.
2 Sec. 74. DEPARTMENT OF INSPECTIONS AND APPEALS —— GENERAL
3 SUPPORT —— MEDICAID FRAUD FUND APPROPRIATION. There is
4 appropriated from the Medicaid fraud fund created in section
5 249A.7 to the health facilities division of the department of
6 inspections and appeals for the fiscal year beginning July
7 1, 2012, and ending June 30, 2012, the following amount, or
8 so much thereof as is necessary, to be used for the purposes
9 designated:
10 For salaries, support, maintenance, and miscellaneous
11 purposes:
12 ..... $ 552,500
13 Sec. 75. RACING AND GAMING COMMISSION.
14 1. RACETRACK REGULATION
15 There is appropriated from the gaming regulatory revolving
16 fund established in section 99F.20 to the racing and gaming
17 commission of the department of inspections and appeals for the
18 fiscal year beginning July 1, 2012, and ending June 30, 2013,
19 the following amount, or so much thereof as is necessary, to be
20 used for the purposes designated:
21 For salaries, support, maintenance, and miscellaneous
22 purposes for the regulation of pari-mutuel racetracks, and for
23 not more than the following full-time equivalent positions:
24 ..... $ 2,616,385
25 ..... FTEs 28.53
26 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
27 There is appropriated from the gaming regulatory revolving
28 fund established in section 99F.20 to the racing and gaming
29 commission of the department of inspections and appeals for the
30 fiscal year beginning July 1, 2012, and ending June 30, 2013,
31 the following amount, or so much thereof as is necessary, to be
32 used for the purposes designated:
33 For salaries, support, maintenance, and miscellaneous
34 purposes for administration and enforcement of the excursion
35 boat gambling and gambling structure laws, and for not more

1 than the following full-time equivalent positions:
2 ..... $ 2,134,724
3 ..... FTEs 44.22
4 Sec. 76. ROAD USE TAX FUND APPROPRIATION —— DEPARTMENT OF
5 INSPECTIONS AND APPEALS. There is appropriated from the road
6 use tax fund created in section 312.1 to the administrative
7 hearings division of the department of inspections and appeals
8 for the fiscal year beginning July 1, 2012, and ending June 30,
9 2013, the following amount, or so much thereof as is necessary,
10 for the purposes designated:
11 For salaries, support, maintenance, and miscellaneous
12 purposes:
13 ..... $ 1,380,312
14 Sec. 77. DEPARTMENT OF MANAGEMENT.
15 1. There is appropriated from the general fund of the state
16 to the department of management for the fiscal year beginning
17 July 1, 2012, and ending June 30, 2013, the following amounts,
18 or so much thereof as is necessary, to be used for the purposes
19 designated:
20 For salaries, support, maintenance, and miscellaneous
21 purposes, and for not more than the following full-time
22 equivalent positions:
23 ..... $ 2,060,398
24 ..... FTEs 25.00
25 2. Of the moneys appropriated in this section, the
26 department shall use a portion for enterprise resource
27 planning, providing for a salary model administrator,
28 conducting performance audits, and for the department's LEAN
29 process.
30 Sec. 78. ROAD USE TAX APPROPRIATION —— DEPARTMENT OF
31 MANAGEMENT. There is appropriated from the road use tax fund
32 created in section 312.1 to the department of management for
33 the fiscal year beginning July 1, 2012, and ending June 30,
34 2013, the following amount, or so much thereof as is necessary,
35 to be used for the purposes designated:

1 For salaries, support, maintenance, and miscellaneous
2 purposes:
3 ..... $ 47,600
4 Sec. 79. DEPARTMENT OF REVENUE.
5 1. There is appropriated from the general fund of the state
6 to the department of revenue for the fiscal year beginning July
7 1, 2012, and ending June 30, 2013, the following amounts, or
8 so much thereof as is necessary, to be used for the purposes
9 designated:
10 For salaries, support, maintenance, and miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:
13 ..... $ 14,973,161
14 ..... FTEs 303.48
15 2. Of the funds appropriated pursuant to this section,
16 $400,000 shall be used to pay the direct costs of compliance
17 related to the collection and distribution of local sales and
18 services taxes imposed pursuant to chapters 423B and 423E.
19 3. The director of revenue shall prepare and issue a state
20 appraisal manual and the revisions to the state appraisal
21 manual as provided in section 421.17, subsection 17, without
22 cost to a city or county.
23 Sec. 80. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
24 appropriated from the motor fuel tax fund created by section
25 452A.77 to the department of revenue for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the following
27 amount, or so much thereof as is necessary, to be used for the
28 purposes designated:
29 For salaries, support, maintenance, miscellaneous purposes,
30 and for administration and enforcement of the provisions of
31 chapter 452A and the motor vehicle use tax program:
32 ..... $ 1,109,909
33 Sec. 81. SECRETARY OF STATE.
34 1. There is appropriated from the general fund of the state
35 to the office of the secretary of state for the fiscal year

1 beginning July 1, 2012, and ending June 30, 2013, the following
2 amounts, or so much thereof as is necessary, to be used for the
3 purposes designated:
4 For salaries, support, maintenance, and miscellaneous
5 purposes, and for not more than the following full-time
6 equivalent positions:
7 ..... $ 2,461,247
8 ..... FTEs 45.00
9 2. The state department or state agency which provides
10 data processing services to support voter registration file
11 maintenance and storage shall provide those services without
12 charge.
13 Sec. 82. SECRETARY OF STATE FILING FEES REFUND.
14 Notwithstanding the obligation to collect fees pursuant to the
15 provisions of section 490.122, subsection 1, paragraphs "a" and
16 "s", and section 504.113, subsection 1, paragraphs "a", "c",
17 "d", "j", "k", "l", and "m", for the fiscal year beginning July
18 1, 2012, the secretary of state may refund these fees to the
19 filer pursuant to rules established by the secretary of state.
20 The decision of the secretary of state not to issue a refund
21 under rules established by the secretary of state is final and
22 not subject to review pursuant to chapter 17A.
23 Sec. 83. TREASURER.
24 1. There is appropriated from the general fund of the
25 state to the office of treasurer of state for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the following
27 amount, or so much thereof as is necessary, to be used for the
28 purposes designated:
29 For salaries, support, maintenance, and miscellaneous
30 purposes, and for not more than the following full-time
31 equivalent positions:
32 ..... $ 726,146
33 ..... FTEs 28.80
34 2. The office of treasurer of state shall supply clerical
35 and secretarial support for the executive council.

1 Sec. 84. ROAD USE TAX APPROPRIATION — OFFICE OF TREASURER
2 OF STATE. There is appropriated from the road use tax fund
3 created in section 312.1 to the office of treasurer of state
4 for the fiscal year beginning July 1, 2012, and ending June 30,
5 2013, the following amount, or so much thereof as is necessary,
6 to be used for the purposes designated:
7 For enterprise resource management costs related to the
8 distribution of road use tax funds:
9 ..... $ 79,176
10 Sec. 85. IPERS — GENERAL OFFICE. There is appropriated
11 from the Iowa public employees' retirement system fund to the
12 Iowa public employees' retirement system for the fiscal year
13 beginning July 1, 2012, and ending June 30, 2013, the following
14 amount, or so much thereof as is necessary, to be used for the
15 purposes designated:
16 For salaries, support, maintenance, and other operational
17 purposes to pay the costs of the Iowa public employees'
18 retirement system, and for not more than the following
19 full-time equivalent positions:
20 ..... $ 15,033,923
21 ..... FTEs 90.13
22 DIVISION III
23 AGRICULTURE AND NATURAL RESOURCES
24 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
25 GENERAL APPROPRIATIONS FOR FY 2011-2012
26 Sec. 86. GENERAL FUND — DEPARTMENT.
27 1. There is appropriated from the general fund of the state
28 to the department of agriculture and land stewardship for the
29 fiscal year beginning July 1, 2011, and ending June 30, 2012,
30 the following amount, or so much thereof as is necessary, to be
31 used for the purposes designated:
32 For purposes of supporting the department, including its
33 divisions, for administration, regulation, and programs; for
34 salaries, support, maintenance, and miscellaneous purposes; and
35 for not more than the following full-time equivalent positions:

1 ..... $ 16,497,308
2 ..... FTEs 366.00
3 2. The department shall submit a report each quarter of the
4 fiscal year to the legislative services agency, the department
5 of management, the members of the joint appropriations
6 subcommittee on agriculture and natural resources, and the
7 chairpersons and ranking members of the senate and house
8 committees on appropriations. The report shall describe in
9 detail the expenditure of moneys appropriated in this section
10 to support the department's administration, regulation, and
11 programs.
12 3. Of the amount appropriated in this section, $238,000 is
13 transferred to Iowa state university of science and technology,
14 to be used for the university's midwest grape and wine industry
15 institute.
16 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY
17 Sec. 87. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
18 HORSE AND DOG RACING. There is appropriated from the moneys
19 available under section 99D.13 to the department of agriculture
20 and land stewardship for the fiscal year beginning July 1,
21 2011, and ending June 30, 2012, the following amount, or so
22 much thereof as is necessary, to be used for the purposes
23 designated:
24 For purposes of supporting the department's administration
25 and enforcement of horse and dog racing law pursuant to section
26 99D.22, including for salaries, support, maintenance, and
27 miscellaneous purposes:
28 ..... $ 305,516
29 DESIGNATED APPROPRIATIONS — MOTOR FUEL
30 Sec. 88. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR
31 FUEL INSPECTION. There is appropriated from the renewable
32 fuel infrastructure fund created in section 15G.205 to the
33 department of agriculture and land stewardship for the fiscal
34 year beginning July 1, 2011, and ending June 30, 2012, the
35 following amount, or so much thereof as is necessary, to be

used for the purposes designated:

For purposes of the inspection of motor fuel, including salaries, support, maintenance, and miscellaneous purposes: ..... $ 500,000

The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

DIVISION IV

AGRICULTURE AND NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES

GENERAL APPROPRIATIONS FOR FY 2011-2012

Sec. 89. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

..... $ 12,266,688

..... FTEs 1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks.

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the

1 chairpersons and ranking members of the senate and house
2 committees on appropriations. The report shall describe in
3 detail the expenditure of moneys appropriated under this
4 section to support the department's administration, regulation,
5 and programs.
6 Sec. 90. STATE FISH AND GAME PROTECTION FUND —— DIVISION OF
7 FISH AND WILDLIFE.
8 1. There is appropriated from the state fish and game
9 protection fund to the department of natural resources for the
10 fiscal year beginning July 1, 2011, and ending June 30, 2012,
11 the following amount, or so much thereof as is necessary, to be
12 used for the purposes designated:
13 For purposes of supporting the division of fish and
14 wildlife, including for administration, regulation, and
15 programs; and for salaries, support, maintenance, equipment,
16 and miscellaneous purposes:
17 ..... $ 38,793,154
18 2. Notwithstanding section 455A.10, the department may use
19 the unappropriated balance remaining in the state fish and game
20 protection fund to provide for the funding of health and life
21 insurance premium payments from unused sick leave balances of
22 conservation peace officers employed in a protection occupation
23 who retire, pursuant to section 97B.49B.
24 3. Notwithstanding section 455A.10, the department of
25 natural resources may use the unappropriated balance remaining
26 in the state fish and game protection fund for the fiscal
27 year beginning July 1, 2011, and ending June 30, 2012, as is
28 necessary to fund salary adjustments for departmental employees
29 which the general assembly has made an operating budget
30 appropriation for in subsection 1.
31 Sec. 91. GROUNDWATER PROTECTION FUND —— WATER
32 QUALITY. There is appropriated from the groundwater protection
33 fund created in section 455E.11 to the department of natural
34 resources for the fiscal year beginning July 1, 2011,
35 and ending June 30, 2012, from those moneys which are not

1 allocated pursuant to that section, the following amount, or
2 so much thereof as is necessary, to be used for the purposes
3 designated:
4 For purposes of supporting the department's protection
5 of the state's groundwater, including for administration,
6 regulation, and programs, and for salaries, support,
7 maintenance, equipment, and miscellaneous purposes:
8 ..... $ 3,455,832
9 DESIGNATED APPROPRIATIONS — MISCELLANEOUS
10 Sec. 92. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
11 PROGRAM. There is appropriated from the special snowmobile
12 fund created under section 321G.7 to the department of natural
13 resources for the fiscal year beginning July 1, 2011, and
14 ending June 30, 2012, the following amount, or so much thereof
15 as is necessary, to be used for the purpose designated:
16 For purposes of administering and enforcing the state
17 snowmobile programs:
18 ..... $ 100,000
19 Sec. 93. SPECIAL SNOWMOBILE FUND. Notwithstanding section
20 321G.7, subsection 2, for the fiscal year beginning July
21 1, 2011, and ending June 30, 2012, at least seventy-five
22 percent of the moneys in the special snowmobile fund which are
23 appropriated to the department of natural resources as provided
24 in that subsection shall be made available for use by political
25 subdivisions or incorporated private organizations, or both,
26 for their use as provided in that subsection.
27 Sec. 94. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE
28 TANK SECTION EXPENSES. There is appropriated from the
29 unassigned revenue fund administered by the Iowa comprehensive
30 underground storage tank fund board to the department of
31 natural resources for the fiscal year beginning July 1, 2011,
32 and ending June 30, 2012, the following amount, or so much
33 thereof as is necessary, to be used for the purpose designated:
34 For purposes of paying for administration expenses of the
35 department's underground storage tank section:

1 ..... $ 200,000
2 Sec. 95. STORM WATER DISCHARGE PERMIT FEES —— SUPPORT FOR
3 SPECIAL PURPOSES. Notwithstanding any contrary provision of
4 state law, for the fiscal year beginning July 1, 2011, and
5 ending June 30, 2012, the department of natural resources may
6 use additional moneys available to the department collected
7 from storm water discharge permit fees as provided in sections
8 455B.103A and 455B.197 for the staffing of the following
9 additional full-time equivalent positions for the purposes
10 designated:
11 1. For purposes of reducing the department's floodplain
12 permit backlog:
13 ..... FTEs 2.00
14 2. For purposes of implementing the federal total maximum
15 daily load program:
16 ..... FTEs 2.00
17 DIVISION V
18 AGRICULTURE AND NATURAL RESOURCES
19 IOWA STATE UNIVERSITY
20 APPROPRIATION FOR FY 2011-2012
21 Sec. 96. GENERAL FUND —— VETERINARY DIAGNOSTIC LABORATORY.
22 1. There is appropriated from the general fund of the state
23 to Iowa state university of science and technology for the
24 fiscal year beginning July 1, 2011, and ending June 30, 2012,
25 the following amount, or so much thereof as is necessary, to be
26 used for the purposes designated:
27 For purposes of supporting the college of veterinary
28 medicine for the operation of the veterinary diagnostic
29 laboratory and for not more than the following full-time
30 equivalent positions:
31 ..... $ 3,237,636
32 ..... FTEs 50.00
33 2. a. Iowa state university of science and technology
34 shall not reduce the amount that it allocates to support the
35 college of veterinary medicine from any other source due to the

1 appropriation made in this section.
2 b. Paragraph "a" does not apply to a reduction made to
3 support the college of veterinary medicine, if the same
4 percentage of reduction imposed on the college of veterinary
5 medicine is also imposed on all of Iowa state university's
6 budget units.
7 3. If by June 30, 2012, Iowa state university of science and
8 technology fails to allocate the moneys appropriated in this
9 section to the college of veterinary medicine in accordance
10 with this section, the moneys appropriated in this section for
11 that fiscal year shall revert to the general fund of the state.
12 Sec. 97. VETERINARY DIAGNOSTIC LABORATORY — FUTURE
13 YEAR. This section applies if appropriations made in this
14 Act and all other Acts enacted by the Eighty-fourth General
15 Assembly during the 2011 regular session and all extraordinary
16 sessions, for the fiscal year beginning July 1, 2011, and
17 ending June 30, 2012, for purposes of supporting the operation
18 of the veterinary diagnostic laboratory associated with the
19 college of veterinary medicine at Iowa state university, total
20 less than $4,000,000. It is the intent of the general assembly
21 that the amount of any deficit will be appropriated by the
22 general assembly during its 2012 regular session for purposes
23 of supporting the operation of the veterinary diagnostic
24 laboratory for the fiscal year beginning July 1, 2012, and
25 ending June 30, 2013.
26 DIVISION VI
27 AGRICULTURE AND NATURAL RESOURCES
28 ENVIRONMENT FIRST FUND
29 GENERAL APPROPRIATIONS FOR FY 2011-2012
30 Sec. 98. DEPARTMENT OF AGRICULTURE AND LAND
31 STEWARDSHIP. There is appropriated from the environment first
32 fund created in section 8.57A to the department of agriculture
33 and land stewardship for the fiscal year beginning July 1,
34 2011, and ending June 30, 2012, the following amounts, or so
35 much thereof as is necessary, to be used for the purposes

1 designated:
2 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)
3 a. For the conservation reserve enhancement program to
4 restore and construct wetlands for the purposes of intercepting
5 tile line runoff, reducing nutrient loss, improving water
6 quality, and enhancing agricultural production practices:
7 ..... $ 1,000,000
8 b. Not more than 10 percent of the moneys appropriated
9 in paragraph "a" may be used for costs of administration and
10 implementation of soil and water conservation practices.
11 c. Notwithstanding any other provision in law, the
12 department may provide state resources from this appropriation,
13 in combination with other appropriate environment first
14 fund appropriations, for cost sharing to match United States
15 department of agriculture, natural resources conservation
16 service, wetlands reserve enhancement program (WREP) funding
17 available to Iowa.
18 2. WATERSHED PROTECTION
19 a. For continuation of a program that provides
20 multiobjective resource protections for flood control, water
21 quality, erosion control, and natural resource conservation:
22 ..... $ 900,000
23 b. Not more than 10 percent of the moneys appropriated
24 in paragraph "a" may be used for costs of administration and
25 implementation of soil and water conservation practices.
26 3. FARM MANAGEMENT DEMONSTRATION PROGRAM
27 a. For continuation of a statewide voluntary farm
28 management demonstration program to demonstrate the
29 effectiveness and adaptability of emerging practices in
30 agronomy that protect water resources and provide other
31 environmental benefits:
32 ..... $ 725,000
33 b. Not more than 10 percent of the moneys appropriated
34 in paragraph "a" may be used for costs of administration and
35 implementation of soil and water conservation practices.

c. Of the amount appropriated in paragraph "a", $400,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph "a".

4. AGRICULTURAL EDUCATION

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... $ 25,000

5. SOIL AND WATER CONSERVATION — ADMINISTRATION

For use by the department for costs of administration and implementation of soil and water conservation practices:

..... $ 2,375,000

6. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... $ 1,000,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... $ 575,000

b. (1) Of the amount appropriated in paragraph "a", $460,000 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", $115,000 shall be allocated to the fund's loess hills alliance

account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.

8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the southern Iowa development and conservation fund created in section 161D.12:

..... $ 225,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for administrative costs.

9. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation district commissioners:

..... $ 6,300,000

b. The department may deposit any amount of the moneys into the Mississippi river basin healthy watersheds initiative fund created in section 161G.2.

c. Not more than 5 percent of the moneys appropriated in paragraph "a" may be allocated for cost sharing to address complaints filed under section 161A.47.

d. Of the moneys appropriated in paragraph "a", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

e. Not more than 30 percent of a soil and water conservation district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

f. The state soil conservation committee established by

1 section 161A.4 may allocate moneys appropriated in paragraph
2 "a" to conduct research and demonstration projects to promote
3 conservation tillage and nonpoint source pollution control
4 practices.
5 g. The allocation of moneys as financial incentives as
6 provided in section 161A.73 may be used in combination with
7 moneys allocated by the department of natural resources.
8 h. Not more than 15 percent of the moneys appropriated
9 in paragraph "a" may be used for costs of administration and
10 implementation of soil and water conservation practices.
11 i. Of the moneys appropriated in paragraph "a", not more
12 than $50,000 may be used for administration of the watershed
13 improvement review board.
14 10. LOCAL FOOD AND FARM PROGRAM COORDINATOR
15 a. For purposes of supporting a local food and farm program
16 coordinator as established pursuant to new Code chapter 267A as
17 enacted in this Act, for salaries, support, maintenance, and
18 miscellaneous purposes:
19 ..... $ 75,000
20 b. The department shall enter into a cost-sharing agreement
21 with Iowa state university to support the local food and farm
22 program coordinator position as part of the university's
23 cooperative extension service in agriculture and home economics
24 pursuant to new Code chapter 267A as enacted in this Act.
25 Sec. 99. DEPARTMENT OF NATURAL RESOURCES. There is
26 appropriated from the environment first fund created in section
27 8.57A to the department of natural resources for the fiscal
28 year beginning July 1, 2011, and ending June 30, 2012, the
29 following amounts, or so much thereof as is necessary, to be
30 used for the purposes designated:
31 1. KEEPERS OF THE LAND
32 For statewide coordination of volunteer efforts under the
33 water quality and keepers of the land programs:
34 ..... $ 100,000
35 2. STATE PARKS MAINTENANCE AND OPERATIONS

1 For regular maintenance of state parks and staff time
2 associated with these activities:
3 ..... $ 3,110,000
4 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)
5 To provide local watershed managers with geographic
6 information system data for their use in developing,
7 monitoring, and displaying results of their watershed work:
8 ..... $ 195,000
9 4. WATER QUALITY MONITORING
10 For continuing the establishment and operation of water
11 quality monitoring stations:
12 ..... $ 2,955,000
13 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
14 For deposit in the public water supply system account of the
15 water quality protection fund created in section 455B.183A:
16 ..... $ 500,000
17 6. REGULATION OF ANIMAL FEEDING OPERATIONS
18 For the regulation of animal feeding operations, including
19 as provided for in chapters 459 through 459B:
20 ..... $ 420,000
21 7. AMBIENT AIR QUALITY
22 For the abatement, control, and prevention of ambient
23 air pollution in this state, including measures as necessary
24 to assure attainment and maintenance of ambient air quality
25 standards from particulate matter:
26 ..... $ 425,000
27 8. WATER QUANTITY REGULATION
28 For regulating water quantity from surface and subsurface
29 sources by providing for the allocation and use of water
30 resources, the protection and management of water resources,
31 and the preclusion of conflicts among users of water resources,
32 including as provided in chapter 455B, division III, part 4:
33 ..... $ 495,000
34 9. FORESTRY MANAGEMENT
35 To provide for forestry health management programs:

1 ..... $ 100,000
2 Sec. 100. REVERSION. Notwithstanding section 8.33,
3 moneys appropriated for the fiscal year beginning July 1,
4 2011, in this division of this Act that remain unencumbered
5 or unobligated at the close of the fiscal year shall not
6 revert but shall remain available to be used for the purposes
7 designated until the close of the fiscal year beginning July 1,
8 2012, or until the project for which the appropriation was made
9 is completed, whichever is earlier.
10 DIVISION VII
11 AGRICULTURE AND NATURAL RESOURCES
12 ENVIRONMENT FIRST FUND —— APPROPRIATION TO THE
13 RESOURCES ENHANCEMENT AND PROTECTION
14 (REAP) FUND FOR FY 2011-2012
15 GENERAL APPROPRIATIONS
16 Sec. 101. ENVIRONMENT FIRST FUND. Notwithstanding the
17 amount of the standing appropriation from the general fund of
18 the state to the Iowa resources enhancement and protection
19 fund as provided in section 455A.18, there is appropriated
20 from the environment first fund created in section 8.57A to
21 the Iowa resources enhancement and protection fund, in lieu of
22 the appropriation made in section 455A.18, for the fiscal year
23 beginning July 1, 2011, and ending June 30, 2012, the following
24 amount, to be allocated as provided in section 455A.19:
25 ..... $ 11,500,000
26 DIVISION VIII
27 AGRICULTURE AND NATURAL RESOURCES
28 DEPARTMENT OF NATURAL RESOURCES
29 USE OF MONEYS IN THE STATE FISH AND GAME PROTECTION FUND FOR FY
30 2010-2011
31 Sec. 102. USE OF MONEYS —— RADIOS. Notwithstanding 2011
32 Iowa Acts, chapter 1191, section 7, The department of natural
33 resources may use the unappropriated balance remaining in
34 the state fish and game protection fund for the fiscal year
35 beginning July 1, 2010, and ending June 30, 2011, to purchase

1 mobile radios to meet federal and state requirements for
2 homeland security and public safety. This section applies
3 to those moneys in the fund that are not otherwise used,
4 obligated, or encumbered for payment of health and life
5 insurance premium payments for conservation peace officer
6 retirements for that fiscal year.
7 Sec. 103. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
8 APPLICABILITY. This division of this Act, being deemed of
9 immediate importance, takes effect upon enactment and, if
10 approved by the governor on or after July 1, 2011, shall apply
11 retroactively to June 30, 2011.
12 DIVISION IX
13 AGRICULTURE AND NATURAL RESOURCES
14 RELATED MISCELLANEOUS PROVISIONS FOR FY 2011-2012
15 Sec. 104. AGRICULTURAL DRAINAGE WELL CLOSURE — REPORT. The
16 department of agriculture and land stewardship shall prepare
17 a report regarding agricultural drainage wells that have not
18 been closed as provided in chapter 460. The report shall
19 include an inventory of agricultural drainage wells that remain
20 unclosed, a projected timeline for closing the agricultural
21 drainage wells, and an estimate of the costs for closing each
22 agricultural drainage well. The department shall submit the
23 report to the governor and fiscal services division of the
24 legislative services agency not later than January 1, 2012.
25 DIVISION X
26 AGRICULTURE AND NATURAL RESOURCES
27 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011 — SPECIAL
28 FUNDS
29 GROUNDWATER PROTECTION FUND
30 Sec. 105. Section 455E.11, subsection 2, paragraph a,
31 subparagraph (1), subparagraph division (a), subparagraph
32 subdivision (ii), subparagraph part (B), Code 2011, is amended
33 to read as follows:
34 (B) Expend not more than fifty percent of the moneys
35 for a community partnership program designed to support

1 community beautification projects ~~including the deconstruction,~~
2 ~~renovation, or removal of derelict buildings. Eligible~~
3 ~~communities are limited to cities of five thousand or fewer in~~
4 ~~population. Eligible costs shall include but are not limited~~
5 ~~to asbestos abatement and removal, the recovery and processing~~
6 ~~of recyclable or reusable material from derelict buildings, and~~
7 ~~reimbursement for purchased recycled content materials used~~
8 ~~in the renovation of buildings. Special consideration may be~~
9 ~~given to communities that hire the unemployed to deconstruct~~
10 ~~structures, clean up the properties, and, if there is no~~
11 ~~immediate buyer for the properties, turn the properties into~~
12 ~~green spaces. Any business entity or individual engaged in the~~
13 ~~removal or abatement of asbestos must have obtained a valid~~
14 ~~license or permit as required in chapter 88B~~.
15 Sec. 106. Section 455E.11, subsection 2, paragraph a,
16 subparagraph (1), Code 2011, is amended by adding the following
17 new subparagraph division:
18 NEW SUBPARAGRAPH DIVISION. (0e) Not more than four
19 hundred thousand dollars to the department for purposes of
20 providing funding assistance to eligible communities to address
21 abandoned buildings by promoting waste abatement, diversion,
22 selective dismantlement of building components, and recycling.
23 Eligible communities include a city with a population of five
24 thousand or fewer. Eligible costs for program assistance
25 include but are not limited to asbestos and other hazardous
26 material abatement and removal, the recovery processing
27 of recyclable or reusable material through the selective
28 dismantlement of abandoned buildings, and reimbursement for
29 purchased recycled content materials used in the renovation of
30 buildings. For projects that support community beautification,
31 the department may elect to administer funding to eligible
32 communities in collaboration with the organization awarded the
33 beautification grant in accordance with subparagraph division
34 (a), subparagraph subdivision (i).
35 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND

1 Sec. 107. Section 455G.3, subsections 6 and 7, Code 2011,
2 are amended to read as follows:
3 6. *a.* For the fiscal year beginning July 1, 2010, and each
4 fiscal year thereafter, there is appropriated from the Iowa
5 comprehensive petroleum underground storage tank fund to the
6 department of natural resources two hundred thousand dollars
7 for purposes of technical review support to be conducted by
8 nongovernmental entities for leaking underground storage tank
9 assessments.
10 *b.* Notwithstanding section 8.33, moneys appropriated in this
11 subsection that remain unencumbered or unobligated at the close
12 of the fiscal year shall not revert but shall remain available
13 for expenditure for the purposes designated until the close of
14 the succeeding fiscal year.
15 7. *a.* For the fiscal year beginning July 1, 2010, there is
16 appropriated from the Iowa comprehensive petroleum underground
17 storage tank fund to the department of natural resources one
18 hundred thousand dollars for purposes of database modifications
19 necessary to accept batched external data regarding underground
20 storage tank inspections conducted by nongovernmental entities.
21 *b.* Notwithstanding section 8.33, moneys appropriated in this
22 subsection that remain unencumbered or unobligated at the close
23 of the fiscal year shall not revert but shall remain available
24 for expenditure for the purposes designated until the close of
25 the succeeding fiscal year.
26 Sec. 108. Section 455G.3, subsection 8, Code 2011, is
27 amended by adding the following new unnumbered paragraph:
28 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
29 moneys appropriated in this subsection that remain unencumbered
30 or unobligated at the close of the fiscal year shall not revert
31 but shall remain available for expenditure for the purposes
32 designated until the close of the succeeding fiscal year.
33 Sec. 109. EFFECTIVE UPON ENACTMENT. This division of this
34 Act, being deemed of immediate importance, takes effect upon
35 enactment.

DIVISION XI
AGRICULTURE AND NATURAL RESOURCES
RELATED STATUTORY CHANGES FOR CODIFICATION IN 2011 — LOCAL FOOD AND FARM INITIATIVE

Sec. 110. NEW SECTION. **267A.1 Purpose and goals.**

1. The purpose of this chapter is to empower farmers and food entrepreneurs to provide for strong local food economies that promote self-sufficiency and job growth in the agricultural sector and allied sectors of the economy.

2. The goals of this chapter are to accomplish all of the following:

a. Promote the expansion of the production of local foods, including all of the following:

(1) The production of Iowa-grown food, including but not limited to livestock, eggs, milk, fruit, vegetables, grains, herbs, honey, and nuts.

(2) The processing of Iowa-grown agricultural products into food products, including canning, freezing, dehydrating, bottling, or otherwise packaging and preserving such products.

(3) The distribution and marketing of fresh and processed Iowa-grown agricultural food products to markets in this state and neighboring states.

b. Increase consumer and institutional spending on Iowa-produced and marketed foods.

c. Increase the profitability of farmers and businesses engaged in enterprises related to producing, processing, distributing, and marketing local food.

d. Increase the number of jobs in this state's farm and business economies associated with producing, processing, distributing, and marketing local food.

Sec. 111. NEW SECTION. **267A.2 Definitions.**

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

1. *"Coordinator"* means the local food and farm program coordinator created in section 267A.4.

2. *"Council"* means the local food and farm program council established in section 267A.3.

3. *"Department"* means the department of agriculture and land stewardship.

4. *"Fund"* means the local food and farm program fund created in section 267A.5.

Sec. 112. NEW SECTION. **267A.3 Local food and farm program council.**

1. A local food and farm program council is established to advise the local food and farm program coordinator carrying out the purpose and goals of this chapter as provided in section 267A.1.

2. The council shall be composed of the following voting members:

a. The secretary of agriculture or the secretary's designee.

b. Members appointed by the designated organizations, at the discretion of the organization, to represent the private sector as follows:

(1) One person by the practical farmers of Iowa who is involved in local food production.

(2) One person by the Iowa farmers market association.

c. Members appointed by the governor to represent public or private entities involved in local food distribution, marketing, or processing as follows:

(1) One person who is associated with a resource conservation and development office in this state.

(2) One person actively engaged in the distribution of local food to processors, wholesalers, or retailers.

(3) One person from the regional food systems working group who is actively engaged or an expert in local food.

3. A member designated by the secretary of agriculture shall serve at the pleasure of the secretary. A member appointed by an organization shall serve at the pleasure of that organization. A member appointed by the governor shall serve at the pleasure of the governor.

1 4. The council shall be part of the department. The
2 department shall perform administrative functions necessary for
3 the operation of the council.
4 5. The council shall elect a chairperson from among its
5 members each year on a rotating basis as provided by the
6 council. The council shall meet on a regular basis and at the
7 call of the chairperson or upon the written request to the
8 chairperson of a majority of the members.
9 6. The members of the council shall not receive compensation
10 for their services including as provided in section 7E.6.
11 However, the members may be reimbursed for their actual and
12 necessary expenses incurred in the performance of their duties
13 as members of the council if allowed by the council.
14 7. A majority of the members constitutes a quorum and
15 the affirmative vote of a majority of the members present
16 is necessary for any substantive action to be taken by the
17 council. The majority shall not include any member who has
18 a conflict of interest and a statement by a member that the
19 member has a conflict of interest is conclusive for this
20 purpose. A vacancy in the membership does not impair the
21 duties of the council.
22 Sec. 113. NEW SECTION. **267A.4 Local food and farm program**
23 **coordinator.**
24 The position of local food and farm program coordinator is
25 created within Iowa state university as part of its cooperative
26 extension service in agriculture and home economics. The
27 coordinator shall be the primary state official charged with
28 carrying out the purposes and goals of this chapter.
29 Sec. 114. NEW SECTION. **267A.5 Local food and farm program**
30 **fund.**
31 A local food and farm program fund is created in the state
32 treasury under the control of the department. The fund is
33 separate from the general fund of the state. The fund is
34 composed of moneys appropriated by the general assembly and
35 moneys available to and obtained or accepted by the local food

1 and farm program from the United States government or private
2 sources for placement in the fund. Moneys in the fund shall
3 be used to carry out the purpose and goals of this chapter
4 as provided in section 267A.1, including but not limited to
5 administering the local food and farm program as provided in
6 section 267A.6. The fund shall be managed by the department in
7 consultation with the local food and farm coordinator, under
8 the supervision of the local food and farm program council.
9 Sec. 115. NEW SECTION. **267A.6 Local food and farm program.**
10 1. The local food and farm program coordinator, with advice
11 from the local food and farm program council, shall develop and
12 administer a local food and farm program necessary to carry out
13 the purpose and goals of this chapter.
14 2. The purpose of the program is to do any of the following:
15 *a.* Improve communication and cooperation between and among
16 farmers, food entrepreneurs, and consumers.
17 *b.* Improve coordination between and among government
18 agencies, public universities and community colleges,
19 organizations, and private-sector firms working on local food
20 and farm-related issues.
21 Sec. 116. NEW SECTION. **267A.7 Local food and farm program**
22 **report.**
23 The local food and farm program coordinator shall prepare
24 an annual report dated June 30, which shall evaluate the
25 state's progress in accomplishing the purpose and goals of this
26 chapter. The report shall be delivered to the governor and
27 general assembly not later than October 1 of each year.
28 DIVISION XII
29 AGRICULTURE AND NATURAL RESOURCES
30 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
31 GENERAL APPROPRIATIONS FOR FY 2012-2013
32 Sec. 117. GENERAL FUND — DEPARTMENT.
33 1. There is appropriated from the general fund of the state
34 to the department of agriculture and land stewardship for the
35 fiscal year beginning July 1, 2012, and ending June 30, 2013,

1 the following amount, or so much thereof as is necessary, to be
2 used for the purposes designated:
3 For purposes of supporting the department, including its
4 divisions, for administration, regulation, and programs; for
5 salaries, support, maintenance, and miscellaneous purposes; and
6 for not more than the following full-time equivalent positions:
7 ..... $ 14,183,529
8 ..... FTEs 368.00
9 2. The department shall submit a report each quarter of the
10 fiscal year to the legislative services agency, the department
11 of management, the members of the joint appropriations
12 subcommittee on agriculture and natural resources, and the
13 chairpersons and ranking members of the senate and house
14 committees on appropriations. The report shall describe in
15 detail the expenditure of moneys appropriated in this section
16 to support the department's administration, regulation, and
17 programs.
18 3. Of the amount appropriated in this section, $202,300 is
19 transferred to Iowa state university of science and technology,
20 to be used for the university's midwest grape and wine industry
21 institute.
22 DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY
23 Sec. 118. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
24 HORSE AND DOG RACING. There is appropriated from the moneys
25 available under section 99D.13 to the department of agriculture
26 and land stewardship for the fiscal year beginning July 1,
27 2012, and ending June 30, 2013, the following amount, or so
28 much thereof as is necessary, to be used for the purposes
29 designated:
30 For purposes of supporting the department's administration
31 and enforcement of horse and dog racing law pursuant to section
32 99D.22, including for salaries, support, maintenance, and
33 miscellaneous purposes:
34 ..... $ 259,689
35 DESIGNATED APPROPRIATIONS — MOTOR FUEL

1 Sec. 119. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR
2 FUEL INSPECTION. There is appropriated from the renewable
3 fuel infrastructure fund created in section 15G.205 to the
4 department of agriculture and land stewardship for the fiscal
5 year beginning July 1, 2012, and ending June 30, 2013, the
6 following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:
8 For purposes of the inspection of motor fuel, including
9 salaries, support, maintenance, and miscellaneous purposes:
10 ..... $ 425,000
11 The department shall establish and administer programs
12 for the auditing of motor fuel including biofuel processing
13 and production plants, for screening and testing motor fuel,
14 including renewable fuel, and for the inspection of motor fuel
15 sold by dealers including retail dealers who sell and dispense
16 motor fuel from motor fuel pumps.
17 DIVISION XIII
18 AGRICULTURE AND NATURAL RESOURCES
19 DEPARTMENT OF NATURAL RESOURCES
20 GENERAL APPROPRIATIONS FOR FY 2012-2013
21 Sec. 120. GENERAL FUND — DEPARTMENT.
22 1. There is appropriated from the general fund of the state
23 to the department of natural resources for the fiscal year
24 beginning July 1, 2012, and ending June 30, 2013, the following
25 amount, or so much thereof as is necessary, to be used for the
26 purposes designated:
27 For purposes of supporting the department, including its
28 divisions, for administration, regulation, and programs; for
29 salaries, support, maintenance, and miscellaneous purposes; and
30 for not more than the following full-time equivalent positions:
31 ..... $ 10,426,685
32 ..... FTEs 1,145.95
33 2. Of the number of full-time equivalent positions
34 authorized to the department pursuant to subsection 1, 50.00
35 full-time equivalent positions shall be allocated by the

1 department for seasonal employees for purposes of providing
2 maintenance, upkeep, and sanitary services at state parks.
3 3. The department shall submit a report each quarter of the
4 fiscal year to the legislative services agency, the department
5 of management, the members of the joint appropriations
6 subcommittee on agriculture and natural resources, and the
7 chairpersons and ranking members of the senate and house
8 committees on appropriations. The report shall describe in
9 detail the expenditure of moneys appropriated under this
10 section to support the department's administration, regulation,
11 and programs.
12 Sec. 121. STATE FISH AND GAME PROTECTION FUND —— DIVISION OF
13 FISH AND WILDLIFE.
14 1. There is appropriated from the state fish and game
15 protection fund to the department of natural resources for the
16 fiscal year beginning July 1, 2012, and ending June 30, 2013,
17 the following amount, or so much thereof as is necessary, to be
18 used for the purposes designated:
19 For purposes of supporting the division of fish and
20 wildlife, including for administration, regulation, and
21 programs; and for salaries, support, maintenance, equipment,
22 and miscellaneous purposes:
23 ..... $ 32,974,181
24 2. Notwithstanding section 455A.10, the department may use
25 the unappropriated balance remaining in the state fish and game
26 protection fund to provide for the funding of health and life
27 insurance premium payments from unused sick leave balances of
28 conservation peace officers employed in a protection occupation
29 who retire, pursuant to section 97B.49B.
30 Sec. 122. GROUNDWATER PROTECTION FUND —— WATER
31 QUALITY. There is appropriated from the groundwater protection
32 fund created in section 455E.11 to the department of natural
33 resources for the fiscal year beginning July 1, 2012,
34 and ending June 30, 2013, from those moneys which are not
35 allocated pursuant to that section, the following amount, or

1 so much thereof as is necessary, to be used for the purposes
2 designated:
3 For purposes of supporting the department's protection
4 of the state's groundwater, including for administration,
5 regulation, and programs, and for salaries, support,
6 maintenance, equipment, and miscellaneous purposes:
7 ..... $ 2,937,457
8 DESIGNATED APPROPRIATIONS — MISCELLANEOUS
9 Sec. 123. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
10 PROGRAM. There is appropriated from the special snowmobile
11 fund created under section 321G.7 to the department of natural
12 resources for the fiscal year beginning July 1, 2012, and
13 ending June 30, 2013, the following amount, or so much thereof
14 as is necessary, to be used for the purpose designated:
15 For purposes of administering and enforcing the state
16 snowmobile programs:
17 ..... $ 85,000
18 Sec. 124. SPECIAL SNOWMOBILE FUND. Notwithstanding
19 section 321G.7, subsection 2, for the fiscal year beginning
20 July 1, 2012, and ending June 30, 2013, at least seventy-five
21 percent of the moneys in the special snowmobile fund which are
22 appropriated to the department of natural resources as provided
23 in that subsection shall be made available for use by political
24 subdivisions or incorporated private organizations, or both,
25 for their use as provided in that subsection.
26 Sec. 125. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE
27 TANK SECTION EXPENSES. There is appropriated from the
28 unassigned revenue fund administered by the Iowa comprehensive
29 underground storage tank fund board to the department of
30 natural resources for the fiscal year beginning July 1, 2012,
31 and ending June 30, 2013, the following amount, or so much
32 thereof as is necessary, to be used for the purpose designated:
33 For purposes of paying for administration expenses of the
34 department's underground storage tank section:
35 ..... $ 170,000

1 Sec. 126. STORM WATER DISCHARGE PERMIT FEES — SUPPORT FOR
2 SPECIAL PURPOSES. Notwithstanding any contrary provision of
3 state law, for the fiscal year beginning July 1, 2012, and
4 ending June 30, 2013, the department of natural resources may
5 use additional moneys available to the department collected
6 from storm water discharge permit fees as provided in sections
7 455B.103A and 455B.197 for the staffing of the following
8 additional full-time equivalent positions for the purposes
9 designated:
10 1. For purposes of reducing the department's floodplain
11 permit backlog:
12 ..... FTEs 2.00
13 2. For purposes of implementing the federal total maximum
14 daily load program:
15 ..... FTEs 2.00
16 DIVISION XIV
17 AGRICULTURE AND NATURAL RESOURCES
18 STATE UNIVERSITIES
19 APPROPRIATIONS FOR FY 2012-2013
20 Sec. 127. GENERAL FUND — IOWA STATE UNIVERSITY —
21 VETERINARY DIAGNOSTIC LABORATORY.
22 1. There is appropriated from the general fund of the state
23 to Iowa state university of science and technology for the
24 fiscal year beginning July 1, 2012, and ending June 30, 2013,
25 the following amount, or so much thereof as is necessary, to be
26 used for the purposes designated:
27 For purposes of supporting the college of veterinary
28 medicine for the operation of the veterinary diagnostic
29 laboratory and for not more than the following full-time
30 equivalent positions:
31 ..... $ 2,751,991
32 ..... FTEs 50.00
33 2. a. Iowa state university of science and technology
34 shall not reduce the amount that it allocates to support the
35 college of veterinary medicine from any other source due to the

1 appropriation made in this section.
2 b. Paragraph "a" does not apply to a reduction made to
3 support the college of veterinary medicine, if the same
4 percentage of reduction imposed on the college of veterinary
5 medicine is also imposed on all of Iowa state university's
6 budget units.
7 3. If by June 30, 2013, Iowa state university of science and
8 technology fails to allocate the moneys appropriated in this
9 section to the college of veterinary medicine in accordance
10 with this section, the moneys appropriated in this section for
11 that fiscal year shall revert to the general fund of the state.
12 Sec. 128. VETERINARY DIAGNOSTIC LABORATORY —— FUTURE
13 YEAR. This section applies if appropriations made in this
14 Act and all other Acts enacted by the Eighty-fourth General
15 Assembly during the 2012 regular session and all extraordinary
16 sessions, for the fiscal year beginning July 1, 2012, and
17 ending June 30, 2013, for purposes of supporting the operation
18 of the veterinary diagnostic laboratory associated with the
19 college of veterinary medicine at Iowa state university, total
20 less than $4,000,000. It is the intent of the general assembly
21 that the amount of any deficit will be appropriated by the
22 general assembly during its 2013 regular session for purposes
23 of supporting the operation of the veterinary diagnostic
24 laboratory for the fiscal year beginning July 1, 2013, and
25 ending June 30, 2014.
26 DIVISION XV
27 AGRICULTURE AND NATURAL RESOURCES
28 ENVIRONMENT FIRST FUND APPROPRIATION FOR FY 2012-2013
29 GENERAL APPROPRIATIONS
30 Sec. 129. DEPARTMENT OF AGRICULTURE AND LAND
31 STEWARDSHIP. There is appropriated from the environment first
32 fund created in section 8.57A to the department of agriculture
33 and land stewardship for the fiscal year beginning July 1,
34 2012, and ending June 30, 2013, the following amounts, or so
35 much thereof as is necessary, to be used for the purposes

1 designated:
2 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)
3 a. For the conservation reserve enhancement program to
4 restore and construct wetlands for the purposes of intercepting
5 tile line runoff, reducing nutrient loss, improving water
6 quality, and enhancing agricultural production practices:
7 ..... $ 850,000
8 b. Not more than 10 percent of the moneys appropriated
9 in paragraph "a" may be used for costs of administration and
10 implementation of soil and water conservation practices.
11 c. Notwithstanding any other provision in law, the
12 department may provide state resources from this appropriation,
13 in combination with other appropriate environment first
14 fund appropriations, for cost sharing to match United States
15 department of agriculture, natural resources conservation
16 service, wetlands reserve enhancement program (WREP) funding
17 available to Iowa.
18 2. WATERSHED PROTECTION
19 a. For continuation of a program that provides
20 multiobjective resource protections for flood control, water
21 quality, erosion control, and natural resource conservation:
22 ..... $ 765,000
23 b. Not more than 10 percent of the moneys appropriated
24 in paragraph "a" may be used for costs of administration and
25 implementation of soil and water conservation practices.
26 3. FARM MANAGEMENT DEMONSTRATION PROGRAM
27 a. For continuation of a statewide voluntary farm
28 management demonstration program to demonstrate the
29 effectiveness and adaptability of emerging practices in
30 agronomy that protect water resources and provide other
31 environmental benefits:
32 ..... $ 616,250
33 b. Not more than 10 percent of the moneys appropriated
34 in paragraph "a" may be used for costs of administration and
35 implementation of soil and water conservation practices.

c. Of the amount appropriated in paragraph "a", $400,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph "a".

4. AGRICULTURAL EDUCATION

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... $ 21,250

5. SOIL AND WATER CONSERVATION — ADMINISTRATION

For use by the department for costs of administration and implementation of soil and water conservation practices:

..... $ 2,018,750

6. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation reserve program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... $ 850,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... $ 488,750

b. (1) Of the amount appropriated in paragraph "a", $391,000 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", $97,750 shall be allocated to the fund's loess hills alliance account.

1 (2) Not more than 10 percent of the moneys allocated to the
2 loess hills alliance account as provided in subparagraph (1)
3 may be used for administrative costs.
4 8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND
5 a. For deposit in the southern Iowa development and
6 conservation fund created in section 161D.12:
7 ..... $ 191,250
8 b. Not more than 10 percent of the moneys appropriated in
9 paragraph "a" may be used for administrative costs.
10 9. SOIL AND WATER CONSERVATION
11 a. For use by the department in providing for soil and
12 water conservation administration, the conservation of soil and
13 water resources, or the support of soil and water conservation
14 district commissioners:
15 ..... $ 5,355,000
16 b. The department may deposit any amount of the moneys into
17 the Mississippi river basin healthy watersheds initiative fund
18 created in section 161G.2.
19 c. Not more than 5 percent of the moneys appropriated in
20 paragraph "a" may be allocated for cost sharing to address
21 complaints filed under section 161A.47.
22 d. Of the moneys appropriated in paragraph "a", 5 percent
23 shall be allocated for financial incentives to establish
24 practices to protect watersheds above publicly owned lakes of
25 the state from soil erosion and sediment as provided in section
26 161A.73.
27 e. Not more than 30 percent of a soil and water conservation
28 district's allocation of moneys as financial incentives may be
29 provided for the purpose of establishing management practices
30 to control soil erosion on land that is row cropped, including
31 but not limited to no-till planting, ridge-till planting,
32 contouring, and contour strip-cropping as provided in section
33 161A.73.
34 f. The state soil conservation committee established by
35 section 161A.4 may allocate moneys appropriated in paragraph

1 "a" to conduct research and demonstration projects to promote
2 conservation tillage and nonpoint source pollution control
3 practices.
4 g. The allocation of moneys as financial incentives as
5 provided in section 161A.73 may be used in combination with
6 moneys allocated by the department of natural resources.
7 h. Not more than 15 percent of the moneys appropriated
8 in paragraph "a" may be used for costs of administration and
9 implementation of soil and water conservation practices.
10 10. LOCAL FOOD AND FARM PROGRAM COORDINATOR
11 a. For purposes of supporting a local food and farm program
12 coordinator as established pursuant to new Code chapter 267A as
13 enacted in this Act, for salaries, support, maintenance, and
14 miscellaneous purposes:
15 ..... $ 63,750
16 b. The department shall enter into a cost-sharing agreement
17 with Iowa state university to support the local food and farm
18 program coordinator position as part of the university's
19 cooperative extension service in agriculture and home economics
20 pursuant to new Code chapter 267A as enacted in this Act.
21 Sec. 130. DEPARTMENT OF NATURAL RESOURCES. There is
22 appropriated from the environment first fund created in section
23 8.57A to the department of natural resources for the fiscal
24 year beginning July 1, 2012, and ending June 30, 2013, the
25 following amounts, or so much thereof as is necessary, to be
26 used for the purposes designated:
27 1. KEEPERS OF THE LAND
28 For statewide coordination of volunteer efforts under the
29 water quality and keepers of the land programs:
30 ..... $ 85,000
31 2. STATE PARKS MAINTENANCE AND OPERATIONS
32 For regular maintenance of state parks and staff time
33 associated with these activities:
34 ..... $ 2,643,500
35 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

1 To provide local watershed managers with geographic
2 information system data for their use in developing,
3 monitoring, and displaying results of their watershed work:
4 ..... $ 165,750
5 4. WATER QUALITY MONITORING
6 For continuing the establishment and operation of water
7 quality monitoring stations:
8 ..... $ 2,511,750
9 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT
10 For deposit in the public water supply system account of the
11 water quality protection fund created in section 455B.183A:
12 ..... $ 425,000
13 6. REGULATION OF ANIMAL FEEDING OPERATIONS
14 For the regulation of animal feeding operations, including
15 as provided for in chapters 459 through 459B:
16 ..... $ 357,000
17 7. AMBIENT AIR QUALITY
18 For the abatement, control, and prevention of ambient
19 air pollution in this state, including measures as necessary
20 to assure attainment and maintenance of ambient air quality
21 standards from particulate matter:
22 ..... $ 361,250
23 8. WATER QUANTITY REGULATION
24 For regulating water quantity from surface and subsurface
25 sources by providing for the allocation and use of water
26 resources, the protection and management of water resources,
27 and the preclusion of conflicts among users of water resources,
28 including as provided in chapter 455B, division III, part 4:
29 ..... $ 420,750
30 9. FORESTRY MANAGEMENT
31 To provide for forestry health management programs:
32 ..... $ 85,000
33 Sec. 131. REVERSION. Notwithstanding section 8.33,
34 moneys appropriated for the fiscal year beginning July 1,
35 2012, in this division of this Act that remain unencumbered

1 or unobligated at the close of the fiscal year shall not
2 revert but shall remain available to be used for the purposes
3 designated until the close of the fiscal year beginning July 1,
4 2013, or until the project for which the appropriation was made
5 is completed, whichever is earlier.
6 DIVISION XVI
7 AGRICULTURE AND NATURAL RESOURCES
8 ENVIRONMENT FIRST FUND —— APPROPRIATION TO THE
9 RESOURCES ENHANCEMENT AND PROTECTION (REAP)
10 FUND FOR FY 2012-2013
11 GENERAL APPROPRIATIONS
12 Sec. 132. ENVIRONMENT FIRST FUND. Notwithstanding the
13 amount of the standing appropriation from the general fund of
14 the state to the Iowa resources enhancement and protection
15 fund as provided in section 455A.18, there is appropriated
16 from the environment first fund created in section 8.57A to
17 the Iowa resources enhancement and protection fund, in lieu of
18 the appropriation made in section 455A.18, for the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, the following
20 amount, to be allocated as provided in section 455A.19:
21 ..... $ 9,775,000
22 DIVISION XVII
23 ECONOMIC DEVELOPMENT
24 FY 2011-2012
25 Sec. 133. DEPARTMENT OF CULTURAL AFFAIRS. There is
26 appropriated from the general fund of the state to the
27 department of cultural affairs for the fiscal year beginning
28 July 1, 2011, and ending June 30, 2012, the following amounts,
29 or so much thereof as is necessary, to be used for the purposes
30 designated:
31 1. ADMINISTRATION
32 a. For salaries, support, maintenance, miscellaneous
33 purposes, and for not more than the following full-time
34 equivalent positions for the department:
35 ..... $ 171,813

1 ..... FTEs 69.87
2 b. The department of cultural affairs shall coordinate
3 activities with the tourism office of the department of
4 economic development to promote attendance at the state
5 historical building and at this state's historic sites.
6 c. Full-time equivalent positions authorized under this
7 subsection shall be funded, in full or in part, using moneys
8 appropriated under this subsection and subsections 2, 3, 4, 5,
9 6, and 8.
10 2. HISTORICAL DIVISION
11 For the support of the historical division:
12 ..... $ 2,767,701
13 3. HISTORIC SITES
14 For the administration and support of historic sites:
15 ..... $ 426,398
16 4. ARTS DIVISION
17 For the support of the arts division:
18 ..... $ 933,764
19 5. GREAT PLACES
20 For the great places program:
21 ..... $ 150,000
22 6. ARCHIVE IOWA GOVERNORS' RECORDS
23 For archiving the records of Iowa governors:
24 ..... $ 5,000
25 7. RECORDS CENTER RENT
26 For payment of rent for the state records center:
27 ..... $ 227,243
28 8. BATTLE FLAGS
29 For continuation of the project recommended by the Iowa
30 battle flag advisory committee to stabilize the condition of
31 the battle flag collection:
32 ..... $ 100,000
33 Sec. 134. GOALS AND ACCOUNTABILITY — ECONOMIC DEVELOPMENT.
34 1. For the fiscal year beginning July 1, 2011, the goals for
35 the department of economic development shall be to expand and

1 stimulate the state economy, increase the wealth of Iowans, and
2 increase the population of the state.
3 2. To achieve the goals in subsection 1, the department
4 of economic development shall do all of the following for the
5 fiscal year beginning July 1, 2011:
6 a. Concentrate its efforts on programs and activities that
7 result in commercially viable products and services.
8 b. Adopt practices and services consistent with free
9 market, private sector philosophies.
10 c. Ensure economic growth and development throughout the
11 state.
12 d. Work with businesses and communities to continually
13 improve the economic development climate along with the
14 economic well-being and quality of life for Iowans.
15 e. Coordinate with other state agencies to ensure that they
16 are attentive to the needs of an entrepreneurial culture.
17 f. Establish a strong and aggressive marketing image to
18 showcase Iowa's workforce, existing industry, and potential.
19 A priority shall be placed on recruiting new businesses,
20 business expansion, and retaining existing Iowa businesses.
21 Emphasis shall be placed on entrepreneurial development through
22 helping entrepreneurs secure capital, and developing networks
23 and a business climate conducive to entrepreneurs and small
24 businesses.
25 g. Encourage the development of communities and quality of
26 life to foster economic growth.
27 h. Prepare communities for future growth and development
28 through development, expansion, and modernization of
29 infrastructure.
30 i. Develop public-private partnerships with Iowa businesses
31 in the tourism industry, Iowa tour groups, Iowa tourism
32 organizations, and political subdivisions in this state to
33 assist in the development of advertising efforts.
34 j. Develop, to the fullest extent possible, cooperative
35 efforts for advertising with contributions from other sources.

1 Sec. 135. DEPARTMENT OF ECONOMIC DEVELOPMENT.
2 1. APPROPRIATION
3 There is appropriated from the general fund of the state
4 to the department of economic development for the fiscal year
5 beginning July 1, 2011, and ending June 30, 2012, the following
6 amounts, or so much thereof as is necessary, to be used for the
7 purposes designated in subsection 2, and for not more than the
8 following full-time equivalent positions:
9 ..... $ 9,928,058
10 ..... FTEs 149.00
11 2. DESIGNATED PURPOSES
12 a. For salaries, support, miscellaneous purposes, programs,
13 and the maintenance of an administration division, a business
14 development division, and a community development division.
15 b. The full-time equivalent positions authorized under this
16 section shall be funded, in whole or in part, by the moneys
17 appropriated under subsection 1 or by other moneys received by
18 the department, including certain federal moneys.
19 c. For transfer to the Iowa state commission grant program.
20 d. For business development operations and programs, the
21 film office, international trade, export assistance, workforce
22 recruitment, and the partner state program.
23 e. For transfer to the strategic investment fund.
24 f. For community economic development programs, tourism
25 operations, community assistance, plans for Iowa green corps
26 and summer youth programs, the mainstreet and rural mainstreet
27 programs, the school-to-career program, the community
28 development block grant, and housing and shelter-related
29 programs.
30 g. For achieving the goals and accountability, fulfilling
31 the requirements, and doing all other things required under
32 this Act.
33 3. NONREVERSION
34 Notwithstanding section 8.33, moneys appropriated in
35 subsection 1 that remain unencumbered or unobligated at the

1 close of the fiscal year shall not revert but shall remain
2 available for expenditure for the purposes designated in
3 subsection 2 until the close of the succeeding fiscal year.
4 4. FINANCIAL ASSISTANCE RESTRICTIONS
5 a. A business creating jobs with economic development
6 assistance through moneys appropriated in this section shall be
7 subject to contract provisions stating that new and retained
8 jobs shall be filled by individuals who are citizens of the
9 United States who reside within the United States or any person
10 authorized to work in the United States pursuant to federal
11 law, including legal resident aliens in the United States.
12 b. Any vendor who receives such public moneys shall adhere
13 to such contract provisions and provide periodic assurances
14 as the state shall require that the jobs are filled solely by
15 citizens of the United States who reside within the United
16 States or any person authorized to work in the United States
17 pursuant to federal law, including legal resident aliens in the
18 United States.
19 c. A business that receives financial assistance from
20 the department from moneys appropriated in this Act shall
21 only employ individuals legally authorized to work in this
22 state. In addition to all other applicable penalties provided
23 by current law, all or a portion of the assistance received
24 by a business which is found to knowingly employ individuals
25 not legally authorized to work in this state is subject to
26 recapture by the department.
27 5. USES OF APPROPRIATIONS
28 a. From the moneys appropriated in this section, the
29 department may provide financial assistance in the form of a
30 grant to a community economic development entity for conducting
31 a local workforce recruitment effort designed to recruit former
32 citizens of the state and former students at colleges and
33 universities in the state to meet the needs of local employers.
34 b. From the moneys appropriated in this section, the
35 department may provide financial assistance to early stage

1 industry companies being established by women entrepreneurs.
2 c. From the moneys appropriated in this section, the
3 department may provide financial assistance in the form of
4 grants, loans, or forgivable loans for advanced research and
5 commercialization projects involving value-added agriculture,
6 advanced technology, or biotechnology.
7 d. The department shall not use any moneys appropriated in
8 this section for purposes of providing financial assistance for
9 the Iowa green streets pilot project or for any other program
10 or project that involves the installation of geothermal systems
11 for melting snow and ice from streets or sidewalks.
12 6. WORLD FOOD PRIZE AWARD
13 For allocating moneys for the world food prize and
14 notwithstanding the standing appropriation in section 15.368,
15 subsection 1:
16 ..... $ 500,000
17 Notwithstanding section 8.33, moneys appropriated in this
18 subsection that remain unencumbered or unobligated at the close
19 of the fiscal year shall not revert but shall remain available
20 for expenditure for the purposes designated until the close of
21 the succeeding fiscal year.
22 7. IOWA COMMISSION ON VOLUNTEER SERVICE
23 For allocation to the Iowa commission on volunteer service
24 for the Iowa's promise and mentoring partnership programs and
25 for transfer to the Iowa state commission grant program:
26 ..... $ 100,000
27 Sec. 136. VISION IOWA PROGRAM —— FTE AUTHORIZATION. For
28 purposes of administrative duties associated with the vision
29 Iowa program, the department of economic development is
30 authorized an additional 2.25 FTEs above those otherwise
31 authorized in this Act.
32 Sec. 137. INSURANCE ECONOMIC DEVELOPMENT. From the moneys
33 collected by the division of insurance in excess of the
34 anticipated gross revenues under section 505.7, subsection 3,
35 during the fiscal year beginning July 1, 2011, $100,000 shall

1 be transferred to the department of economic development for
2 insurance economic development and international insurance
3 economic development.
4 Sec. 138. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding
5 section 15E.120, subsection 5, there is appropriated from the
6 Iowa community development loan fund all moneys available
7 during the fiscal year beginning July 1, 2011, and ending
8 June 30, 2012, to the department of economic development for
9 purposes of the community development program.
10 Sec. 139. WORKFORCE DEVELOPMENT FUND. There is
11 appropriated from the workforce development fund account
12 created in section 15.342A to the workforce development fund
13 created in section 15.343 for the fiscal year beginning July
14 1, 2011, and ending June 30, 2012, the following amount, for
15 purposes of the workforce development fund, and for not more
16 than the following full-time equivalent positions:
17 ..... $ 4,000,000
18 ..... FTEs 4.00
19 Sec. 140. WORKFORCE DEVELOPMENT ADMINISTRATION. From
20 moneys appropriated or transferred to or receipts credited to
21 the workforce development fund created in section 15.343, up to
22 $400,000 for the fiscal year beginning July 1, 2011, and ending
23 June 30, 2012, are appropriated to the department of economic
24 development for the administration of workforce development
25 activities including salaries, support, maintenance, and
26 miscellaneous purposes, and for not more than the following
27 full-time equivalent positions:
28 ..... FTEs 4.00
29 Sec. 141. JOB TRAINING FUND. Notwithstanding section
30 15.251, all moneys in the job training fund on July 1, 2011,
31 and any moneys appropriated or credited to the fund during the
32 fiscal year beginning July 1, 2011, shall be transferred to
33 the workforce development fund established pursuant to section
34 15.343.
35 Sec. 142. GREEN INITIATIVES EXPENDITURE REPORT. By January

1 1, 2012, the department of economic development shall compile a
2 report on all expenditures made during the previous fiscal year
3 for purposes of green initiatives, sustainability programs,
4 and all such similar efforts. The report shall identify such
5 expenditures with a level of specificity sufficient to allow
6 the general assembly to evaluate and assess the propriety of
7 such expenditures under the spending authority given to the
8 department for such purposes.
9 Sec. 143. IOWA STATE UNIVERSITY.
10 1. There is appropriated from the general fund of the state
11 to Iowa state university of science and technology for the
12 fiscal year beginning July 1, 2011, and ending June 30, 2012,
13 the following amount, or so much thereof as is necessary, to
14 be used for small business development centers, the science
15 and technology research park, and the institute for physical
16 research and technology, and for not more than the following
17 full-time equivalent positions:
18 ..... $ 2,424,302
19 ..... FTEs 56.63
20 2. Of the moneys appropriated in subsection 1, Iowa state
21 university of science and technology shall allocate at least
22 $936,345 for purposes of funding small business development
23 centers.
24 3. Iowa state university of science and technology shall do
25 all of the following:
26 a. Direct expenditures for research toward projects that
27 will provide economic stimulus for Iowa.
28 b. Provide emphasis to providing services to Iowa-based
29 companies.
30 4. a. It is the intent of the general assembly that
31 the industrial incentive program focus on Iowa industrial
32 sectors and seek contributions and in-kind donations from
33 businesses, industrial foundations, and trade associations,
34 and that moneys for the institute for physical research and
35 technology industrial incentive program shall be allocated

1 only for projects which are matched by private sector moneys
2 for directed contract research or for nondirected research.
3 The match required of small businesses as defined in section
4 15.102, subsection 6, for directed contract research or for
5 nondirected research shall be $1 for each $3 of state funds.
6 The match required for other businesses for directed contract
7 research or for nondirected research shall be $1 for each $1 of
8 state funds. The match required of industrial foundations or
9 trade associations shall be $1 for each $1 of state funds.
10 b. Iowa state university of science and technology shall
11 report annually to the joint appropriations subcommittee on
12 economic development and the legislative services agency the
13 total amount of private contributions, the proportion of
14 contributions from small businesses and other businesses, and
15 the proportion for directed contract research and nondirected
16 research of benefit to Iowa businesses and industrial sectors.
17 5. Notwithstanding section 8.33, moneys appropriated in
18 this section that remain unencumbered or unobligated at the
19 close of the fiscal year shall not revert but shall remain
20 available for expenditure for the purposes designated until the
21 close of the succeeding fiscal year.
22 Sec. 144. UNIVERSITY OF IOWA.
23 1. There is appropriated from the general fund of the state
24 to the state university of Iowa for the fiscal year beginning
25 July 1, 2011, and ending June 30, 2012, the following amount,
26 or so much thereof as is necessary, to be used for the state
27 university of Iowa research park and for the advanced drug
28 development program at the Oakdale research park, including
29 salaries, support, maintenance, equipment, miscellaneous
30 purposes, and for not more than the following full-time
31 equivalent positions:
32 ..... $ 209,279
33 ..... FTEs 6.00
34 2. The state university of Iowa shall do all of the
35 following:

1 a. Direct expenditures for research toward projects that
2 will provide economic stimulus for Iowa.
3 b. Provide emphasis to providing services to Iowa-based
4 companies.
5 3. Notwithstanding section 8.33, moneys appropriated in
6 this section that remain unencumbered or unobligated at the
7 close of the fiscal year shall not revert but shall remain
8 available for expenditure for the purposes designated until the
9 close of the succeeding fiscal year.
10 Sec. 145. UNIVERSITY OF NORTHERN IOWA.
11 1. There is appropriated from the general fund of the
12 state to the university of northern Iowa for the fiscal year
13 beginning July 1, 2011, and ending June 30, 2012, the following
14 amount, or so much thereof as is necessary, to be used for the
15 metal casting institute, the MyEntreNet internet application,
16 and the institute for decision making, including salaries,
17 support, maintenance, miscellaneous purposes, and for not more
18 than the following full-time equivalent positions:
19 ..... $ 574,716
20 ..... FTEs 6.75
21 Of the moneys appropriated in this subsection, the
22 university of northern Iowa shall allocate not more than
23 $117,639 for purposes of expanded support for entrepreneurs
24 through the university's regional business center.
25 2. The university of northern Iowa shall do all of the
26 following:
27 a. Direct expenditures for research toward projects that
28 will provide economic stimulus for Iowa.
29 b. Provide emphasis to providing services to Iowa-based
30 companies.
31 3. Notwithstanding section 8.33, moneys appropriated in
32 this section that remain unencumbered or unobligated at the
33 close of the fiscal year shall not revert but shall remain
34 available for expenditure for the purposes designated until the
35 close of the succeeding fiscal year.

1 Sec. 146. BOARD OF REGENTS REPORT. By January 15, 2012, the
2 state board of regents shall submit a report on the progress
3 of regents institutions in meeting the strategic plan for
4 technology transfer and economic development to the secretary
5 of the senate, the chief clerk of the house of representatives,
6 and the legislative services agency.
7 Sec. 147. DEPARTMENT OF WORKFORCE DEVELOPMENT. There
8 is appropriated from the general fund of the state to the
9 department of workforce development for the fiscal year
10 beginning July 1, 2011, and ending June 30, 2012, the following
11 amounts, or so much thereof as is necessary, for the purposes
12 designated:
13 1. DIVISION OF LABOR SERVICES
14 a. For the division of labor services, including salaries,
15 support, maintenance, miscellaneous purposes, and for not more
16 than the following full-time equivalent positions:
17 ..... $ 3,495,440
18 ..... FTEs 62.75
19 b. From the contractor registration fees, the division of
20 labor services shall reimburse the department of inspections
21 and appeals for all costs associated with hearings under
22 chapter 91C, relating to contractor registration.
23 2. DIVISION OF WORKERS' COMPENSATION
24 a. For the division of workers' compensation, including
25 salaries, support, maintenance, miscellaneous purposes, and for
26 not more than the following full-time equivalent positions:
27 ..... $ 2,267,788
28 ..... FTEs 29.00
29 b. The division of workers' compensation shall charge a
30 $100 filing fee for workers' compensation cases. The filing
31 fee shall be paid by the petitioner of a claim. However, the
32 fee can be taxed as a cost and paid by the losing party, except
33 in cases where it would impose an undue hardship or be unjust
34 under the circumstances. The moneys generated by the filing
35 fee allowed under this subsection are appropriated to the

1 department of workforce development to be used for purposes of
2 administering the division of workers' compensation.
3 3. WORKFORCE DEVELOPMENT OPERATIONS
4 a. For the operation of field offices, the workforce
5 development board, and for not more than the following
6 full-time equivalent positions:
7 ..... $ 9,707,042
8 ..... FTEs 130.00
9 b. The department shall not reduce the number of field
10 offices being operated as of January 1, 2009.
11 4. OFFENDER REENTRY PROGRAM
12 a. For the development and administration of an offender
13 reentry program to provide offenders with employment skills,
14 and for not more than the following full-time equivalent
15 positions:
16 ..... $ 284,464
17 ..... FTEs 3.00
18 b. The department shall partner with the department of
19 corrections to provide staff within the correctional facilities
20 to improve offenders' abilities to find and retain productive
21 employment.
22 5. Notwithstanding section 8.33, moneys appropriated in
23 this section that remain unencumbered or unobligated at the
24 close of the fiscal year shall not revert but shall remain
25 available for expenditure for the purposes designated until the
26 close of the succeeding fiscal year.
27 Sec. 148. ACCOUNTABILITY —— AUDIT. The auditor of
28 state shall annually conduct an audit of the department of
29 workforce development and shall report the findings of such
30 annual audit, including the accountability of programs of the
31 department, to the chairpersons and ranking members of the
32 joint appropriations subcommittee on economic development. The
33 department shall pay for the costs associated with the audit.
34 Sec. 149. EMPLOYMENT SECURITY CONTINGENCY FUND —— DIVISION
35 OF WORKERS' COMPENSATION.

1 1. There is appropriated from the special employment
2 security contingency fund to the department of workforce
3 development for the fiscal year beginning July 1, 2011, and
4 ending June 30, 2012, the following amount, or so much thereof
5 as is necessary, for the division of workers' compensation,
6 salaries, support, maintenance, and miscellaneous purposes:
7 ..... $ 471,000
8 2. Any remaining additional penalty and interest revenue
9 is appropriated to the department of workforce development to
10 accomplish the mission of the department.
11 Sec. 150. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND
12 — FIELD OFFICES. There is appropriated from the special
13 employment security contingency fund to the department of
14 workforce development for the fiscal year beginning July 1,
15 2011, and ending June 30, 2012, the following amount, or so
16 much thereof as is necessary, to be used for field offices:
17 ..... $ 662,427
18 Sec. 151. UNEMPLOYMENT COMPENSATION RESERVE FUND —
19 FIELD OFFICES. Notwithstanding section 96.9, subsection 8,
20 paragraph "e", there is appropriated from interest earned on
21 the unemployment compensation reserve fund to the department
22 of workforce development for the fiscal year beginning July 1,
23 2011, and ending June 30, 2012, the following amount or so much
24 thereof as is necessary, for the operation of field offices:
25 ..... $ 4,238,260
26 Sec. 152. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
27 PROGRAM. There is appropriated from the general fund of the
28 state to the department of workforce development for the
29 fiscal year beginning July 1, 2011, and ending June 30, 2012,
30 the following amount, or so much thereof as is necessary,
31 to be used for enhancing efforts to investigate employers
32 that misclassify workers and for not more than the following
33 full-time equivalent positions:
34 ..... $ 451,458
35 ..... FTEs 8.10

1 Sec. 153. APPROPRIATIONS RESTRICTED. The department
2 of workforce development shall not use any of the moneys
3 appropriated pursuant to this Act for purposes of the national
4 career readiness certificate program.
5 Sec. 154. IOWA FINANCE AUTHORITY.
6 1. There is appropriated from the general fund of the state
7 to the Iowa finance authority for the fiscal year beginning
8 July 1, 2011, and ending June 30, 2012, the following amount,
9 or so much thereof as is necessary, to be used to provide
10 reimbursement for rent expenses to eligible persons under the
11 rent subsidy program:
12 ..... $ 658,000
13 2. Participation in the rent subsidy program shall be
14 limited to only those persons who meet the requirements for the
15 nursing facility level of care for home and community-based
16 services waiver services as in effect on July 1, 2011, and
17 to those individuals who are eligible for the federal money
18 follows the person grant program under the medical assistance
19 program. Of the moneys appropriated in this section, not more
20 than $35,000 may be used for administrative costs.
21 Sec. 155. PUBLIC EMPLOYMENT RELATIONS BOARD.
22 1. There is appropriated from the general fund of the state
23 to the public employment relations board for the fiscal year
24 beginning July 1, 2011, and ending June 30, 2012, the following
25 amount, or so much thereof as is necessary, for salaries,
26 support, maintenance, miscellaneous purposes, and for not more
27 than the following full-time equivalent positions:
28 ..... $ 1,057,871
29 ..... FTEs 9.00
30 2. Of the moneys appropriated in this section, the board
31 shall allocate $15,000 for maintaining a website that allows
32 searchable access to a database of collective bargaining
33 information.
34 Sec. 156. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
35 section 96.9, subsection 4, paragraph "a", moneys credited to

1 the state by the secretary of the treasury of the United
2 States pursuant to section 903 of the Social Security
3 Act are appropriated to the department of workforce
4 development and shall be used by the department for the
5 administration of the unemployment compensation program only.
6 This appropriation shall not apply to any fiscal year
7 beginning after December 31, 2011.
8 DIVISION XVIII
9 ECONOMIC DEVELOPMENT
10 FY 2012-2013
11 Sec. 157. DEPARTMENT OF CULTURAL AFFAIRS. There is
12 appropriated from the general fund of the state to the
13 department of cultural affairs for the fiscal year beginning
14 July 1, 2012, and ending June 30, 2013, the following amounts,
15 or so much thereof as is necessary, to be used for the purposes
16 designated:
17 1. ADMINISTRATION
18 a. For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-time
20 equivalent positions for the department:
21 ..... $ 146,041
22 ..... FTEs 69.87
23 b. The department of cultural affairs shall coordinate
24 activities with the tourism office of the department of
25 economic development to promote attendance at the state
26 historical building and at this state's historic sites.
27 c. Full-time equivalent positions authorized under this
28 subsection shall be funded, in full or in part, using moneys
29 appropriated under this subsection and subsections 2, 3, 4, 5,
30 6, and 8.
31 2. HISTORICAL DIVISION
32 For the support of the historical division:
33 ..... $ 2,352,546
34 3. HISTORIC SITES
35 For the administration and support of historic sites:

1 ..... $ 362,438
2 4. ARTS DIVISION
3 For the support of the arts division:
4 ..... $ 793,699
5 5. GREAT PLACES
6 For the great places program:
7 ..... $ 127,500
8 6. ARCHIVE IOWA GOVERNORS´ RECORDS
9 For archiving the records of Iowa governors:
10 ..... $ 4,250
11 7. RECORDS CENTER RENT
12 For payment of rent for the state records center:
13 ..... $ 193,157
14 8. BATTLE FLAGS
15 For continuation of the project recommended by the Iowa
16 battle flag advisory committee to stabilize the condition of
17 the battle flag collection:
18 ..... $ 100,000
19 Sec. 158. GOALS AND ACCOUNTABILITY —— ECONOMIC DEVELOPMENT.
20 1. For the fiscal year beginning July 1, 2012, the goals for
21 the department of economic development shall be to expand and
22 stimulate the state economy, increase the wealth of Iowans, and
23 increase the population of the state.
24 2. To achieve the goals in subsection 1, the department
25 of economic development shall do all of the following for the
26 fiscal year beginning July 1, 2012:
27 a. Concentrate its efforts on programs and activities that
28 result in commercially viable products and services.
29 b. Adopt practices and services consistent with free
30 market, private sector philosophies.
31 c. Ensure economic growth and development throughout the
32 state.
33 d. Work with businesses and communities to continually
34 improve the economic development climate along with the
35 economic well-being and quality of life for Iowans.

1 e. Coordinate with other state agencies to ensure that they
2 are attentive to the needs of an entrepreneurial culture.
3 f. Establish a strong and aggressive marketing image to
4 showcase Iowa's workforce, existing industry, and potential.
5 A priority shall be placed on recruiting new businesses,
6 business expansion, and retaining existing Iowa businesses.
7 Emphasis shall be placed on entrepreneurial development through
8 helping entrepreneurs secure capital, and developing networks
9 and a business climate conducive to entrepreneurs and small
10 businesses.
11 g. Encourage the development of communities and quality of
12 life to foster economic growth.
13 h. Prepare communities for future growth and development
14 through development, expansion, and modernization of
15 infrastructure.
16 i. Develop public-private partnerships with Iowa businesses
17 in the tourism industry, Iowa tour groups, Iowa tourism
18 organizations, and political subdivisions in this state to
19 assist in the development of advertising efforts.
20 j. Develop, to the fullest extent possible, cooperative
21 efforts for advertising with contributions from other sources.
22 Sec. 159. DEPARTMENT OF ECONOMIC DEVELOPMENT.
23 1. APPROPRIATION
24 There is appropriated from the general fund of the state
25 to the department of economic development for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the following
27 amounts, or so much thereof as is necessary, to be used for the
28 purposes designated in subsection 2, and for not more than the
29 following full-time equivalent positions:
30 ..... $ 8,438,849
31 ..... FTEs 149.00
32 2. DESIGNATED PURPOSES
33 a. For salaries, support, miscellaneous purposes, programs,
34 and the maintenance of an administration division, a business
35 development division, and a community development division.

b. The full-time equivalent positions authorized under this section shall be funded, in whole or in part, by the moneys appropriated under subsection 1 or by other moneys received by the department, including certain federal moneys.

c. For transfer to the Iowa state commission grant program.

d. For business development operations and programs, the film office, international trade, export assistance, workforce recruitment, and the partner state program.

e. For transfer to the strategic investment fund.

f. For community economic development programs, tourism operations, community assistance, plans for Iowa green corps and summer youth programs, the mainstreet and rural mainstreet programs, the school-to-career program, the community development block grant, and housing and shelter-related programs.

g. For achieving the goals and accountability, fulfilling the requirements, and doing all other things required under this Act.

3. NONREVERSION

Notwithstanding section 8.33, moneys appropriated in subsection 1 that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in subsection 2 until the close of the succeeding fiscal year.

4. FINANCIAL ASSISTANCE RESTRICTIONS

a. A business creating jobs with economic development assistance through moneys appropriated in this section shall be subject to contract provisions stating that new and retained jobs shall be filled by individuals who are citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

b. Any vendor who receives such public moneys shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by

1 citizens of the United States who reside within the United
2 States or any person authorized to work in the United States
3 pursuant to federal law, including legal resident aliens in the
4 United States.
5 c. A business that receives financial assistance from
6 the department from moneys appropriated in this Act shall
7 only employ individuals legally authorized to work in this
8 state. In addition to all other applicable penalties provided
9 by current law, all or a portion of the assistance received
10 by a business which is found to knowingly employ individuals
11 not legally authorized to work in this state is subject to
12 recapture by the department.
13 5. USES OF APPROPRIATIONS
14 a. From the moneys appropriated in this section, the
15 department may provide financial assistance in the form of a
16 grant to a community economic development entity for conducting
17 a local workforce recruitment effort designed to recruit former
18 citizens of the state and former students at colleges and
19 universities in the state to meet the needs of local employers.
20 b. From the moneys appropriated in this section, the
21 department may provide financial assistance to early stage
22 industry companies being established by women entrepreneurs.
23 c. From the moneys appropriated in this section, the
24 department may provide financial assistance in the form of
25 grants, loans, or forgivable loans for advanced research and
26 commercialization projects involving value-added agriculture,
27 advanced technology, or biotechnology.
28 d. The department shall not use any moneys appropriated in
29 this section for purposes of providing financial assistance for
30 the Iowa green streets pilot project or for any other program
31 or project that involves the installation of geothermal systems
32 for melting snow and ice from streets or sidewalks.
33 6. WORLD FOOD PRIZE
34 For allocating moneys for the world food prize and
35 notwithstanding the standing appropriation in section 15.368,

1 subsection 1:
2 ..... $ 425,000
3 Notwithstanding section 8.33, moneys appropriated in this
4 subsection that remain unencumbered or unobligated at the close
5 of the fiscal year shall not revert but shall remain available
6 for expenditure for the purposes designated until the close of
7 the succeeding fiscal year.
8 7. IOWA COMMISSION ON VOLUNTEER SERVICE
9 For allocation to the Iowa commission on volunteer service
10 for the Iowa's promise and mentoring partnership programs and
11 for transfer to the Iowa state commission grant program:
12 ..... $ 85,000
13 Sec. 160. VISION IOWA PROGRAM — FTE AUTHORIZATION. For
14 purposes of administrative duties associated with the vision
15 Iowa program, the department of economic development is
16 authorized an additional 2.25 FTEs above those otherwise
17 authorized in this Act.
18 Sec. 161. INSURANCE ECONOMIC DEVELOPMENT. From the moneys
19 collected by the division of insurance in excess of the
20 anticipated gross revenues under section 505.7, subsection 3,
21 during the fiscal year beginning July 1, 2012, $100,000 shall
22 be transferred to the department of economic development for
23 insurance economic development and international insurance
24 economic development.
25 Sec. 162. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding
26 section 15E.120, subsection 5, there is appropriated from the
27 Iowa community development loan fund all moneys available
28 during the fiscal year beginning July 1, 2012, and ending
29 June 30, 2013, to the department of economic development for
30 purposes of the community development program.
31 Sec. 163. WORKFORCE DEVELOPMENT FUND. There is
32 appropriated from the workforce development fund account
33 created in section 15.342A to the workforce development fund
34 created in section 15.343 for the fiscal year beginning July
35 1, 2012, and ending June 30, 2013, the following amount, for

1 purposes of the workforce development fund, and for not more
2 than the following full-time equivalent positions:
3 ..... $ 3,400,000
4 ..... FTEs 4.00
5 Sec. 164. WORKFORCE DEVELOPMENT ADMINISTRATION. From
6 moneys appropriated or transferred to or receipts credited to
7 the workforce development fund created in section 15.343, up to
8 $400,000 for the fiscal year beginning July 1, 2012, and ending
9 June 30, 2013, are appropriated to the department of economic
10 development for the administration of workforce development
11 activities including salaries, support, maintenance, and
12 miscellaneous purposes, and for not more than the following
13 full-time equivalent positions:
14 ..... FTEs 4.00
15 Sec. 165. JOB TRAINING FUND. Notwithstanding section
16 15.251, all moneys in the job training fund on July 1, 2012,
17 and any moneys appropriated or credited to the fund during the
18 fiscal year beginning July 1, 2012, shall be transferred to
19 the workforce development fund established pursuant to section
20 15.343.
21 Sec. 166. IOWA STATE UNIVERSITY.
22 1. There is appropriated from the general fund of the state
23 to Iowa state university of science and technology for the
24 fiscal year beginning July 1, 2012, and ending June 30, 2013,
25 the following amount, or so much thereof as is necessary, to
26 be used for small business development centers, the science
27 and technology research park, and the institute for physical
28 research and technology, and for not more than the following
29 full-time equivalent positions:
30 ..... $ 2,060,657
31 ..... FTEs 56.63
32 2. Of the moneys appropriated in subsection 1, Iowa state
33 university of science and technology shall allocate at least
34 $795,893 for purposes of funding small business development
35 centers.

1 3. Iowa state university of science and technology shall do
2 all of the following:
3 a. Direct expenditures for research toward projects that
4 will provide economic stimulus for Iowa.
5 b. Provide emphasis to providing services to Iowa-based
6 companies.
7 4. a. It is the intent of the general assembly that
8 the industrial incentive program focus on Iowa industrial
9 sectors and seek contributions and in-kind donations from
10 businesses, industrial foundations, and trade associations,
11 and that moneys for the institute for physical research and
12 technology industrial incentive program shall be allocated
13 only for projects which are matched by private sector moneys
14 for directed contract research or for nondirected research.
15 The match required of small businesses as defined in section
16 15.102, subsection 6, for directed contract research or for
17 nondirected research shall be $1 for each $3 of state funds.
18 The match required for other businesses for directed contract
19 research or for nondirected research shall be $1 for each $1 of
20 state funds. The match required of industrial foundations or
21 trade associations shall be $1 for each $1 of state funds.
22 b. Iowa state university of science and technology shall
23 report annually to the joint appropriations subcommittee on
24 economic development and the legislative services agency the
25 total amount of private contributions, the proportion of
26 contributions from small businesses and other businesses, and
27 the proportion for directed contract research and nondirected
28 research of benefit to Iowa businesses and industrial sectors.
29 5. Notwithstanding section 8.33, moneys appropriated in
30 this section that remain unencumbered or unobligated at the
31 close of the fiscal year shall not revert but shall remain
32 available for expenditure for the purposes designated until the
33 close of the succeeding fiscal year.
34 Sec. 167. UNIVERSITY OF IOWA.
35 1. There is appropriated from the general fund of the state

1 to the state university of Iowa for the fiscal year beginning
2 July 1, 2012, and ending June 30, 2013, the following amount,
3 or so much thereof as is necessary, to be used for the state
4 university of Iowa research park and for the advanced drug
5 development program at the Oakdale research park, including
6 salaries, support, maintenance, equipment, miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:
9 ..... $ 177,887
10 ..... FTEs 6.00
11 2. The state university of Iowa shall do all of the
12 following:
13 a. Direct expenditures for research toward projects that
14 will provide economic stimulus for Iowa.
15 b. Provide emphasis to providing services to Iowa-based
16 companies.
17 3. Notwithstanding section 8.33, moneys appropriated in
18 this section that remain unencumbered or unobligated at the
19 close of the fiscal year shall not revert but shall remain
20 available for expenditure for the purposes designated until the
21 close of the succeeding fiscal year.
22 Sec. 168. UNIVERSITY OF NORTHERN IOWA.
23 1. There is appropriated from the general fund of the
24 state to the university of northern Iowa for the fiscal year
25 beginning July 1, 2012, and ending June 30, 2013, the following
26 amount, or so much thereof as is necessary, to be used for the
27 metal casting institute, the MyEntreNet internet application,
28 and the institute for decision making, including salaries,
29 support, maintenance, miscellaneous purposes, and for not more
30 than the following full-time equivalent positions:
31 ..... $ 488,509
32 ..... FTEs 6.75
33 Of the moneys appropriated in this subsection, the
34 university of northern Iowa shall allocate not more than
35 $99,993 for purposes of expanded support for entrepreneurs

1 through the university's regional business center.
2 2. The university of northern Iowa shall do all of the
3 following:
4 a. Direct expenditures for research toward projects that
5 will provide economic stimulus for Iowa.
6 b. Provide emphasis to providing services to Iowa-based
7 companies.
8 3. Notwithstanding section 8.33, moneys appropriated in
9 this section that remain unencumbered or unobligated at the
10 close of the fiscal year shall not revert but shall remain
11 available for expenditure for the purposes designated until the
12 close of the succeeding fiscal year.
13 Sec. 169. BOARD OF REGENTS REPORT. By January 15, 2013, the
14 state board of regents shall submit a report on the progress
15 of regents institutions in meeting the strategic plan for
16 technology transfer and economic development to the secretary
17 of the senate, the chief clerk of the house of representatives,
18 and the legislative services agency.
19 Sec. 170. DEPARTMENT OF WORKFORCE DEVELOPMENT. There
20 is appropriated from the general fund of the state to the
21 department of workforce development for the fiscal year
22 beginning July 1, 2012, and ending June 30, 2013, the following
23 amounts, or so much thereof as is necessary, for the purposes
24 designated:
25 1. DIVISION OF LABOR SERVICES
26 a. For the division of labor services, including salaries,
27 support, maintenance, miscellaneous purposes, and for not more
28 than the following full-time equivalent positions:
29 ..... $ 2,971,124
30 ..... FTEs 62.75
31 b. From the contractor registration fees, the division of
32 labor services shall reimburse the department of inspections
33 and appeals for all costs associated with hearings under
34 chapter 91C, relating to contractor registration.
35 2. DIVISION OF WORKERS' COMPENSATION

a. For the division of workers' compensation, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,927,620

..... FTEs 29.00

b. The division of workers' compensation shall charge a $100 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the department of workforce development to be used for purposes of administering the division of workers' compensation.

3. WORKFORCE DEVELOPMENT OPERATIONS

a. For the operation of field offices, the workforce development board, and for not more than the following full-time equivalent positions:

..... $ 8,250,986

..... FTEs 130.00

b. The department shall not reduce the number of field offices being operated as of January 1, 2009.

4. OFFENDER REENTRY PROGRAM

a. For the development and administration of an offender reentry program to provide offenders with employment skills, and for not more than the following full-time equivalent positions:

..... $ 241,794

..... FTEs 3.00

b. The department shall partner with the department of corrections to provide staff within the correctional facilities to improve offenders' abilities to find and retain productive employment.

5. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the

1 close of the fiscal year shall not revert but shall remain
2 available for expenditure for the purposes designated until the
3 close of the succeeding fiscal year.
4 Sec. 171. ACCOUNTABILITY — AUDIT. The auditor of
5 state shall annually conduct an audit of the department of
6 workforce development and shall report the findings of such
7 annual audit, including the accountability of programs of the
8 department, to the chairpersons and ranking members of the
9 joint appropriations subcommittee on economic development. The
10 department shall pay for the costs associated with the audit.
11 Sec. 172. EMPLOYMENT SECURITY CONTINGENCY FUND — DIVISION
12 OF WORKERS' COMPENSATION.
13 1. There is appropriated from the special employment
14 security contingency fund to the department of workforce
15 development for the fiscal year beginning July 1, 2012, and
16 ending June 30, 2013, the following amount, or so much thereof
17 as is necessary, for the division of workers' compensation,
18 salaries, support, maintenance, and miscellaneous purposes:
19 ..... $ 400,350
20 2. Any remaining additional penalty and interest revenue
21 is appropriated to the department of workforce development to
22 accomplish the mission of the department.
23 Sec. 173. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND
24 — FIELD OFFICES. There is appropriated from the special
25 employment security contingency fund to the department of
26 workforce development for the fiscal year beginning July 1,
27 2012, and ending June 30, 2013, the following amount, or so
28 much thereof as is necessary, to be used for field offices:
29 ..... $ 563,063
30 Sec. 174. UNEMPLOYMENT COMPENSATION RESERVE FUND —
31 FIELD OFFICES. Notwithstanding section 96.9, subsection 8,
32 paragraph "e", there is appropriated from interest earned on
33 the unemployment compensation reserve fund to the department
34 of workforce development for the fiscal year beginning July 1,
35 2012, and ending June 30, 2013, the following amount or so much

1 thereof as is necessary, for the operation of field offices:
2 ..... $ 1,020,000
3 Sec. 175. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
4 PROGRAM. There is appropriated from the general fund of the
5 state to the department of workforce development for the
6 fiscal year beginning July 1, 2012, and ending June 30, 2013,
7 the following amount, or so much thereof as is necessary,
8 to be used for enhancing efforts to investigate employers
9 that misclassify workers and for not more than the following
10 full-time equivalent positions:
11 ..... $ 383,739
12 ..... FTEs 8.10
13 Sec. 176. APPROPRIATIONS RESTRICTED. The department
14 of workforce development shall not use any of the moneys
15 appropriated pursuant to this Act for purposes of the national
16 career readiness certificate program.
17 Sec. 177. IOWA FINANCE AUTHORITY.
18 1. There is appropriated from the general fund of the state
19 to the Iowa finance authority for the fiscal year beginning
20 July 1, 2012, and ending June 30, 2013, the following amount,
21 or so much thereof as is necessary, to be used to provide
22 reimbursement for rent expenses to eligible persons under the
23 rent subsidy program:
24 ..... $ 559,300
25 2. Participation in the rent subsidy program shall be
26 limited to only those persons who meet the requirements for the
27 nursing facility level of care for home and community-based
28 services waiver services as in effect on July 1, 2012, and
29 to those individuals who are eligible for the federal money
30 follows the person grant program under the medical assistance
31 program. Of the moneys appropriated in this section, not more
32 than $35,000 may be used for administrative costs.
33 Sec. 178. PUBLIC EMPLOYMENT RELATIONS BOARD.
34 1. There is appropriated from the general fund of the state
35 to the public employment relations board for the fiscal year

1 beginning July 1, 2012, and ending June 30, 2013, the following
2 amount, or so much thereof as is necessary, for salaries,
3 support, maintenance, miscellaneous purposes, and for not more
4 than the following full-time equivalent positions:
5 ..... $ 899,190
6 ..... FTEs 9.00
7 2. Of the moneys appropriated in this section, the board
8 shall allocate $15,000 for maintaining a website that allows
9 searchable access to a database of collective bargaining
10 information.
11 Sec. 179. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
12 section 96.9, subsection 4, paragraph "a", moneys credited to
13 the state by the secretary of the treasury of the United
14 States pursuant to section 903 of the Social Security
15 Act are appropriated to the department of workforce
16 development and shall be used by the department for the
17 administration of the unemployment compensation program only.
18 This appropriation shall not apply to any fiscal year
19 beginning after December 31, 2012.
20 DIVISION XIX
21 ECONOMIC DEVELOPMENT
22 AGENCY APPEARANCES BEFORE APPROPRIATIONS SUBCOMMITTEE
23 Sec. 180. AGENCY APPEARANCES BEFORE APPROPRIATIONS
24 SUBCOMMITTEE. The directors, or the directors' designees,
25 of the Iowa finance authority and the department of economic
26 development, and any successor entities, shall annually appear
27 before the members of the joint subcommittee on economic
28 development appropriations and present a proposed budget. The
29 proposed budget shall include a detailed accounting of all
30 moneys received, from any source, and all moneys expended,
31 for any purpose, during the current fiscal year and the prior
32 fiscal year. The proposed budget shall also include a detailed
33 expenditure plan for such moneys during the next fiscal year.
34 DIVISION XX
35 EDUCATION

FY 2011-2012

DEPARTMENT FOR THE BLIND

Sec. 181. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,706,053

..... FTEs 88.00

COLLEGE STUDENT AID COMMISSION

Sec. 182. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 234,903

..... FTEs 3.95

2. STUDENT AID PROGRAMS

For payments to students for the Iowa grant program established in section 261.93:

..... $ 848,761

3. DES MOINES UNIVERSITY —— HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For forgivable loans to Iowa students attending Des Moines university —— osteopathic medical center under the forgivable loan program pursuant to section 261.19:

..... $ 349,699

4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

1 For purposes of providing national guard educational
2 assistance under the program established in section 261.86:
3 ..... $ 4,186,233
4 5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM
5 For the teacher shortage loan forgiveness program
6 established in section 261.112:
7 ..... $ 250,000
8 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM
9 For purposes of the all Iowa opportunity foster care grant
10 program established pursuant to section 261.6:
11 ..... $ 594,383
12 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM
13 a. For purposes of the all Iowa opportunity scholarship
14 program established pursuant to section 261.87:
15 ..... $ 2,403,949
16 b. If the moneys appropriated by the general assembly to the
17 college student aid commission for fiscal year 2011-2012 for
18 purposes of the all Iowa opportunity scholarship program exceed
19 $500,000, "eligible institution" as defined in section 261.87,
20 shall, during fiscal year 2011-2012, include accredited private
21 institutions as defined in section 261.9, subsection 1.
22 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS
23 PROGRAM
24 a. For purposes of the registered nurse and nurse educator
25 loan forgiveness program established pursuant to section
26 261.23:
27 ..... $ 86,736
28 b. It is the intent of the general assembly that the
29 commission continue to consider moneys allocated pursuant to
30 this subsection as moneys that meet the state matching funds
31 requirements of the federal leveraging educational assistance
32 program and the federal supplemental leveraging educational
33 assistance program established under the Higher Education Act
34 of 1965, as amended.
35 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT

1 PROGRAM
2 For purposes of the barber and cosmetology arts and sciences
3 tuition grant program established pursuant to section 261.18:
4 ..... $ 39,626
5 Sec. 183. CHIROPRACTIC LOAN FUNDS. Notwithstanding
6 section 261.72, the moneys deposited in the chiropractic loan
7 revolving fund created pursuant to section 261.72 may be used
8 for purposes of the chiropractic loan forgiveness program
9 established in section 261.73.
10 Sec. 184. WORK-STUDY APPROPRIATION FOR FY 2011-2012.
11 Notwithstanding section 261.85, for the fiscal year beginning
12 July 1, 2011, and ending June 30, 2012, the amount appropriated
13 from the general fund of the state to the college student aid
14 commission for the work-study program under section 261.85
15 shall be zero.
16 DEPARTMENT OF EDUCATION
17 Sec. 185. There is appropriated from the general fund of
18 the state to the department of education for the fiscal year
19 beginning July 1, 2011, and ending June 30, 2012, the following
20 amounts, or so much thereof as may be necessary, to be used for
21 the purposes designated:
22 1. GENERAL ADMINISTRATION
23 For salaries, support, maintenance, miscellaneous purposes,
24 and for not more than the following full-time equivalent
25 positions:
26 ..... $ 6,019,042
27 ..... FTEs 81.67
28 2. VOCATIONAL EDUCATION ADMINISTRATION
29 For salaries, support, maintenance, miscellaneous purposes,
30 and for not more than the following full-time equivalent
31 positions:
32 ..... $ 422,319
33 ..... FTEs 11.50
34 3. VOCATIONAL REHABILITATION SERVICES DIVISION
35 a. For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time
2 equivalent positions:
3 ..... $ 4,477,378
4 ..... FTEs 255.00
5 b. For matching funds for programs to enable persons
6 with severe physical or mental disabilities to function more
7 independently, including salaries and support, and for not more
8 than the following full-time equivalent position:
9 ..... $ 39,457
10 ..... FTEs 1.00
11 c. For the entrepreneurs with disabilities program
12 established pursuant to section 259.4, subsection 9:
13 ..... $ 146,760
14 d. For costs associated with centers for independent
15 living:
16 ..... $ 40,633
17 4. STATE LIBRARY
18 a. For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-time
20 equivalent positions:
21 ..... $ 1,219,799
22 ..... FTEs 17.00
23 b. For the enrich Iowa program established under section
24 256.57:
25 ..... $ 1,688,316
26 5. LIBRARY SERVICE AREA SYSTEM
27 For state aid:
28 ..... $ 934,917
29 6. PUBLIC BROADCASTING DIVISION
30 For salaries, support, maintenance, capital expenditures,
31 miscellaneous purposes, and for not more than the following
32 full-time equivalent positions:
33 ..... $ 7,710,017
34 ..... FTEs 82.00
35 7. REGIONAL TELECOMMUNICATIONS COUNCILS

1 For state aid:
2 ..... $ 1,001,269
3 The regional telecommunications councils established
4 in section 8D.5 shall use the moneys appropriated in this
5 subsection to provide technical assistance for network
6 classrooms, planning and troubleshooting for local area
7 networks, scheduling of video sites, and other related support
8 activities.
9 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
10 For reimbursement for vocational education expenditures made
11 by secondary schools:
12 ..... $ 2,435,234
13 Moneys appropriated in this subsection shall be used
14 to reimburse school districts for vocational education
15 expenditures made by secondary schools to meet the standards
16 set in sections 256.11, 258.4, and 260C.14.
17 9. SCHOOL FOOD SERVICE
18 For use as state matching funds for federal programs that
19 shall be disbursed according to federal regulations, including
20 salaries, support, maintenance, miscellaneous purposes, and for
21 not more than the following full-time equivalent positions:
22 ..... $ 1,993,795
23 ..... FTEs 20.58
24 10. EARLY CHILDHOOD IOWA FUND —— GENERAL AID
25 For deposit in the school ready children grants account of
26 the early childhood Iowa fund created in section 256I.11:
27 ..... $ 5,386,113
28 a. From the moneys deposited in the school ready children
29 grants account for the fiscal year beginning July 1, 2011, and
30 ending June 30, 2012, not more than $265,950 is allocated for
31 the early childhood Iowa office and other technical assistance
32 activities. The early childhood Iowa state board shall direct
33 staff to work with the early childhood stakeholders alliance
34 created in section 256I.12 to inventory technical assistance
35 needs. Moneys allocated under this lettered paragraph may be

1 used by the early childhood Iowa state board for the purpose of
2 skills development and support for ongoing training of staff.
3 However, except as otherwise provided in this subsection,
4 moneys shall not be used for additional staff or for the
5 reimbursement of staff.
6 b. As a condition of receiving moneys appropriated in
7 this subsection, each early childhood Iowa area board shall
8 report to the early childhood Iowa state board progress on
9 each of the local indicators approved by the area board. Each
10 early childhood Iowa area board must also submit an annual
11 budget for the area's comprehensive school ready children
12 grant developed for providing services for children from birth
13 through five years of age, and provide other information
14 specified by the early childhood Iowa state board, including
15 budget amendments as needed. The early childhood Iowa state
16 board shall establish a submission deadline for the annual
17 budget and any budget amendments that allow a reasonable period
18 of time for preparation by the early childhood Iowa area boards
19 and for review and approval or request for modification of
20 the materials by the early childhood Iowa state board. In
21 addition, each early childhood Iowa area board must continue to
22 comply with reporting provisions and other requirements adopted
23 by the early childhood Iowa state board in implementing section
24 256I.9.
25 c. Of the amount appropriated in this subsection for
26 deposit in the school ready children grants account of the
27 early childhood Iowa fund, $2,318,018 shall be used for efforts
28 to improve the quality of early care, health, and education
29 programs. Moneys allocated pursuant to this paragraph may be
30 used for additional staff and for the reimbursement of staff.
31 The early childhood Iowa state board may reserve a portion
32 of the allocation, not to exceed $88,650, for the technical
33 assistance expenses of the early childhood Iowa state office,
34 including the reimbursement of staff, and shall distribute
35 the remainder to early childhood Iowa areas for local quality

1 improvement efforts through a methodology identified by the
2 early childhood Iowa state board to make the most productive
3 use of the funding, which may include use of the distribution
4 formula, grants, or other means.
5 d. Of the amount appropriated in this subsection for
6 deposit in the school ready children grants account of
7 the early childhood Iowa fund, $825,030 shall be used for
8 support of professional development and training activities
9 for persons working in early care, health, and education by
10 the early childhood Iowa state board in collaboration with
11 the professional development component group of the early
12 childhood Iowa stakeholders alliance maintained pursuant to
13 section 256I.12, subsection 7, paragraph "b", and the early
14 childhood Iowa area boards. Expenditures shall be limited to
15 professional development and training activities agreed upon by
16 the parties participating in the collaboration.
17 11. EARLY CHILDHOOD IOWA FUND —— PRESCHOOL TUITION
18 ASSISTANCE
19 a. For deposit in the school ready children grants account
20 of the early childhood Iowa fund created in section 256I.11:
21 ..... $ 5,428,877
22 b. The amount appropriated in this subsection shall be
23 used for early care, health, and education programs to assist
24 low-income parents with tuition for preschool and other
25 supportive services for children ages three, four, and five
26 who are not attending kindergarten in order to increase the
27 basic family income eligibility requirement to not more than
28 200 percent of the federal poverty level. In addition, if
29 sufficient funding is available after addressing the needs of
30 those who meet the basic income eligibility requirement, an
31 early childhood Iowa area board may provide for eligibility
32 for those with a family income in excess of the basic income
33 eligibility requirement through use of a sliding scale or other
34 copayment provisions.
35 12. EARLY CHILDHOOD IOWA FUND —— FAMILY SUPPORT AND PARENT

1 EDUCATION
2 a. For deposit in the school ready children grants account
3 of the early childhood Iowa fund created in section 256I.11:
4 ..... $ 12,364,434
5 b. The amount appropriated in this subsection shall be
6 used for family support services and parent education programs
7 targeted to families expecting a child or with newborn and
8 infant children through age five and shall be distributed using
9 the distribution formula approved by the early childhood Iowa
10 state board and shall be used by an early childhood Iowa area
11 board only for family support services and parent education
12 programs targeted to families expecting a child or with newborn
13 and infant children through age five.
14 13. BIRTH TO AGE THREE SERVICES
15 For expansion of the federal Individuals with Disabilities
16 Education Improvement Act of 2004, Pub. L. No. 108-446, as
17 amended to January 1, 2011, birth through age three services
18 due to increased numbers of children qualifying for those
19 services:
20 ..... $ 1,618,116
21 From the moneys appropriated in this subsection, $383,769
22 shall be allocated to the child health specialty clinic at the
23 state university of Iowa to provide additional support for
24 infants and toddlers who are born prematurely, drug-exposed, or
25 medically fragile.
26 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
27 To provide moneys for costs of providing textbooks to each
28 resident pupil who attends a nonpublic school as authorized by
29 section 301.1:
30 ..... $ 600,987
31 Funding under this subsection is limited to $20 per pupil and
32 shall not exceed the comparable services offered to resident
33 public school pupils.
34 15. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION PROGRAM
35 For purposes of administering the beginning administrator

1 mentoring and induction program established pursuant to chapter
2 284A:
3 ..... $ 183,448
4 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
5 For purposes of the student achievement and teacher quality
6 program established pursuant to chapter 284, and for not more
7 than the following full-time equivalent positions:
8 ..... $ 4,498,878
9 ..... FTEs 2.00
10 17. JOBS FOR AMERICA´S GRADUATES
11 For school districts to provide direct services to the
12 most at-risk senior high school students enrolled in school
13 districts through direct intervention by a jobs for America´s
14 graduates specialist:
15 ..... $ 540,000
16 18. COMMUNITY COLLEGES
17 For general state financial aid to merged areas as defined in
18 section 260C.2 in accordance with chapters 258 and 260C:
19 ..... $154,412,677
20 Notwithstanding the allocation formula in section 260C.18C,
21 the funds appropriated in this subsection shall be allocated
22 as follows:
23 a. Merged Area I ..... $ 7,695,292
24 b. Merged Area II ..... $ 8,172,028
25 c. Merged Area III ..... $ 7,524,049
26 d. Merged Area IV ..... $ 3,695,569
27 e. Merged Area V ..... $ 8,487,222
28 f. Merged Area VI ..... $ 7,197,423
29 g. Merged Area VII ..... $ 10,743,219
30 h. Merged Area IX ..... $ 13,371,544
31 i. Merged Area X ..... $ 23,601,571
32 j. Merged Area XI ..... $ 23,840,304
33 k. Merged Area XII ..... $ 8,764,410
34 l. Merged Area XIII ..... $ 9,042,641
35 m. Merged Area XIV ..... $ 3,753,787

1 n. Merged Area XV..... $ 11,762,668
2 o. Merged Area XVI..... $ 6,760,950
3 Sec. 186. DEPARTMENT OF EDUCATION TRANSFERS. There is
4 transferred between the following designated appropriations
5 made to the department of education for the fiscal year
6 beginning July 1, 2010, and ending June 30, 2011, not more than
7 the following amounts:
8 From the appropriation made for purposes of the student
9 achievement and teacher quality program in 2010 Iowa Acts,
10 chapter 1183, section 6, subsection 18, as follows:
11 1. To the appropriation made for purposes of vocational
12 education administration in 2010 Iowa Acts, chapter 1183,
13 section 6, subsection 2:
14 ..... $ 110,521
15 2. To the appropriation made for purposes of vocational
16 education to secondary schools in 2010 Iowa Acts, chapter 1183,
17 section 6, subsection 8:
18 ..... $ 39,458
19 3. To the appropriation made for purposes of school food
20 service in 2010 Iowa Acts, chapter 1183, section 6, subsection
21 9:
22 ..... $ 55,739
23 STATE BOARD OF REGENTS
24 Sec. 187. There is appropriated from the general fund of
25 the state to the state board of regents for the fiscal year
26 beginning July 1, 2011, and ending June 30, 2012, the following
27 amounts, or so much thereof as may be necessary, to be used for
28 the purposes designated:
29 1. OFFICE OF STATE BOARD OF REGENTS
30 a. For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-time
32 equivalent positions:
33 ..... $ 1,023,664
34 ..... FTEs 15.00
35 The state board of regents shall submit a monthly financial

1 report in a format agreed upon by the state board of regents
2 office and the legislative services agency.
3 b. For moneys to be allocated to the southwest Iowa graduate
4 studies center:
5 ..... $ 85,320
6 c. For moneys to be allocated to the siouxland interstate
7 metropolitan planning council for the tristate graduate center
8 under section 262.9, subsection 22:
9 ..... $ 64,963
10 d. For moneys to be allocated to the quad-cities graduate
11 studies center:
12 ..... $ 126,585
13 e. For moneys to be distributed to Iowa public radio for
14 public radio operations:
15 ..... $ 381,939
16 2. STATE UNIVERSITY OF IOWA
17 a. General university, including lakeside laboratory
18 For salaries, support, maintenance, equipment, miscellaneous
19 purposes, and for not more than the following full-time
20 equivalent positions:
21 ..... $202,530,663
22 ..... FTEs 5,058.55
23 b. Oakdale campus
24 For salaries, support, maintenance, miscellaneous purposes,
25 and for not more than the following full-time equivalent
26 positions:
27 ..... $ 2,132,789
28 ..... FTEs 38.25
29 c. State hygienic laboratory
30 For salaries, support, maintenance, miscellaneous purposes,
31 and for not more than the following full-time equivalent
32 positions:
33 ..... $ 3,449,746
34 ..... FTEs 102.50
35 d. Family practice program

1 For allocation by the dean of the college of medicine, with
2 approval of the advisory board, to qualified participants
3 to carry out the provisions of chapter 148D for the family
4 practice program, including salaries and support, and for not
5 more than the following full-time equivalent positions:
6 ..... $ 1,744,290
7 ..... FTEs 190.40
8 e. Child health care services
9 For specialized child health care services, including
10 childhood cancer diagnostic and treatment network programs,
11 rural comprehensive care for hemophilia patients, and the
12 Iowa high-risk infant follow-up program, including salaries
13 and support, and for not more than the following full-time
14 equivalent positions:
15 ..... $ 643,239
16 ..... FTEs 57.97
17 f. Statewide cancer registry
18 For the statewide cancer registry, and for not more than the
19 following full-time equivalent positions:
20 ..... $ 145,386
21 ..... FTEs 2.10
22 g. Substance abuse consortium
23 For moneys to be allocated to the Iowa consortium for
24 substance abuse research and evaluation, and for not more than
25 the following full-time equivalent position:
26 ..... $ 54,164
27 ..... FTEs 1.00
28 h. Center for biocatalysis
29 For the center for biocatalysis, and for not more than the
30 following full-time equivalent positions:
31 ..... $ 705,931
32 ..... FTEs 6.28
33 i. Primary health care initiative
34 For the primary health care initiative in the college
35 of medicine, and for not more than the following full-time

1 equivalent positions:
2 ..... $ 632,972
3 ..... FTEs 5.89
4 From the moneys appropriated in this lettered paragraph,
5 $254,889 shall be allocated to the department of family
6 practice at the state university of Iowa college of medicine
7 for family practice faculty and support staff.
8 j. Birth defects registry
9 For the birth defects registry, and for not more than the
10 following full-time equivalent position:
11 ..... $ 37,346
12 ..... FTEs 1.00
13 k. Larned A. Waterman Iowa nonprofit resource center
14 For the Larned A. Waterman Iowa nonprofit resource center,
15 and for not more than the following full-time equivalent
16 positions:
17 ..... $ 158,542
18 ..... FTEs 2.75
19 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
20 a. General university
21 For salaries, support, maintenance, equipment, miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions:
24 ..... $158,698,238
25 ..... FTEs 3,647.42
26 b. Agricultural experiment station
27 For the agricultural experiment station salaries, support,
28 maintenance, miscellaneous purposes, and for not more than the
29 following full-time equivalent positions:
30 ..... $ 27,420,590
31 ..... FTEs 546.98
32 c. Cooperative extension service in agriculture and home
33 economics
34 For the cooperative extension service in agriculture and
35 home economics salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time
2 equivalent positions:
3 ..... $ 17,495,648
4 ..... FTEs 383.34
5 d. Leopold center
6 For agricultural research grants at Iowa state university of
7 science and technology under section 266.39B, and for not more
8 than the following full-time equivalent positions:
9 ..... $ 387,645
10 ..... FTEs 11.25
11 e. Livestock disease research
12 For deposit in and the use of the livestock disease research
13 fund under section 267.8:
14 ..... $ 168,595
15 4. UNIVERSITY OF NORTHERN IOWA
16 a. General university
17 For salaries, support, maintenance, equipment, miscellaneous
18 purposes, and for not more than the following full-time
19 equivalent positions:
20 ..... $ 72,166,679
21 ..... FTEs 1,447.50
22 b. Recycling and reuse center
23 For purposes of the recycling and reuse center, and for not
24 more than the following full-time equivalent positions:
25 ..... $ 170,947
26 ..... FTEs 3.00
27 c. Science, technology, engineering, and mathematics (STEM)
28 collaborative initiative
29 For purposes of establishing a science, technology,
30 engineering, and mathematics (STEM) collaborative initiative,
31 and for not more than the following full-time equivalent
32 positions:
33 ..... $ 1,692,000
34 ..... FTEs 6.20
35 (1) From the moneys appropriated in this lettered

1 paragraph, up to $282,000 shall be allocated for salaries,
2 staffing, and institutional support. The remainder of the
3 moneys appropriated in this lettered paragraph shall be
4 expended only to support activities directly related to
5 recruitment of kindergarten through grade 12 mathematics and
6 science teachers and for ongoing mathematics and science
7 programming for students enrolled in kindergarten through grade
8 12.
9 (2) The university of northern Iowa shall work with the
10 community colleges to develop STEM professional development
11 programs for community college instructors and STEM curriculum
12 development.
13 d. Real estate education program
14 For purposes of the real estate education program, and for
15 not more than the following full-time equivalent position:
16 ..... $ 122,221
17 ..... FTEs 1.00
18 5. STATE SCHOOL FOR THE DEAF
19 For salaries, support, maintenance, miscellaneous purposes,
20 and for not more than the following full-time equivalent
21 positions:
22 ..... $ 8,159,166
23 ..... FTEs 126.60
24 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
25 For salaries, support, maintenance, miscellaneous purposes,
26 and for not more than the following full-time equivalent
27 positions:
28 ..... $ 3,622,320
29 ..... FTEs 62.87
30 7. TUITION AND TRANSPORTATION COSTS
31 For payment to local school boards for the tuition and
32 transportation costs of students residing in the Iowa braille
33 and sight saving school and the state school for the deaf
34 pursuant to section 262.43 and for payment of certain clothing,
35 prescription, and transportation costs for students at these

1 schools pursuant to section 270.5:
2 ..... $ 11,474
3 8. LICENSED CLASSROOM TEACHERS
4 For distribution at the Iowa braille and sight saving school
5 and the Iowa school for the deaf based upon the average yearly
6 enrollment at each school as determined by the state board of
7 regents:
8 ..... $ 80,032
9 Sec. 188. ENERGY COST-SAVINGS PROJECTS — FINANCING. For
10 the fiscal year beginning July 1, 2011, and ending June 30,
11 2012, the state board of regents may use notes, bonds, or
12 other evidences of indebtedness issued under section 262.48 to
13 finance projects that will result in energy cost savings in an
14 amount that will cause the state board to recover the cost of
15 the projects within an average of six years.
16 Sec. 189. PRESCRIPTION DRUG COSTS. Notwithstanding section
17 270.7, the department of administrative services shall pay
18 the state school for the deaf and the Iowa braille and sight
19 saving school the moneys collected from the counties during the
20 fiscal year beginning July 1, 2011, for expenses relating to
21 prescription drug costs for students attending the state school
22 for the deaf and the Iowa braille and sight saving school.
23 Sec. 190. Section 256C.5, subsection 1, paragraph c, Code
24 2011, is amended to read as follows:
25 *c. "Preschool budget enrollment"* means the figure that is
26 equal to ~~sixty~~ thirty percent of the actual enrollment of
27 eligible students in the preschool programming provided by
28 a school district approved to participate in the preschool
29 program on October 1 of the base year, or the first Monday in
30 October if October 1 falls on a Saturday or Sunday.
31 Sec. 191. Section 256C.5, subsection 4, Code 2011, is
32 amended to read as follows:
33 4. *Administration and oversight.*
34 *a.* Except as otherwise provided by law for a fiscal year,
35 of the amount appropriated for that fiscal year for payment

of preschool foundation aid statewide, the department may use an amount sufficient to fund up to three full-time equivalent positions which shall be in addition to the number of positions authorized for the fiscal year, as necessary to provide administration and oversight of the preschool program.

b. Of the amount of preschool foundation aid received by a school district for a fiscal year, not more than five percent shall be used by the school district for administering the district's approved local program.

Sec. 192. Section 256I.9, subsection 3, paragraph b, Code 2011, is amended to read as follows:

b. Family support services and parent education programs promoted to parents of children from zero through age five. Family support services shall include but are not limited to home visitation. Of the state funding ~~from all sources~~ that an area board designates for family support programs, at least sixty percent shall be committed to programs with a home visitation component.

Sec. 193. Section 261.19, Code 2011, is amended to read as follows:

261.19 ~~Osteopathic physician~~ Health care professional recruitment program.

1. A ~~physician~~ health care professional recruitment program is established~~,~~ to be administered by the college student aid commission~~,~~ for Des Moines university ~~— osteopathic medical center~~. The program shall consist of a ~~forgivable loan program and a tuition scholarship program for students and a~~ loan repayment program for ~~physicians~~ health care professionals. The commission shall regularly adjust the ~~physician~~ service requirement under each aspect of the program to provide, to the extent possible, an equal financial benefit for each period of service required.

~~2. *a.* Notwithstanding the administration provisions of subsection 1, the forgivable loan program established pursuant to subsection 1 shall be administered by the commission in~~

~~conjunction with Des Moines university — osteopathic medical center. Des Moines university — osteopathic medical center shall match on an equal basis state aid appropriated for purposes of the forgivable loan program.~~

~~*b.* Des Moines university — osteopathic medical center shall provide recommendations to the commission for students who meet the eligibility requirements of the forgivable loan program. A forgivable loan may be awarded to a resident of Iowa who is enrolled at Des Moines university — osteopathic medical center if the student agrees to practice in this state for a period of time to be determined by the commission at the time the loan is awarded. Forgivable loans to eligible students shall not become due until after the student completes a residency program. Interest on the loans shall begin to accrue the day following the student's graduation date. If the student completes the period of practice established by the commission and agreed to by the student, the loan amount shall be forgiven. The loan amount shall not be forgiven if the osteopathic physician fails to complete the required time period of practice in this state or fails to satisfactorily continue in the university's program of medical education.~~

~~3. A student enrolled at Des Moines university — osteopathic medical center shall be eligible for a tuition scholarship for the student's study at the university. The scholarship shall be for an amount not to exceed the annual tuition at the university. A student who receives a tuition scholarship shall not be eligible for the loan repayment program provided for by this section. A student who receives a tuition scholarship shall agree to practice in an eligible rural community in this state for a period of time to be determined by the commission at the time the scholarship is awarded. The student shall repay the scholarship to the commission if the student fails to practice in a medically underserved rural community in this state for the required period of time.~~

1 ~~4.~~ 2. A ~~physician~~ health care professional shall be
2 eligible for the ~~physician~~ loan repayment program if the
3 ~~physician~~ health care professional agrees to practice in
4 an eligible rural community in this state. Des Moines
5 university ~~— osteopathic medical center~~ shall recruit and
6 place ~~physicians~~ health care professionals in rural communities
7 which have agreed to provide additional funds for the
8 ~~physician's~~ recipient's loan repayment. The contract for the
9 loan repayment shall stipulate the time period the ~~physician~~
10 recipient shall practice in an eligible rural community in this
11 state. In addition, the contract shall stipulate that the
12 ~~physician~~ recipient repay any funds paid on the ~~physician's~~
13 recipient's loan by the commission if the ~~physician~~ recipient
14 fails to practice in an eligible rural community in this state
15 for the required period of time.
16 3. A health care professional recruitment revolving fund
17 is created in the state treasury as a separate fund under
18 the control of the commission. The commission shall deposit
19 payments made by health care professional recruitment program
20 recipients and the proceeds from the sale of osteopathic loans
21 awarded pursuant to section 261.19, subsection 2, paragraph
22 *"b"*, Code 2011, into the health care professional recruitment
23 revolving fund. Moneys credited to the fund shall be used to
24 supplement moneys appropriated for the health care professional
25 recruitment program, for loan repayment in accordance with this
26 section, and to pay for loan or interest repayment defaults by
27 program recipients. Notwithstanding section 8.33, any balance
28 in the fund on June 30 of any fiscal year shall not revert to
29 the general fund of the state.
30 4. For purposes of this ~~subsection, *"eligible*~~ section:
31 *a. "Eligible rural community"* means a medically underserved
32 rural community which agrees to match state funds provided
33 on at least a dollar-for-dollar basis for the loan repayment
34 of a ~~physician~~ health care professional who practices in the
35 community.

1 *b. "Health care professional"* means a physician, physician
2 assistant, podiatrist, or physical therapist.
3 5. The commission shall adopt rules pursuant to chapter 17A
4 to administer this section.
5 Sec. 194. Section 261.25, subsection 2, Code 2011, is
6 amended to read as follows:
7 2. There is appropriated from the general fund of the state
8 to the commission for each fiscal year the sum of four million
9 ~~six~~ two hundred ~~fifty~~ thousand ~~four hundred eighty-seven~~
10 dollars for tuition grants for students attending for-profit
11 accredited private institutions located in Iowa. A for-profit
12 institution which, effective March 9, 2005, or effective
13 January 8, 2010, purchased an accredited private institution
14 that was exempt from taxation under section 501(c) of the
15 Internal Revenue Code, shall be an eligible institution under
16 the tuition grant program. For purposes of the tuition grant
17 program, *"for-profit accredited private institution"* means
18 an accredited private institution which is not exempt from
19 taxation under section 501(c)(3) of the Internal Revenue Code
20 but which otherwise meets the requirements of section 261.9,
21 subsection 1, paragraph *"b"*, and whose students were eligible
22 to receive tuition grants in the fiscal year beginning July 1,
23 2003.
24 Sec. 195. Section 284.13, subsection 1, paragraphs a
25 through c, Code 2011, are amended to read as follows:
26 *a.* For the fiscal year beginning July 1, ~~2010~~ 2011, and
27 ~~ending June 30, 2011~~ succeeding fiscal years, to the department
28 of education, the amount of ~~nine~~ six hundred ~~sixty-four~~
29 eighty-five thousand dollars for the issuance of national
30 board certification awards in accordance with section 256.44.
31 Of the amount allocated under this paragraph, not less than
32 ~~seventy-six~~ eighty-five thousand ~~five hundred~~ dollars shall
33 be used to administer the ambassador to education position in
34 accordance with section 256.45.
35 *b.* For the fiscal year beginning July 1, ~~2010~~ 2011, and

succeeding fiscal years, an amount up to ~~four~~ three million ~~one~~ two hundred ~~seven~~ thousand ~~two hundred forty~~ dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts and area education agencies for purposes of the beginning teacher mentoring and induction programs. A school district or area education agency shall receive one thousand three hundred dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors, school districts, and area education agencies as provided in this paragraph, the department shall prorate the amount distributed to school districts and area education agencies based upon the amount appropriated. Moneys received by a school district or area education agency pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's or area education agency's beginning teacher mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district or area education agency.

c. For the fiscal year beginning July 1, ~~2010~~ 2011, and ~~ending June 30, 2011~~ succeeding fiscal years, up to six hundred thirteen thousand eight hundred seventy-eight dollars to the department for purposes of implementing the professional development program requirements of section 284.6, assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph *"c"*, and the evaluator training program in section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full-time equivalent positions.

Sec. 196. Section 284.13, subsection 1, paragraph d, Code 2011, is amended by striking the paragraph.

Sec. 197. Section 299A.2, Code 2011, is amended to read as follows:

299A.2 Competent private instruction by licensed practitioner.

If a licensed practitioner provides competent instruction to a school-age child ~~of compulsory attendance age~~, the practitioner shall possess a valid license or certificate which has been issued by the state board of educational examiners under chapter 272 and which is appropriate to the ages and grade levels of the children to be taught. Competent private instruction may include~~,~~ but is not limited to~~,~~ a home school assistance program which provides instruction or instructional supervision offered through an accredited nonpublic school or public school district by a teacher, who is employed by the accredited nonpublic school or public school district, who assists and supervises a parent, guardian, or legal custodian in providing instruction to a child. If competent private instruction is provided through a public school district, the child shall be enrolled and included in the basic enrollment of the school district as provided in section 257.6. Sections 299A.3 through 299A.7 do not apply to competent private instruction provided by a licensed practitioner under this section. However, the reporting requirement contained in section 299A.3, subsection 1, shall apply to competent private instruction provided by licensed practitioners that is not part of a home school assistance program offered through an accredited nonpublic school or public school district.

Sec. 198. Section 299A.8, Code 2011, is amended to read as follows:

299A.8 Dual enrollment.

If a parent, guardian, or legal custodian of a school-age child who is receiving competent private instruction under this chapter ~~or a child over compulsory age who is receiving~~

~~private instruction~~ submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group, and the parent, guardian, or legal custodian shall not be required to pay the costs of any annual evaluation under this chapter. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under section 257.6. A pupil who is participating only in extracurricular activities shall be counted under section 257.6, subsection 1, paragraph *"a"*, subparagraph (6). A pupil enrolled in grades nine through twelve under this section shall be counted in the same manner as a shared-time pupil under section 257.6, subsection 1, paragraph *"a"*, subparagraph (3).

Sec. 199. Section 299A.12, subsection 1, Code 2011, is amended to read as follows:

1. The board of directors of a school district ~~may~~ shall expend moneys received pursuant to section 257.6, subsection 1, paragraph *"a"*, subparagraph (5), for purposes of providing a home school assistance program.

Sec. 200. Section 299A.12, subsection 2, paragraphs a and b, Code 2011, are amended to read as follows:

a. ~~Assisting~~ Instruction for students and assisting parents with instruction.

b. ~~Student~~ Support services for students and ~~teaching-parent support services~~ teaching parents and staff support services.

Sec. 201. Section 299A.12, subsection 2, paragraph g, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Resources, materials, computer software and hardware, ~~and~~ supplies, and purchased services that meet the following

criteria:

Sec. 202. Section 299A.12, subsection 3, paragraphs b, c, e, and f, Code 2011, are amended to read as follows:

b. Operational or maintenance costs ~~in addition to the cost of maintaining school district facilities~~ other than those necessary to operate and maintain the program.

c. Capital expenditures other than equipment or facility acquisition, including the lease or rental of space to supplement existing schoolhouse facilities.

e. Administrative costs other than the costs necessary to administer the program.

f. Concurrent and dual enrollment ~~program~~ costs and postsecondary enrollment options program costs.

Sec. 203. REPEAL. Section 261.19B, Code 2011, is repealed.

Sec. 204. EFFECTIVE UPON ENACTMENT. The section of this division of this Act transferring moneys appropriated pursuant to 2010 Iowa Acts, chapter 1183, section 6, subsection 18, being deemed of immediate importance, takes effect upon enactment and, if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

Sec. 205. APPLICABILITY. The section of this division of this Act amending section 256C.5, subsection 1, takes effect upon enactment, and applies to budget years beginning on or after July 1, 2011.

Sec. 206. RETROACTIVE APPLICABILITY. The sections of this division of this Act amending sections 299A.2 and 299A.8 apply retroactively to the base year beginning July 1, 2009.

DIVISION XXI

EDUCATION

FY 2012-2013

DEPARTMENT FOR THE BLIND

Sec. 207. ADMINISTRATION. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary,

to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,450,145

..... FTEs 88.00

COLLEGE STUDENT AID COMMISSION

Sec. 208. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 199,668

..... FTEs 3.95

2. STUDENT AID PROGRAMS

For payments to students for the Iowa grant program established in section 261.93:

..... $ 721,447

3. DES MOINES UNIVERSITY — HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

For forgivable loans to Iowa students attending Des Moines university — osteopathic medical center under the forgivable loan program pursuant to section 261.19:

..... $ 297,244

4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

For purposes of providing national guard educational assistance under the program established in section 261.86:

..... $ 3,558,298

5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

For the teacher shortage loan forgiveness program established in section 261.112:

1 ..... $ 212,500
2 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM
3 For purposes of the all Iowa opportunity foster care grant
4 program established pursuant to section 261.6:
5 ..... $ 505,226
6 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM
7 a. For purposes of the all Iowa opportunity scholarship
8 program established pursuant to section 261.87:
9 ..... $ 2,043,357
10 b. If the moneys appropriated by the general assembly to the
11 college student aid commission for fiscal year 2012-2013 for
12 purposes of the all Iowa opportunity scholarship program exceed
13 $500,000, "eligible institution" as defined in section 261.87,
14 shall, during fiscal year 2012-2013, include accredited private
15 institutions as defined in section 261.9, subsection 1.
16 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN FORGIVENESS
17 PROGRAM
18 a. For purposes of the registered nurse and nurse educator
19 loan forgiveness program established pursuant to section
20 261.23:
21 ..... $ 73,726
22 b. It is the intent of the general assembly that the
23 commission continue to consider moneys allocated pursuant to
24 this subsection as moneys that meet the state matching funds
25 requirements of the federal leveraging educational assistance
26 program and the federal supplemental leveraging educational
27 assistance program established under the Higher Education Act
28 of 1965, as amended.
29 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT
30 PROGRAM
31 For purposes of the barber and cosmetology arts and sciences
32 tuition grant program established pursuant to section 261.18:
33 ..... $ 33,682
34 Sec. 209. IOWA TUITION AND VOCATIONAL-TECHNICAL TUITION
35 GRANT APPROPRIATIONS FOR FY 2012-2013. Notwithstanding the

1 standing appropriations in the following designated sections
2 for the fiscal year beginning July 1, 2012, and ending June 30,
3 2013, the amounts appropriated from the general fund of the
4 state to the college student aid commission pursuant to these
5 sections for the following designated purposes shall not exceed
6 the following amounts:
7 1. For Iowa tuition grants under section 261.25, subsection
8 1:
9 ..... $ 37,411,431
10 2. For tuition grants for students attending for-profit
11 accredited private institutions located in Iowa under section
12 261.25, subsection 2:
13 ..... $ 3,570,000
14 3. For vocational-technical tuition grants under section
15 261.25, subsection 3:
16 ..... $ 2,051,865
17 Sec. 210. CHIROPRACTIC LOAN FUNDS. Notwithstanding
18 section 261.72, the moneys deposited in the chiropractic loan
19 revolving fund created pursuant to section 261.72 may be used
20 for purposes of the chiropractic loan forgiveness program
21 established in section 261.73.
22 Sec. 211. WORK-STUDY APPROPRIATION FOR FY
23 2012-2013. Notwithstanding section 261.85, for the fiscal year
24 beginning July 1, 2012, and ending June 30, 2013, the amount
25 appropriated from the general fund of the state to the college
26 student aid commission for the work-study program under section
27 261.85 shall be zero.
28 DEPARTMENT OF EDUCATION
29 Sec. 212. There is appropriated from the general fund of
30 the state to the department of education for the fiscal year
31 beginning July 1, 2012, and ending June 30, 2013, the following
32 amounts, or so much thereof as may be necessary, to be used for
33 the purposes designated:
34 1. GENERAL ADMINISTRATION
35 For salaries, support, maintenance, miscellaneous purposes,

1 and for not more than the following full-time equivalent
2 positions:
3 ..... $ 5,116,186
4 ..... FTEs 81.67
5 2. VOCATIONAL EDUCATION ADMINISTRATION
6 For salaries, support, maintenance, miscellaneous purposes,
7 and for not more than the following full-time equivalent
8 positions:
9 ..... $ 358,971
10 ..... FTEs 11.50
11 3. VOCATIONAL REHABILITATION SERVICES DIVISION
12 a. For salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-time
14 equivalent positions:
15 ..... $ 3,805,771
16 ..... FTEs 255.00
17 b. For matching funds for programs to enable persons
18 with severe physical or mental disabilities to function more
19 independently, including salaries and support, and for not more
20 than the following full-time equivalent position:
21 ..... $ 33,538
22 ..... FTEs 1.00
23 c. For the entrepreneurs with disabilities program
24 established pursuant to section 259.4, subsection 9:
25 ..... $ 124,746
26 d. For costs associated with centers for independent
27 living:
28 ..... $ 34,538
29 4. STATE LIBRARY
30 a. For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-time
32 equivalent positions:
33 ..... $ 1,036,829
34 ..... FTEs 17.00
35 b. For the enrich Iowa program established under section

1 256.57:
2 ..... $ 1,435,069
3 5. LIBRARY SERVICE AREA SYSTEM
4 For state aid:
5 ..... $ 794,679
6 6. PUBLIC BROADCASTING DIVISION
7 For salaries, support, maintenance, capital expenditures,
8 miscellaneous purposes, and for not more than the following
9 full-time equivalent positions:
10 ..... $ 6,553,514
11 ..... FTEs 82.00
12 7. REGIONAL TELECOMMUNICATIONS COUNCILS
13 For state aid:
14 ..... $ 851,079
15 The regional telecommunications councils established
16 in section 8D.5 shall use the moneys appropriated in this
17 subsection to provide technical assistance for network
18 classrooms, planning and troubleshooting for local area
19 networks, scheduling of video sites, and other related support
20 activities.
21 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
22 For reimbursement for vocational education expenditures made
23 by secondary schools:
24 ..... $ 2,069,949
25 Moneys appropriated in this subsection shall be used
26 to reimburse school districts for vocational education
27 expenditures made by secondary schools to meet the standards
28 set in sections 256.11, 258.4, and 260C.14.
29 9. SCHOOL FOOD SERVICE
30 For use as state matching funds for federal programs that
31 shall be disbursed according to federal regulations, including
32 salaries, support, maintenance, miscellaneous purposes, and for
33 not more than the following full-time equivalent positions:
34 ..... $ 1,694,726
35 ..... FTEs 20.58

1 10. EARLY CHILDHOOD IOWA FUND — GENERAL AID
2 For deposit in the school ready children grants account of
3 the early childhood Iowa fund created in section 256I.11:
4 ..... $ 4,578,196
5 a. From the moneys deposited in the school ready children
6 grants account for the fiscal year beginning July 1, 2012, and
7 ending June 30, 2013, not more than $265,950 is allocated for
8 the early childhood Iowa office and other technical assistance
9 activities. The early childhood Iowa state board shall direct
10 staff to work with the early childhood stakeholders alliance
11 created in section 256I.12 to inventory technical assistance
12 needs. Moneys allocated under this lettered paragraph may be
13 used by the early childhood Iowa state board for the purpose of
14 skills development and support for ongoing training of staff.
15 However, except as otherwise provided in this subsection,
16 moneys shall not be used for additional staff or for the
17 reimbursement of staff.
18 b. As a condition of receiving moneys appropriated in
19 this subsection, each early childhood Iowa area board shall
20 report to the early childhood Iowa state board progress on
21 each of the local indicators approved by the area board. Each
22 early childhood Iowa area board must also submit an annual
23 budget for the area's comprehensive school ready children
24 grant developed for providing services for children from birth
25 through five years of age, and provide other information
26 specified by the early childhood Iowa state board, including
27 budget amendments as needed. The early childhood Iowa state
28 board shall establish a submission deadline for the annual
29 budget and any budget amendments that allow a reasonable period
30 of time for preparation by the early childhood Iowa area boards
31 and for review and approval or request for modification of
32 the materials by the early childhood Iowa state board. In
33 addition, each early childhood Iowa area board must continue to
34 comply with reporting provisions and other requirements adopted
35 by the early childhood Iowa state board in implementing section

1 256I.9.
2 c. Of the amount appropriated in this subsection for
3 deposit in the school ready children grants account of the
4 early childhood Iowa fund, $2,318,018 shall be used for efforts
5 to improve the quality of early care, health, and education
6 programs. Moneys allocated pursuant to this paragraph may be
7 used for additional staff and for the reimbursement of staff.
8 The early childhood Iowa state board may reserve a portion
9 of the allocation, not to exceed $88,650, for the technical
10 assistance expenses of the early childhood Iowa state office,
11 including the reimbursement of staff, and shall distribute
12 the remainder to early childhood Iowa areas for local quality
13 improvement efforts through a methodology identified by the
14 early childhood Iowa state board to make the most productive
15 use of the funding, which may include use of the distribution
16 formula, grants, or other means.
17 d. Of the amount appropriated in this subsection for
18 deposit in the school ready children grants account of
19 the early childhood Iowa fund, $825,030 shall be used for
20 support of professional development and training activities
21 for persons working in early care, health, and education by
22 the early childhood Iowa state board in collaboration with
23 the professional development component group of the early
24 childhood Iowa stakeholders alliance maintained pursuant to
25 section 256I.12, subsection 7, paragraph "b", and the early
26 childhood Iowa area boards. Expenditures shall be limited to
27 professional development and training activities agreed upon by
28 the parties participating in the collaboration.
29 11. EARLY CHILDHOOD IOWA FUND —— PRESCHOOL TUITION
30 ASSISTANCE
31 a. For deposit in the school ready children grants account
32 of the early childhood Iowa fund created in section 256I.11:
33 ..... $ 2,659,545
34 b. The amount appropriated in this subsection shall be
35 used for early care, health, and education programs to assist

1 low-income parents with tuition for preschool and other
2 supportive services for children ages three, four, and five
3 who are not attending kindergarten in order to increase the
4 basic family income eligibility requirement to not more than
5 200 percent of the federal poverty level. In addition, if
6 sufficient funding is available after addressing the needs of
7 those who meet the basic income eligibility requirement, an
8 early childhood Iowa area board may provide for eligibility
9 for those with a family income in excess of the basic income
10 eligibility requirement through use of a sliding scale or other
11 copayment provisions.
12 12. EARLY CHILDHOOD IOWA FUND —— FAMILY SUPPORT AND PARENT
13 EDUCATION
14 a. For deposit in the school ready children grants account
15 of the early childhood Iowa fund created in section 256I.11:
16 ..... $ 10,509,769
17 b. The amount appropriated in this subsection shall be
18 used for family support services and parent education programs
19 targeted to families expecting a child or with newborn and
20 infant children through age five and shall be distributed using
21 the distribution formula approved by the early childhood Iowa
22 state board and shall be used by an early childhood Iowa area
23 board only for family support services and parent education
24 programs targeted to families expecting a child or with newborn
25 and infant children through age five.
26 13. BIRTH TO AGE THREE SERVICES
27 For expansion of the federal Individuals with Disabilities
28 Education Improvement Act of 2004, Pub. L. No. 108-446, as
29 amended to January 1, 2012, birth through age three services
30 due to increased numbers of children qualifying for those
31 services:
32 ..... $ 1,375,399
33 From the moneys appropriated in this subsection, $383,769
34 shall be allocated to the child health specialty clinic at the
35 state university of Iowa to provide additional support for

1 infants and toddlers who are born prematurely, drug-exposed, or
2 medically fragile.
3 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
4 To provide moneys for costs of providing textbooks to each
5 resident pupil who attends a nonpublic school as authorized by
6 section 301.1:
7 ..... $ 510,839
8 Funding under this subsection is limited to $20 per pupil and
9 shall not exceed the comparable services offered to resident
10 public school pupils.
11 15. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION PROGRAM
12 For purposes of administering the beginning administrator
13 mentoring and induction program established pursuant to chapter
14 284A:
15 ..... $ 155,931
16 16. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
17 For purposes of the student achievement and teacher quality
18 program established pursuant to chapter 284, and for not more
19 than the following full-time equivalent positions:
20 ..... $ 3,824,046
21 ..... FTEs 2.00
22 17. JOBS FOR AMERICA´S GRADUATES
23 For school districts to provide direct services to the
24 most at-risk senior high school students enrolled in school
25 districts through direct intervention by a jobs for America´s
26 graduates specialist:
27 ..... $ 459,000
28 18. COMMUNITY COLLEGES
29 For general state financial aid to merged areas as defined in
30 section 260C.2 in accordance with chapters 258 and 260C:
31 ..... $131,250,775
32 The funds appropriated in this subsection shall be allocated
33 pursuant to the formula established in section 206C.18C.
34 STATE BOARD OF REGENTS
35 Sec. 213. There is appropriated from the general fund of

1 the state to the state board of regents for the fiscal year
2 beginning July 1, 2012, and ending June 30, 2013, the following
3 amounts, or so much thereof as may be necessary, to be used for
4 the purposes designated:
5 1. OFFICE OF STATE BOARD OF REGENTS
6 a. For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:
9 ..... $ 870,114
10 ..... FTEs 15.00
11 The state board of regents shall submit a monthly financial
12 report in a format agreed upon by the state board of regents
13 office and the legislative services agency.
14 b. For moneys to be allocated to the southwest Iowa graduate
15 studies center:
16 ..... $ 72,522
17 c. For moneys to be allocated to the siouxland interstate
18 metropolitan planning council for the tristate graduate center
19 under section 262.9, subsection 22:
20 ..... $ 55,219
21 d. For moneys to be allocated to the quad-cities graduate
22 studies center:
23 ..... $ 107,597
24 e. For moneys to be distributed to Iowa public radio for
25 public radio operations:
26 ..... $ 324,648
27 2. STATE UNIVERSITY OF IOWA
28 a. General university, including lakeside laboratory
29 For salaries, support, maintenance, equipment, miscellaneous
30 purposes, and for not more than the following full-time
31 equivalent positions:
32 ..... $172,151,064
33 ..... FTEs 5,058.55
34 b. Oakdale campus
35 For salaries, support, maintenance, miscellaneous purposes,

1 and for not more than the following full-time equivalent
2 positions:
3 ..... $ 1,812,871
4 ..... FTEs 38.25
5 c. State hygienic laboratory
6 For salaries, support, maintenance, miscellaneous purposes,
7 and for not more than the following full-time equivalent
8 positions:
9 ..... $ 2,932,284
10 ..... FTEs 102.50
11 d. Family practice program
12 For allocation by the dean of the college of medicine, with
13 approval of the advisory board, to qualified participants
14 to carry out the provisions of chapter 148D for the family
15 practice program, including salaries and support, and for not
16 more than the following full-time equivalent positions:
17 ..... $ 1,482,647
18 ..... FTEs 190.40
19 e. Child health care services
20 For specialized child health care services, including
21 childhood cancer diagnostic and treatment network programs,
22 rural comprehensive care for hemophilia patients, and the
23 Iowa high-risk infant follow-up program, including salaries
24 and support, and for not more than the following full-time
25 equivalent positions:
26 ..... $ 546,753
27 ..... FTEs 57.97
28 f. Statewide cancer registry
29 For the statewide cancer registry, and for not more than the
30 following full-time equivalent positions:
31 ..... $ 123,578
32 ..... FTEs 2.10
33 g. Substance abuse consortium
34 For moneys to be allocated to the Iowa consortium for
35 substance abuse research and evaluation, and for not more than

1 the following full-time equivalent position:
2 ..... $ 46,039
3 ..... FTEs 1.00
4 h. Center for biocatalysis
5 For the center for biocatalysis, and for not more than the
6 following full-time equivalent positions:
7 ..... $ 600,041
8 ..... FTEs 6.28
9 i. Primary health care initiative
10 For the primary health care initiative in the college
11 of medicine, and for not more than the following full-time
12 equivalent positions:
13 ..... $ 538,026
14 ..... FTEs 5.89
15 From the moneys appropriated in this lettered paragraph,
16 $254,889 shall be allocated to the department of family
17 practice at the state university of Iowa college of medicine
18 for family practice faculty and support staff.
19 j. Birth defects registry
20 For the birth defects registry, and for not more than the
21 following full-time equivalent position:
22 ..... $ 31,744
23 ..... FTEs 1.00
24 k. Larned A. Waterman Iowa nonprofit resource center
25 For the Larned A. Waterman Iowa nonprofit resource center,
26 and for not more than the following full-time equivalent
27 positions:
28 ..... $ 134,761
29 ..... FTEs 2.75
30 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
31 a. General university
32 For salaries, support, maintenance, equipment, miscellaneous
33 purposes, and for not more than the following full-time
34 equivalent positions:
35 ..... $134,893,502

1 ..... FTEs 3,647.42
2 b. Agricultural experiment station
3 For the agricultural experiment station salaries, support,
4 maintenance, miscellaneous purposes, and for not more than the
5 following full-time equivalent positions:
6 ..... $ 23,307,502
7 ..... FTEs 546.98
8 c. Cooperative extension service in agriculture and home
9 economics
10 For the cooperative extension service in agriculture and
11 home economics salaries, support, maintenance, miscellaneous
12 purposes, and for not more than the following full-time
13 equivalent positions:
14 ..... $ 14,871,301
15 ..... FTEs 383.34
16 d. Leopold center
17 For agricultural research grants at Iowa state university of
18 science and technology under section 266.39B, and for not more
19 than the following full-time equivalent positions:
20 ..... $ 329,498
21 ..... FTEs 11.25
22 e. Livestock disease research
23 For deposit in and the use of the livestock disease research
24 fund under section 267.8:
25 ..... $ 143,306
26 4. UNIVERSITY OF NORTHERN IOWA
27 a. General university
28 For salaries, support, maintenance, equipment, miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:
31 ..... $ 61,341,677
32 ..... FTEs 1,447.50
33 b. Recycling and reuse center
34 For purposes of the recycling and reuse center, and for not
35 more than the following full-time equivalent positions:

1 ..... $ 145,305
2 ..... FTEs 3.00
3 c. Science, technology, engineering, and mathematics (STEM)
4 collaborative initiative
5 For purposes of establishing a science, technology,
6 engineering, and mathematics (STEM) collaborative initiative,
7 and for not more than the following full-time equivalent
8 positions:
9 ..... $ 1,438,200
10 ..... FTEs 6.20
11 (1) From the moneys appropriated in this lettered
12 paragraph, up to $282,000 shall be allocated for salaries,
13 staffing, and institutional support. The remainder of the
14 moneys appropriated in this lettered paragraph shall be
15 expended only to support activities directly related to
16 recruitment of kindergarten through grade 12 mathematics and
17 science teachers and for ongoing mathematics and science
18 programming for students enrolled in kindergarten through grade
19 12.
20 (2) The university of northern Iowa shall work with the
21 community colleges to develop STEM professional development
22 programs for community college instructors and STEM curriculum
23 development.
24 d. Real estate education program
25 For purposes of the real estate education program, and for
26 not more than the following full-time equivalent position:
27 ..... $ 103,888
28 ..... FTEs 1.00
29 5. STATE SCHOOL FOR THE DEAF
30 For salaries, support, maintenance, miscellaneous purposes,
31 and for not more than the following full-time equivalent
32 positions:
33 ..... $ 6,935,291
34 ..... FTEs 126.60
35 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

1 For salaries, support, maintenance, miscellaneous purposes,
2 and for not more than the following full-time equivalent
3 positions:
4 ..... $ 3,078,972
5 ..... FTEs 62.87
6 7. TUITION AND TRANSPORTATION COSTS
7 For payment to local school boards for the tuition and
8 transportation costs of students residing in the Iowa braille
9 and sight saving school and the state school for the deaf
10 pursuant to section 262.43 and for payment of certain clothing,
11 prescription, and transportation costs for students at these
12 schools pursuant to section 270.5:
13 ..... $ 9,753
14 8. LICENSED CLASSROOM TEACHERS
15 For distribution at the Iowa braille and sight saving school
16 and the Iowa school for the deaf based upon the average yearly
17 enrollment at each school as determined by the state board of
18 regents:
19 ..... $ 68,027
20 Sec. 214. ENERGY COST-SAVINGS PROJECTS —— FINANCING. For
21 the fiscal year beginning July 1, 2012, and ending June 30,
22 2013, the state board of regents may use notes, bonds, or
23 other evidences of indebtedness issued under section 262.48 to
24 finance projects that will result in energy cost savings in an
25 amount that will cause the state board to recover the cost of
26 the projects within an average of six years.
27 Sec. 215. PRESCRIPTION DRUG COSTS. Notwithstanding section
28 270.7, the department of administrative services shall pay
29 the state school for the deaf and the Iowa braille and sight
30 saving school the moneys collected from the counties during the
31 fiscal year beginning July 1, 2012, for expenses relating to
32 prescription drug costs for students attending the state school
33 for the deaf and the Iowa braille and sight saving school.
34 DIVISION XXII
35 EDUCATION —— MIDWESTERN HIGHER EDUCATION COMPACT

1 FY 2010-2011, FY 2011-2012, AND FY 2012-2013
2 Sec. 216. There is appropriated from the general fund of
3 the state to the department of education for the following
4 fiscal years, the following amounts, or so much thereof as is
5 necessary, to be used for the purposes designated:
6 To be distributed to the midwestern higher education compact
7 to pay Iowa's member state annual obligation:
8 FY 2010-2011..... $ 39,000
9 FY 2011-2012..... $ 100,000
10 FY 2012-2013..... $ 100,000
11 Sec. 217. REPEAL. Section 261D.4, Code 2011, is repealed.
12 Sec. 218. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
13 APPLICABILITY. This division of this Act, being deemed of
14 immediate importance, takes effect upon enactment, and if
15 approved by the governor on or after July 1, 2011, shall apply
16 retroactively to June 30, 2011.
17 DIVISION XXIII
18 HEALTH AND HUMAN SERVICES
19 DEPARTMENT ON AGING —— FY 2011-2012
20 Sec. 219. DEPARTMENT ON AGING. There is appropriated from
21 the general fund of the state to the department on aging for
22 the fiscal year beginning July 1, 2011, and ending June 30,
23 2012, the following amount, or so much thereof as is necessary,
24 to be used for the purposes designated:
25 For aging programs for the department on aging and area
26 agencies on aging to provide citizens of Iowa who are 60 years
27 of age and older with case management for frail elders, Iowa's
28 aging and disabilities resource center, and other services
29 which may include but are not limited to adult day services,
30 respite care, chore services, information and assistance,
31 and material aid, for information and options counseling for
32 persons with disabilities who are 18 years of age or older,
33 and for salaries, support, administration, maintenance, and
34 miscellaneous purposes, and for not more than the following
35 full-time equivalent positions:

1 ..... $ 10,302,577
2 ..... FTEs 35.00
3 1. Funds appropriated in this section may be used to
4 supplement federal funds under federal regulations. To
5 receive funds appropriated in this section, a local area
6 agency on aging shall match the funds with moneys from other
7 sources according to rules adopted by the department. Funds
8 appropriated in this section may be used for elderly services
9 not specifically enumerated in this section only if approved
10 by an area agency on aging for provision of the service within
11 the area.
12 2. The amount appropriated in this section includes
13 additional funding of $450,000 for delivery of long-term care
14 services to older individuals with low or moderate incomes.
15 3. Of the funds appropriated in this section, $179,946 shall
16 be transferred to the department of economic development for
17 the Iowa commission on volunteer services to be used for the
18 retired and senior volunteer program.
19 4. a. The department on aging shall establish and enforce
20 procedures relating to expenditure of state and federal funds
21 by area agencies on aging that require compliance with both
22 state and federal laws, rules, and regulations, including but
23 not limited to all of the following:
24 (1) Requiring that expenditures are incurred only for goods
25 or services received or performed prior to the end of the
26 fiscal period designated for use of the funds.
27 (2) Prohibiting prepayment for goods or services not
28 received or performed prior to the end of the fiscal period
29 designated for use of the funds.
30 (3) Prohibiting the prepayment for goods or services
31 not defined specifically by good or service, time period, or
32 recipient.
33 (4) Prohibiting the establishment of accounts from which
34 future goods or services which are not defined specifically by
35 good or service, time period, or recipient, may be purchased.

1 b. The procedures shall provide that if any funds are
2 expended in a manner that is not in compliance with the
3 procedures and applicable federal and state laws, rules, and
4 regulations, and are subsequently subject to repayment, the
5 area agency on aging expending such funds in contravention of
6 such procedures, laws, rules and regulations, not the state,
7 shall be liable for such repayment.
8 DIVISION XXIV
9 HEALTH AND HUMAN SERVICES
10 DEPARTMENT OF PUBLIC HEALTH —— FY 2011-2012
11 Sec. 220. DEPARTMENT OF PUBLIC HEALTH. There is
12 appropriated from the general fund of the state to the
13 department of public health for the fiscal year beginning July
14 1, 2011, and ending June 30, 2012, the following amounts, or
15 so much thereof as is necessary, to be used for the purposes
16 designated:
17 1. ADDICTIVE DISORDERS
18 For reducing the prevalence of use of tobacco, alcohol, and
19 other drugs, and treating individuals affected by addictive
20 behaviors, including gambling, and for not more than the
21 following full-time equivalent positions:
22 ..... $ 20,703,190
23 ..... FTEs 13.00
24 a. (1) Of the funds appropriated in this subsection 1,
25 $453,830 shall be transferred to the alcoholic beverages
26 division of the department of commerce for enforcement of
27 tobacco laws, regulations, and ordinances in accordance with
28 2011 Iowa Acts, House File 467, as enacted.
29 (2) Implementation of the tobacco use prevention and
30 control initiative for the fiscal year beginning July 1, 2011,
31 including efforts at the state and local levels, as provided
32 in chapter 142A, shall be limited to the extent of the funding
33 available.
34 b. Of the funds appropriated in this subsection 1,
35 $20,249,360 shall be used for problem gambling and substance

1 abuse prevention, treatment, and recovery services, including a
2 24-hour helpline, public information resources, professional
3 training, and program evaluation.
4 (1) Of the funds allocated in this paragraph "b",
5 $17,132,508 shall be used for substance abuse prevention and
6 treatment.
7 (a) Of the funds allocated in this subparagraph (1),
8 $899,300 shall be used for the public purpose of a grant
9 program to provide substance abuse prevention programming for
10 children.
11 (i) Of the funds allocated in this subparagraph division
12 (a), $427,539 shall be used for grant funding for organizations
13 that provide programming for children by utilizing mentors.
14 Programs approved for such grants shall be certified or will
15 be certified within six months of receiving the grant award
16 by the Iowa commission on volunteer services as utilizing the
17 standards for effective practice for mentoring programs.
18 (ii) Of the funds allocated in this subparagraph division
19 (a), $426,839 shall be used for grant funding for organizations
20 that provide programming that includes youth development and
21 leadership. The programs shall also be recognized as being
22 programs that are scientifically based with evidence of their
23 effectiveness in reducing substance abuse in children.
24 (iii) The department of public health shall utilize a
25 request for proposals process to implement the grant program.
26 (iv) All grant recipients shall participate in a program
27 evaluation as a requirement for receiving grant funds.
28 (v) Of the funds allocated in this subparagraph division
29 (a), up to $44,922 may be used to administer substance abuse
30 prevention grants and for program evaluations.
31 (b) Of the funds allocated in this subparagraph (1),
32 $273,062 shall be used for culturally competent substance abuse
33 treatment pilot projects.
34 (i) The department shall utilize the amount allocated
35 in this subparagraph division (b) for at least three pilot

1 projects to provide culturally competent substance abuse
2 treatment in various areas of the state. Each pilot project
3 shall target a particular ethnic minority population. The
4 populations targeted shall include but are not limited to
5 African American, Asian, and Latino.
6 (ii) The pilot project requirements shall provide for
7 documentation or other means to ensure access to the cultural
8 competence approach used by a pilot project so that such
9 approach can be replicated and improved upon in successor
10 programs.
11 (2) Of the funds allocated in this paragraph "b", up
12 to $3,116,852 may be used for problem gambling prevention,
13 treatment, and recovery services.
14 (a) Of the funds allocated in this subparagraph (2),
15 $2,579,000 shall be used for problem gambling prevention and
16 treatment.
17 (b) Of the funds allocated in this subparagraph (2), up to
18 $437,852 may be used for a 24-hour helpline, public information
19 resources, professional training, and program evaluation.
20 (c) Of the funds allocated in this subparagraph (2), up
21 to $100,000 may be used for the licensing of problem gambling
22 treatment programs.
23 (3) It is the intent of the general assembly that from the
24 moneys allocated in this paragraph "b", persons with a dual
25 diagnosis of substance abuse and gambling addictions shall be
26 given priority in treatment services.
27 c. Notwithstanding any provision of law to the contrary,
28 to standardize the availability, delivery, cost of delivery,
29 and accountability of problem gambling and substance abuse
30 treatment services statewide, the department shall continue
31 implementation of a process to create a system for delivery
32 of treatment services in accordance with the requirements
33 specified in 2008 Iowa Acts, chapter 1187, section 3,
34 subsection 4. To ensure the system provides a continuum of
35 treatment services that best meets the needs of Iowans, the

1 problem gambling and substance abuse treatment services in any
2 area may be provided either by a single agency or by separate
3 agencies submitting a joint proposal.
4 (1) The system for delivery of substance abuse and
5 problem gambling treatment shall include problem gambling
6 prevention by July 1, 2012. The department shall submit a
7 proposed legislative bill in accordance with section 2.16, for
8 consideration during the 2012 legislative session, addressing
9 any statutory revisions necessary for full implementation of
10 the system.
11 (2) The system for delivery of substance abuse and problem
12 gambling treatment shall include substance abuse prevention by
13 July 1, 2014.
14 (3) Of the funds allocated in paragraph "b", the department
15 may use up to $100,000 for administrative costs to continue
16 developing and implementing the process in accordance with this
17 paragraph "c".
18 d. The requirement of section 123.53, subsection 5, is met
19 by the appropriations and allocations made in the health and
20 human services divisions of this Act for purposes of substance
21 abuse treatment and addictive disorders for the fiscal year
22 beginning July 1, 2011.
23 e. The department of public health shall work with all other
24 departments that fund substance abuse prevention and treatment
25 services and all such departments shall, to the extent
26 necessary, collectively meet the state maintenance of effort
27 requirements for expenditures for substance abuse services
28 as required under the federal substance abuse prevention and
29 treatment block grant.
30 f. The department shall amend or otherwise revise
31 departmental policies and contract provisions in order to
32 eliminate free t-shirt distribution, banner production, and
33 other unnecessary promotional expenditures.
34 2. HEALTHY CHILDREN AND FAMILIES
35 For promoting the optimum health status for children,

1 adolescents from birth through 21 years of age, and families,
2 and for not more than the following full-time equivalent
3 positions:
4 ..... $ 2,594,270
5 ..... FTEs 10.00
6 a. Of the funds appropriated in this subsection, not more
7 than $739,318 shall be used for the healthy opportunities to
8 experience success (HOPES)-healthy families Iowa (HFI) program
9 established pursuant to section 135.106. The funding shall
10 be distributed to renew the grants that were provided to the
11 grantees that operated the program during the fiscal year
12 ending June 30, 2011.
13 b. Of the funds appropriated in this subsection, $329,885
14 shall be used to continue to address the healthy mental
15 development of children from birth through five years of age
16 through local evidence-based strategies that engage both the
17 public and private sectors in promoting healthy development,
18 prevention, and treatment for children.
19 c. Of the funds appropriated in this subsection, $31,597
20 shall be distributed to a statewide dental carrier to provide
21 funds to continue the donated dental services program patterned
22 after the projects developed by the dental lifeline network
23 to provide dental services to indigent elderly and disabled
24 individuals.
25 d. Of the funds appropriated in this subsection, $112,677
26 shall be used for childhood obesity prevention.
27 e. Of the funds appropriated in this subsection, $163,760
28 shall be used to provide audiological services and hearing
29 aids for children. The department may enter into a contract
30 to administer this paragraph.
31 3. CHRONIC CONDITIONS
32 For serving individuals identified as having chronic
33 conditions or special health care needs, and for not more than
34 the following full-time equivalent positions:
35 ..... $ 3,438,591

1 ..... FTEs 4.00
2 a. Of the funds appropriated in this subsection, $160,582
3 shall be used for grants to individual patients who have
4 phenylketonuria (PKU) to assist with the costs of necessary
5 special foods.
6 b. Of the funds appropriated in this subsection, $483,600
7 is allocated for continuation of the contracts for resource
8 facilitator services in accordance with section 135.22B,
9 subsection 9, and for brain injury training services and
10 recruiting of service providers to increase the capacity within
11 this state to address the needs of individuals with brain
12 injuries and such individuals' families.
13 c. Of the funds appropriated in this subsection, $468,874
14 shall be used as additional funding to leverage federal funding
15 through the federal Ryan White Care Act, Tit. II, AIDS drug
16 assistance program supplemental drug treatment grants.
17 d. Of the funds appropriated in this subsection, $31,254
18 shall be used for the public purpose of providing a grant to an
19 existing national-affiliated organization to provide education,
20 client-centered programs, and client and family support for
21 people living with epilepsy and their families.
22 e. Of the funds appropriated in this subsection, $12,500
23 shall be used for the purposes of the epilepsy treatment and
24 education task force as specified in 2011 Iowa Acts, House File
25 322, as enacted.
26 f. Of the funds appropriated in this subsection, $788,303
27 shall be used for child health specialty clinics.
28 g. Of the funds appropriated in this subsection, $711,052
29 shall be used for the comprehensive cancer control program to
30 reduce the burden of cancer in Iowa through prevention, early
31 detection, effective treatment, and ensuring quality of life.
32 Of the funds allocated in this lettered paragraph, $363,987
33 shall be used to support a melanoma research symposium, a
34 melanoma biorepository and registry, basic and translational
35 melanoma research, and clinical trials.

h. Of the funds appropriated in this subsection, $126,450 shall be used for cervical and colon cancer screening.

i. Of the funds appropriated in this subsection, $421,782 shall be used for the center for congenital and inherited disorders.

j. Of the funds appropriated in this subsection, $129,937 shall be used for the prescription drug donation repository program created in chapter 135M.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

..... $ 4,414,063

..... FTEs 14.00

a. Of the funds appropriated in this subsection, $100,000 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with early childhood Iowa areas.

b. Of the funds appropriated in this subsection, $111,308 is allocated for continuation of an initiative implemented at the university of Iowa and $100,493 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health, mental retardation, developmental disabilities, and brain injury commission to address the focus of the initiatives.

c. Of the funds appropriated in this subsection, $1,171,491 shall be used for essential public health services that promote healthy aging throughout the lifespan, contracted through a formula for local boards of health, to enhance health promotion and disease prevention services.

d. Of the funds appropriated in this section, $121,817 shall

1 be deposited in the governmental public health system fund
2 created in section 135A.8 to be used for the purposes of the
3 fund.
4 e. Of the funds appropriated in this subsection, $106,279
5 shall be used for the mental health professional shortage area
6 program implemented pursuant to section 135.80.
7 f. Of the funds appropriated in this subsection,
8 $38,263 shall be used for a grant to a statewide association
9 of psychologists that is affiliated with the American
10 psychological association to be used for continuation of a
11 program to rotate intern psychologists in placements in urban
12 and rural mental health professional shortage areas, as defined
13 in section 135.80.
14 g. Of the funds appropriated in this subsection, the
15 following amounts shall be allocated to the Iowa collaborative
16 safety net provider network established pursuant to section
17 135.153 to be used for the purposes designated. The following
18 amounts allocated under this lettered paragraph shall be
19 distributed to the specified provider and shall not be reduced
20 for administrative or other costs prior to distribution:
21 (1) For distribution to the Iowa primary care association
22 for statewide coordination of the Iowa collaborative safety net
23 provider network:
24 ..... $ 116,597
25 (2) For distribution to the local boards of health that
26 provide direct services for pilot programs in three counties to
27 assist patients in determining an appropriate medical home:
28 ..... $ 68,332
29 (3) For distribution to maternal and child health centers
30 for pilot programs in three counties to assist patients in
31 determining an appropriate medical home:
32 ..... $ 68,332
33 (4) For distribution to free clinics for necessary
34 infrastructure, statewide coordination, provider recruitment,
35 service delivery, and provision of assistance to patients in

1 determining an appropriate medical home:
2 ..... $ 113,754
3 (5) For distribution to rural health clinics for necessary
4 infrastructure, statewide coordination, provider recruitment,
5 service delivery, and provision of assistance to patients in
6 determining an appropriate medical home:
7 ..... $ 101,264
8 (6) For continuation of the safety net provider patient
9 access to specialty health care initiative as described in 2007
10 Iowa Acts, chapter 218, section 109:
11 ..... $ 238,420
12 (7) For continuation of the pharmaceutical infrastructure
13 for safety net providers as described in 2007 Iowa Acts,
14 chapter 218, section 108:
15 ..... $ 247,590
16 The Iowa collaborative safety net provider network may
17 continue to distribute funds allocated pursuant to this
18 lettered paragraph through existing contracts or renewal of
19 existing contracts.
20 h. (1) Of the funds appropriated in this subsection,
21 $100,000 shall be used for continued implementation of
22 the recommendations of the direct care worker task force
23 established pursuant to 2005 Iowa Acts, chapter 88, based upon
24 the report submitted to the governor and the general assembly
25 in December 2006. The department may use a portion of the
26 funds allocated in this lettered paragraph for an additional
27 position to assist in the continued implementation.
28 (2) The direct care worker advisory council shall submit
29 a final report no later than March 1, 2012, to the governor
30 and the general assembly, in accordance with 2010 Iowa
31 Acts, chapter 1192, section 2, subsection 4, paragraph "h",
32 subparagraph (3).
33 (3) The department of public health shall report to
34 the persons designated in the department of human services
35 division of this Act for FY 2011-2012 for submission of

1 reports regarding use of the funds allocated in this lettered
2 paragraph, on or before January 15, 2012.
3 i. Of the funds appropriated in this subsection, $150,000
4 shall be used for allocation through a request for proposals
5 process to a statewide direct care worker association for
6 education, outreach, and mentoring intended to enhance the
7 recruitment and retention of direct care workers in health
8 care and long-term care settings. Funding allocated in
9 this lettered paragraph shall not be used by the recipient
10 association for lobbying activities as described in section
11 689B.36.
12 j. The department may utilize one of the full-time
13 equivalent positions authorized in this subsection for
14 administration of the activities related to the Iowa
15 collaborative safety net provider network.
16 k. Of the funds appropriated in this subsection, the
17 department may use up to $60,000 for up to one full-time
18 equivalent position to administer the volunteer health care
19 provider program pursuant to section 135.24.
20 l. Of the funds appropriated in this subsection, $50,000
21 shall be used for a matching dental education loan repayment
22 program to be allocated to a dental nonprofit health service
23 corporation to develop the criteria and implement the loan
24 repayment program.
25 m. Of the funds appropriated in this subsection,
26 $363,987 shall be used as state matching funds for the health
27 information network as established by the department of public
28 health.
29 5. HEALTHY AGING
30 To provide public health services that reduce risks and
31 invest in promoting and protecting good health over the
32 course of a lifetime with a priority given to older Iowans and
33 vulnerable populations:
34 ..... $ 7,297,142
35 a. Of the funds appropriated in this subsection, $2,009,187

1 shall be used for local public health nursing services.
2 b. Of the funds appropriated in this subsection, $5,287,955
3 shall be used for home care aide services.
4 6. ENVIRONMENTAL HAZARDS
5 For reducing the public's exposure to hazards in the
6 environment, primarily chemical hazards, and for not more than
7 the following full-time equivalent positions:
8 ..... $ 813,777
9 ..... FTEs 4.00
10 Of the funds appropriated in this subsection, $544,377 shall
11 be used for childhood lead poisoning provisions.
12 7. INFECTIOUS DISEASES
13 For reducing the incidence and prevalence of communicable
14 diseases, and for not more than the following full-time
15 equivalent positions:
16 ..... $ 1,345,847
17 ..... FTEs 4.00
18 8. PUBLIC PROTECTION
19 For protecting the health and safety of the public through
20 establishing standards and enforcing regulations, and for not
21 more than the following full-time equivalent positions:
22 ..... $ 2,776,232
23 ..... FTEs 125.00
24 a. Of the funds appropriated in this subsection, not more
25 than $471,690 shall be credited to the emergency medical
26 services fund created in section 135.25. Moneys in the
27 emergency medical services fund are appropriated to the
28 department to be used for the purposes of the fund.
29 b. Of the funds appropriated in this subsection, $210,619
30 shall be used for sexual violence prevention programming
31 through a statewide organization representing programs serving
32 victims of sexual violence through the department's sexual
33 violence prevention program. The amount allocated in this
34 lettered paragraph shall not be used to supplant funding
35 administered for other sexual violence prevention or victims

1 assistance programs.
2 c. Of the funds appropriated in this subsection, not more
3 than $436,582 shall be used for the state poison control
4 center.
5 9. RESOURCE MANAGEMENT
6 For establishing and sustaining the overall ability of the
7 department to deliver services to the public, and for not more
8 than the following full-time equivalent positions:
9 ..... $ 819,554
10 ..... FTEs 7.00
11 The university of Iowa hospitals and clinics under the
12 control of the state board of regents shall not receive
13 indirect costs from the funds appropriated in this section.
14 The university of Iowa hospitals and clinics billings to the
15 department shall be on at least a quarterly basis.
16 DIVISION XXV
17 HEALTH AND HUMAN SERVICES
18 DEPARTMENT OF VETERANS AFFAIRS —— FY 2011-2012
19 Sec. 221. DEPARTMENT OF VETERANS AFFAIRS. There is
20 appropriated from the general fund of the state to the
21 department of veterans affairs for the fiscal year beginning
22 July 1, 2011, and ending June 30, 2012, the following amounts,
23 or so much thereof as is necessary, to be used for the purposes
24 designated:
25 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
26 For salaries, support, maintenance, and miscellaneous
27 purposes, including the war orphans educational assistance fund
28 created in section 35.8, and for not more than the following
29 full-time equivalent positions:
30 ..... $ 998,832
31 ..... FTEs 16.34
32 2. IOWA VETERANS HOME
33 For salaries, support, maintenance, and miscellaneous
34 purposes:
35 ..... $ 8,952,151

a. The Iowa veterans home billings involving the department of human services shall be submitted to the department on at least a monthly basis.

b. If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

c. Within available resources and in conformance with associated state and federal program eligibility requirements, the Iowa veterans home may implement measures to provide financial assistance to or on behalf of veterans or their spouses participating in the community reentry program.

3. STATE EDUCATIONAL ASSISTANCE —— CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

..... $ 12,416

Sec. 222. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veterans affairs fund under section 35A.16:

..... $ 990,000

DIVISION XXVI

HEALTH AND HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES —— FY 2011-2012

Sec. 223. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, from moneys

1 received under the federal temporary assistance for needy
2 families (TANF) block grant pursuant to the federal Personal
3 Responsibility and Work Opportunity Reconciliation Act of 1996,
4 Pub. L. No. 104-193, and successor legislation, and from moneys
5 received under the emergency contingency fund for temporary
6 assistance for needy families state program established
7 pursuant to the federal American Recovery and Reinvestment Act
8 of 2009, Pub. L. No. 111-5 § 2101, and successor legislation,
9 the following amounts, or so much thereof as is necessary, to
10 be used for the purposes designated:
11 1. To be credited to the family investment program account
12 and used for assistance under the family investment program
13 under chapter 239B:
14 ..... $ 21,500,738
15 2. To be credited to the family investment program account
16 and used for the job opportunities and basic skills (JOBS)
17 program and implementing family investment agreements in
18 accordance with chapter 239B:
19 ..... $ 12,411,528
20 3. To be used for the family development and
21 self-sufficiency grant program in accordance with section
22 216A.107:
23 ..... $ 2,898,980
24 Notwithstanding section 8.33, moneys appropriated in this
25 subsection that remain unencumbered or unobligated at the close
26 of the fiscal year shall not revert but shall remain available
27 for expenditure for the purposes designated until the close of
28 the succeeding fiscal year. However, unless such moneys are
29 encumbered or obligated on or before September 30, 2012, the
30 moneys shall revert.
31 4. For field operations:
32 ..... $ 31,296,232
33 5. For general administration:
34 ..... $ 3,744,000
35 6. For state child care assistance:

1 ..... $ 16,382,687
2 The funds appropriated in this subsection shall be
3 transferred to the child care and development block grant
4 appropriation made by the Eighty-fourth General Assembly, 2011
5 Session, for the federal fiscal year beginning October 1,
6 2011, and ending September 30, 2012. Of this amount, $200,000
7 shall be used for provision of educational opportunities to
8 registered child care home providers in order to improve
9 services and programs offered by this category of providers
10 and to increase the number of providers. The department may
11 contract with institutions of higher education or child care
12 resource and referral centers to provide the educational
13 opportunities. Allowable administrative costs under the
14 contracts shall not exceed 5 percent. The application for a
15 grant shall not exceed two pages in length.
16 7. For mental health and developmental disabilities
17 community services:
18 ..... $ 4,894,052
19 8. For child and family services:
20 ..... $ 32,084,430
21 9. For child abuse prevention grants:
22 ..... $ 125,000
23 10. For pregnancy prevention grants on the condition that
24 family planning services are funded:
25 ..... $ 1,930,067
26 Pregnancy prevention grants shall be awarded to pregnancy
27 prevention programs that are based on existing models that
28 have demonstrated positive outcomes. Grants shall comply with
29 the requirements provided in 1997 Iowa Acts, chapter 208,
30 section 14, subsections 1 and 2, including the requirement that
31 grant programs must emphasize sexual abstinence. Priority in
32 the awarding of grants shall be given to programs that serve
33 areas of the state which demonstrate the highest percentage of
34 unplanned pregnancies of females of childbearing age within the
35 geographic area to be served by the grant.

1 11. For technology needs and other resources necessary
2 to meet federal welfare reform reporting, tracking, and case
3 management requirements:
4 ..... $ 1,037,186
5 12. To be credited to the state child care assistance
6 appropriation made in this section to be used for funding of
7 community-based early childhood programs targeted to children
8 from birth through five years of age developed by early
9 childhood Iowa areas as provided in section 256I.11:
10 ..... $ 6,350,000
11 The department shall transfer TANF block grant funding
12 appropriated and allocated in this subsection to the child care
13 and development block grant appropriation in accordance with
14 federal law as necessary to comply with the provisions of this
15 subsection.
16 13. a. Notwithstanding any provision to the contrary,
17 including but not limited to requirements in section 8.41
18 or provisions in 2010 Iowa Acts regarding the receipt and
19 appropriation of federal block grants, federal funds from the
20 emergency contingency fund for temporary assistance for needy
21 families state program established pursuant to the federal
22 American Recovery and Reinvestment Act of 2009, Pub. L. No.
23 111-5 § 2101, received by the state during the fiscal year
24 beginning July 1, 2010, and ending June 30, 2011, not otherwise
25 appropriated in this section and remaining available as of
26 July 1, 2011, and received by the state during the fiscal
27 year beginning July 1, 2011, and ending June 30, 2012, are
28 appropriated to the extent as may be necessary to be used in
29 the following priority order: the family investment program
30 for the fiscal year and for state child care assistance program
31 payments for individuals enrolled in the family investment
32 program who are employed. The federal funds appropriated in
33 this paragraph "a" shall be expended only after all other
34 funds appropriated in subsection 1 for the assistance under
35 the family investment program under chapter 239B have been

1 expended.
2 b. The department shall, on a quarterly basis, advise the
3 legislative services agency and department of management of
4 the amount of funds appropriated in this subsection that was
5 expended in the prior quarter.
6 14. Of the amounts appropriated in this section,
7 $12,962,008 for the fiscal year beginning July 1, 2011, shall
8 be transferred to the appropriation of the federal social
9 services block grant made for that fiscal year.
10 15. For continuation of the program allowing the department
11 to maintain categorical eligibility for the food assistance
12 program as required under the section of this division of this
13 Act relating to the family investment account:
14 ..... $ 146,072
15 16. The department may transfer funds allocated in this
16 section to the appropriations made in this division of this Act
17 for general administration and field operations for resources
18 necessary to implement and operate the services referred to in
19 this section and those funded in the appropriation made in this
20 division of this Act for the family investment program from the
21 general fund of the state.
22 Sec. 224. FAMILY INVESTMENT PROGRAM ACCOUNT.
23 1. Moneys credited to the family investment program (FIP)
24 account for the fiscal year beginning July 1, 2011, and
25 ending June 30, 2012, shall be used to provide assistance in
26 accordance with chapter 239B.
27 2. The department may use a portion of the moneys credited
28 to the FIP account under this section as necessary for
29 salaries, support, maintenance, and miscellaneous purposes.
30 3. The department may transfer funds allocated in this
31 section to the appropriations in this division of this Act
32 for general administration and field operations for resources
33 necessary to implement and operate the services referred to in
34 this section and those funded in the appropriation made in this
35 division of this Act for the family investment program from the

1 general fund of the state.
2 4. Moneys appropriated in this division of this Act and
3 credited to the FIP account for the fiscal year beginning July
4 1, 2011, and ending June 30, 2012, are allocated as follows:
5 a. To be retained by the department of human services to
6 be used for coordinating with the department of human rights
7 to more effectively serve participants in the FIP program and
8 other shared clients and to meet federal reporting requirements
9 under the federal temporary assistance for needy families block
10 grant:
11 ..... $ 20,000
12 b. To the department of human rights for staffing,
13 administration, and implementation of the family development
14 and self-sufficiency grant program in accordance with section
15 216A.107:
16 ..... $ 5,342,834
17 (1) Of the funds allocated for the family development and
18 self-sufficiency grant program in this lettered paragraph,
19 not more than 5 percent of the funds shall be used for the
20 administration of the grant program.
21 (2) The department of human rights may continue to implement
22 the family development and self-sufficiency grant program
23 statewide during fiscal year 2011-2012.
24 c. For the diversion subaccount of the FIP account:
25 ..... $ 1,698,400
26 A portion of the moneys allocated for the subaccount may
27 be used for field operations salaries, data management system
28 development, and implementation costs and support deemed
29 necessary by the director of human services in order to
30 administer the FIP diversion program.
31 d. For the food stamp employment and training program:
32 ..... $ 66,588
33 (1) The department shall amend the food stamp employment and
34 training state plan in order to maximize to the fullest extent
35 permitted by federal law the use of the 50-50 match provisions

1 for the claiming of allowable federal matching funds from the
2 United States department of agriculture pursuant to the federal
3 food stamp employment and training program for providing
4 education, employment, and training services for eligible food
5 assistance program participants, including but not limited to
6 related dependent care and transportation expenses.
7 (2) The department shall continue the categorical federal
8 food assistance program eligibility at 160 percent of the
9 federal poverty level and continue to eliminate the asset test
10 from eligibility requirements, consistent with federal food
11 assistance program requirements. The department shall include
12 as many food assistance households as is allowed by federal
13 law. The eligibility provisions shall conform to all federal
14 requirements including requirements addressing individuals who
15 are incarcerated or otherwise ineligible.
16 e. For the JOBS program:
17 ..... $ 20,235,905
18 5. Of the child support collections assigned under FIP,
19 an amount equal to the federal share of support collections
20 shall be credited to the child support recovery appropriation
21 made in this division of this Act. Of the remainder of the
22 assigned child support collections received by the child
23 support recovery unit, a portion shall be credited to the FIP
24 account, a portion may be used to increase recoveries, and a
25 portion may be used to sustain cash flow in the child support
26 payments account. If as a consequence of the appropriations
27 and allocations made in this section the resulting amounts
28 are insufficient to sustain cash assistance payments and meet
29 federal maintenance of effort requirements, the department
30 shall seek supplemental funding. If child support collections
31 assigned under FIP are greater than estimated or are otherwise
32 determined not to be required for maintenance of effort, the
33 state share of either amount may be transferred to or retained
34 in the child support payment account.
35 6. The department may adopt emergency rules for the family

1 investment, JOBS, food stamp, and medical assistance programs
2 if necessary to comply with federal requirements.
3 Sec. 225. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
4 is appropriated from the general fund of the state to the
5 department of human services for the fiscal year beginning July
6 1, 2011, and ending June 30, 2012, the following amount, or
7 so much thereof as is necessary, to be used for the purpose
8 designated:
9 To be credited to the family investment program (FIP)
10 account and used for family investment program assistance under
11 chapter 239B:
12 ..... $ 50,171,027
13 1. Of the funds appropriated in this section, $7,824,377 is
14 allocated for the JOBS program.
15 2. Of the funds appropriated in this section, $2,463,854 is
16 allocated for the family development and self-sufficiency grant
17 program.
18 3. Notwithstanding section 8.39, for the fiscal year
19 beginning July 1, 2011, if necessary to meet federal
20 maintenance of effort requirements or to transfer federal
21 temporary assistance for needy families block grant funding
22 to be used for purposes of the federal social services block
23 grant or to meet cash flow needs resulting from delays in
24 receiving federal funding or to implement, in accordance with
25 this division of this Act, activities currently funded with
26 juvenile court services, county, or community moneys and state
27 moneys used in combination with such moneys, the department
28 of human services may transfer funds within or between any
29 of the appropriations made in this division of this Act and
30 appropriations in law for the federal social services block
31 grant to the department for the following purposes, provided
32 that the combined amount of state and federal temporary
33 assistance for needy families block grant funding for each
34 appropriation remains the same before and after the transfer:
35 a. For the family investment program.

1 b. For child care assistance.
2 c. For child and family services.
3 d. For field operations.
4 e. For general administration.
5 f. MH/MR/DD/BI community services (local purchase).
6 This subsection shall not be construed to prohibit the use
7 of existing state transfer authority for other purposes. The
8 department shall report any transfers made pursuant to this
9 subsection to the legislative services agency.
10 4. Of the funds appropriated in this section, $195,678 shall
11 be used for continuation of a grant to an Iowa-based nonprofit
12 organization with a history of providing tax preparation
13 assistance to low-income Iowans in order to expand the usage of
14 the earned income tax credit. The purpose of the grant is to
15 supply this assistance to underserved areas of the state.
16 Sec. 226. CHILD SUPPORT RECOVERY. There is appropriated
17 from the general fund of the state to the department of human
18 services for the fiscal year beginning July 1, 2011, and ending
19 June 30, 2012, the following amount, or so much thereof as is
20 necessary, to be used for the purposes designated:
21 For child support recovery, including salaries, support,
22 maintenance, and miscellaneous purposes, and for not more than
23 the following full-time equivalent positions:
24 ..... $ 13,044,451
25 ..... FTEs 475.00
26 1. The department shall expend up to $24,329, including
27 federal financial participation, for the fiscal year beginning
28 July 1, 2011, for a child support public awareness campaign.
29 The department and the office of the attorney general shall
30 cooperate in continuation of the campaign. The public
31 awareness campaign shall emphasize, through a variety of
32 media activities, the importance of maximum involvement of
33 both parents in the lives of their children as well as the
34 importance of payment of child support obligations.
35 2. Federal access and visitation grant moneys shall be

1 issued directly to private not-for-profit agencies that provide
2 services designed to increase compliance with the child access
3 provisions of court orders, including but not limited to
4 neutral visitation sites and mediation services.
5 3. The appropriation made to the department for child
6 support recovery may be used throughout the fiscal year in the
7 manner necessary for purposes of cash flow management, and for
8 cash flow management purposes the department may temporarily
9 draw more than the amount appropriated, provided the amount
10 appropriated is not exceeded at the close of the fiscal year.
11 4. With the exception of the funding amount specified, the
12 requirements established under 2001 Iowa Acts, chapter 191,
13 section 3, subsection 5, paragraph "c", subparagraph (3), shall
14 be applicable to parental obligation pilot projects for the
15 fiscal year beginning July 1, 2011, and ending June 30, 2012.
16 Notwithstanding 441 IAC 100.8, providing for termination of
17 rules relating to the pilot projects, the rules shall remain
18 in effect until June 30, 2012.
19 Sec. 227. HEALTH CARE TRUST FUND —— MEDICAL ASSISTANCE. Any
20 funds remaining in the health care trust fund created in
21 section 453A.35A for the fiscal year beginning July 1, 2011,
22 and ending June 30, 2012, are appropriated to the department
23 of human services to supplement the medical assistance
24 program appropriations made in the health and human services
25 divisions of this Act, for medical assistance reimbursement and
26 associated costs, including program administration and costs
27 associated with implementation.
28 Sec. 228. MEDICAL ASSISTANCE. There is appropriated from
29 the general fund of the state to the department of human
30 services for the fiscal year beginning July 1, 2011, and ending
31 June 30, 2012, the following amount, or so much thereof as is
32 necessary, to be used for the purpose designated:
33 For medical assistance reimbursement and associated costs
34 as specifically provided in the reimbursement methodologies
35 in effect on June 30, 2011, except as otherwise expressly

1 authorized by law, including reimbursement for abortion
2 services which shall be available under the medical assistance
3 program only for those abortions which are medically necessary:
4 ..... $907,087,190
5 1. Medically necessary abortions are those performed under
6 any of the following conditions:
7 a. The attending physician certifies that continuing the
8 pregnancy would endanger the life of the pregnant woman.
9 b. Any spontaneous abortion, commonly known as a
10 miscarriage, if not all of the products of conception are
11 expelled.
12 2. The department shall utilize not more than $60,000 of
13 the funds appropriated in this section to continue the AIDS/HIV
14 health insurance premium payment program as established in 1992
15 Iowa Acts, Second Extraordinary Session, chapter 1001, section
16 409, subsection 6. Of the funds allocated in this subsection,
17 not more than $5,000 may be expended for administrative
18 purposes.
19 3. Of the funds appropriated in the department of public
20 health division of this Act for FY 2011-2012 to the department
21 of public health for addictive disorders, $950,000 for the
22 fiscal year beginning July 1, 2011, shall be transferred to
23 the department of human services for an integrated substance
24 abuse managed care system. The department shall not assume
25 management of the substance abuse system in place of the
26 managed care contractor unless such a change in approach is
27 specifically authorized in law. The departments of human
28 services and public health shall work together to maintain
29 the level of mental health and substance abuse services
30 provided by the managed care contractor through the Iowa plan
31 for behavioral health. Each department shall take the steps
32 necessary to continue the federal waivers as necessary to
33 maintain the level of services.
34 4. a. The department shall aggressively pursue options for
35 providing medical assistance or other assistance to individuals

1 with special needs who become ineligible to continue receiving
2 services under the early and periodic screening, diagnostic,
3 and treatment program under the medical assistance program
4 due to becoming 21 years of age who have been approved for
5 additional assistance through the department's exception to
6 policy provisions, but who have health care needs in excess
7 of the funding available through the exception to policy
8 provisions.
9 b. Of the funds appropriated in this section, $100,000
10 shall be used for participation in one or more pilot projects
11 operated by a private provider to allow the individual or
12 individuals to receive service in the community in accordance
13 with principles established in Olmstead v. L.C., 527 U.S. 581
14 (1999), for the purpose of providing medical assistance or
15 other assistance to individuals with special needs who become
16 ineligible to continue receiving services under the early and
17 periodic screening, diagnosis, and treatment program under
18 the medical assistance program due to becoming 21 years of
19 age who have been approved for additional assistance through
20 the department's exception to policy provisions, but who have
21 health care needs in excess of the funding available through
22 the exception to the policy provisions.
23 5. Of the funds appropriated in this section, up to
24 $3,050,082 may be transferred to the field operations or
25 general administration appropriations in this division of this
26 Act for operational costs associated with Part D of the federal
27 Medicare Prescription Drug Improvement and Modernization Act
28 of 2003, Pub. L. No. 108-173.
29 6. Of the funds appropriated in this section, up to $442,100
30 may be transferred to the appropriation in this division
31 of this Act for medical contracts to be used for clinical
32 assessment services and prior authorization of services.
33 7. A portion of the funds appropriated in this section
34 may be transferred to the appropriations in this division of
35 this Act for general administration, medical contracts, the

1 children's health insurance program, or field operations to be
2 used for the state match cost to comply with the payment error
3 rate measurement (PERM) program for both the medical assistance
4 and children's health insurance programs as developed by the
5 centers for Medicare and Medicaid services of the United States
6 department of health and human services to comply with the
7 federal Improper Payments Information Act of 2002, Pub. L. No.
8 107-300.
9 8. It is the intent of the general assembly that the
10 department continue to implement the recommendations of
11 the assuring better child health and development initiative
12 II (ABCDII) clinical panel to the Iowa early and periodic
13 screening, diagnostic, and treatment services healthy mental
14 development collaborative board regarding changes to billing
15 procedures, codes, and eligible service providers.
16 9. Of the funds appropriated in this section, a sufficient
17 amount is allocated to supplement the incomes of residents of
18 nursing facilities, intermediate care facilities for persons
19 with mental illness, and intermediate care facilities for
20 persons with mental retardation, with incomes of less than $50
21 in the amount necessary for the residents to receive a personal
22 needs allowance of $50 per month pursuant to section 249A.30A.
23 10. Of the funds appropriated in this section, the following
24 amounts shall be transferred to the appropriations made in this
25 division of this Act for the state mental health institutes:
26 a. Cherokee mental health institute ..... $ 9,098,425
27 b. Clarinda mental health institute ..... $ 1,977,305
28 c. Independence mental health institute ..... $ 9,045,894
29 d. Mount Pleasant mental health institute .... $ 5,752,587
30 11. a. Of the funds appropriated in this section,
31 $7,425,684 is allocated for the state match for a
32 disproportionate share hospital payment of $19,133,430 to
33 hospitals that meet both of the conditions specified in
34 subparagraphs (1) and (2). In addition, the hospitals that
35 meet the conditions specified shall either certify public

1 expenditures or transfer to the medical assistance program
2 an amount equal to provide the nonfederal share for a
3 disproportionate share hospital payment of $7,500,000. The
4 hospitals that meet the conditions specified shall receive and
5 retain 100 percent of the total disproportionate share hospital
6 payment of $26,633,430.
7 (1) The hospital qualifies for disproportionate share and
8 graduate medical education payments.
9 (2) The hospital is an Iowa state-owned hospital with more
10 than 500 beds and eight or more distinct residency specialty
11 or subspecialty programs recognized by the American college of
12 graduate medical education.
13 b. Distribution of the disproportionate share payments
14 shall be made on a monthly basis. The total amount of
15 disproportionate share payments including graduate medical
16 education, enhanced disproportionate share, and Iowa
17 state-owned teaching hospital payments shall not exceed the
18 amount of the state's allotment under Pub. L. No. 102-234.
19 In addition, the total amount of all disproportionate
20 share payments shall not exceed the hospital-specific
21 disproportionate share limits under Pub. L. No. 103-66.
22 12. The university of Iowa hospitals and clinics shall
23 either certify public expenditures or transfer to the medical
24 assistance appropriation an amount equal to provide the
25 nonfederal share for increased medical assistance payments for
26 inpatient and outpatient hospital services of $9,900,000. The
27 university of Iowa hospitals and clinics shall receive and
28 retain 100 percent of the total increase in medical assistance
29 payments.
30 13. Of the funds appropriated in this section, up to
31 $4,480,304 may be transferred to the IowaCare account created
32 in section 249J.24.
33 14. Of the funds appropriated in this section, $200,000
34 shall be used for the Iowa chronic care consortium pursuant to
35 2003 Iowa Acts, chapter 112, section 12, as amended by 2003

1 Iowa Acts, chapter 179, sections 166 and 167.
2 15. One hundred percent of the nonfederal share of payments
3 to area education agencies that are medical assistance
4 providers for medical assistance-covered services provided to
5 medical assistance-covered children, shall be made from the
6 appropriation made in this section.
7 16. Any new or renewed contract entered into by the
8 department with a third party to administer behavioral health
9 services under the medical assistance program shall provide
10 that any interest earned on payments from the state during
11 the state fiscal year shall be remitted to the department
12 and treated as recoveries to offset the costs of the medical
13 assistance program.
14 17. The department shall continue to implement the
15 provisions in 2007 Iowa Acts, chapter 218, section 124 and
16 section 126, as amended by 2008 Iowa Acts, chapter 1188,
17 section 55, relating to eligibility for certain persons with
18 disabilities under the medical assistance program in accordance
19 with the federal family opportunity Act.
20 18. A portion of the funds appropriated in this section
21 may be transferred to the appropriation in this division of
22 this Act for medical contracts to be used for administrative
23 activities associated with the money follows the person
24 demonstration project.
25 19. Of the funds appropriated in this section, $349,011
26 shall be used for the administration of the health insurance
27 premium payment program, including salaries, support,
28 maintenance, and miscellaneous purposes for the fiscal year
29 beginning July 1, 2011.
30 20. a. The department may implement cost containment
31 strategies recommended by the governor, and may adopt emergency
32 rules for such implementation.
33 b. The department may increase the amounts allocated for
34 salaries, support, maintenance, and miscellaneous purposes
35 associated with the medical assistance program, as necessary,

1 to implement the cost containment strategies. The department
2 shall report any such increase to the legislative services
3 agency and the department of management.
4 c. If the savings to the medical assistance program exceed
5 the cost, the department may transfer any savings generated
6 for the fiscal year due to medical assistance program cost
7 containment efforts initiated pursuant to 2010 Iowa Acts,
8 chapter 1031, Executive Order No. 20, issued December 16, 2009,
9 or cost containment strategies initiated pursuant to this
10 subsection, to the appropriation made in this division of this
11 Act for medical contracts or general administration to defray
12 the increased contract costs associated with implementing such
13 efforts.
14 d. The department shall report the implementation of
15 any cost containment strategies under this subsection to
16 the individuals specified in this division of this Act for
17 submission of reports on a quarterly basis.
18 21. Notwithstanding any provision of law to the contrary,
19 the department of human services shall amend the section
20 1915(b) waiver and Iowa plan contract to include remedial
21 services under the Iowa plan contract effective July 1, 2011.
22 22. a. The department may submit medical assistance program
23 state plan amendments to the centers for Medicare and Medicaid
24 services of the United States department of health and human
25 services, and may adopt administrative rules pursuant to
26 chapter 17A to implement any of the following if the respective
27 state plan amendment is approved:
28 (1) Health homes pursuant to section 2703 of the federal
29 Patient Protection and Affordable Care Act, Pub. L. No.
30 111-148. The department shall collaborate with the medical
31 home system advisory council created pursuant to section
32 135.159 in developing such health homes.
33 (2) Accountable care organization pilot programs, if such
34 programs are advantageous to the medical assistance program.
35 b. Any health home or accountable care organization

1 pilot program implemented pursuant to this subsection shall
2 demonstrate value to the state with a positive return on
3 investment within two years of implementation, and may utilize
4 care coordination fees, pay-for-performance fees, or shared
5 saving strategies if approved as part of the state plan
6 amendment.
7 23. The department, in consultation with the Iowa pharmacy
8 association and other appropriate entities, shall develop
9 recommendations to replace the reimbursement methodology of
10 average wholesale price minus 12 percent for covered brand-name
11 prescription drugs, generic drugs, and over-the-counter drugs.
12 The department shall report the recommendations to the persons
13 designated in this division of this Act for submission of
14 reports by December 15, 2011.
15 Sec. 229. MEDICAL CONTRACTS. There is appropriated from the
16 general fund of the state to the department of human services
17 for the fiscal year beginning July 1, 2011, and ending June 30,
18 2012, the following amount, or so much thereof as is necessary,
19 to be used for the purpose designated:
20 For medical contracts:
21 ..... $ 5,823,844
22 1. The department of inspections and appeals shall
23 provide all state matching funds for survey and certification
24 activities performed by the department of inspections
25 and appeals. The department of human services is solely
26 responsible for distributing the federal matching funds for
27 such activities.
28 2. The department shall amend the state Medicaid health
29 information technology plan to include costs related to the
30 one-time development costs of the health information network
31 established by the department of public health.
32 3. Of the amount appropriated in this section, up to
33 $200,000 may be transferred to the appropriation for general
34 administration in this division of this Act to be used for
35 additional full-time equivalent positions in the development of

1 key health initiatives such as cost containment, development
2 and oversight of managed care programs, and development of
3 health strategies targeted toward improved quality and reduced
4 costs in the Medicaid program.
5 4. Of the funds appropriated in this section, $50,000 shall
6 be used for home and community-based services waiver quality
7 assurance programs, including the review and streamlining
8 of processes and policies related to oversight and quality
9 management to meet state and federal requirements. The
10 department shall submit a report to the persons designated in
11 this division of this Act for submission of reports by December
12 15, 2011, regarding the modifications to the quality assurance
13 programs.
14 Sec. 230. STATE SUPPLEMENTARY ASSISTANCE.
15 1. There is appropriated from the general fund of the
16 state to the department of human services for the fiscal year
17 beginning July 1, 2011, and ending June 30, 2012, the following
18 amount, or so much thereof as is necessary, to be used for the
19 purpose designated:
20 For the state supplementary assistance program:
21 ..... $ 16,850,747
22 2. The department shall increase the personal needs
23 allowance for residents of residential care facilities by the
24 same percentage and at the same time as federal supplemental
25 security income and federal social security benefits are
26 increased due to a recognized increase in the cost of living.
27 The department may adopt emergency rules to implement this
28 subsection.
29 3. If during the fiscal year beginning July 1, 2011,
30 the department projects that state supplementary assistance
31 expenditures for a calendar year will not meet the federal
32 pass-through requirement specified in Tit. XVI of the federal
33 Social Security Act, section 1618, as codified in 42 U.S.C.
34 § 1382g, the department may take actions including but not
35 limited to increasing the personal needs allowance for

1 residential care facility residents and making programmatic
2 adjustments or upward adjustments of the residential care
3 facility or in-home health-related care reimbursement rates
4 prescribed in this division of this Act to ensure that federal
5 requirements are met. In addition, the department may make
6 other programmatic and rate adjustments necessary to remain
7 within the amount appropriated in this section while ensuring
8 compliance with federal requirements. The department may adopt
9 emergency rules to implement the provisions of this subsection.
10 Sec. 231. CHILDREN'S HEALTH INSURANCE PROGRAM.
11 There is appropriated from the general fund of the state to
12 the department of human services for the fiscal year beginning
13 July 1, 2011, and ending June 30, 2012, the following amount,
14 or so much thereof as is necessary, to be used for the purpose
15 designated:
16 For maintenance of the healthy and well kids in Iowa (hawk-i)
17 program pursuant to chapter 514I, including supplemental dental
18 services, for receipt of federal financial participation under
19 Tit. XXI of the federal Social Security Act, which creates the
20 children's health insurance program:
21 ..... $ 32,677,152
22 Sec. 232. CHILD CARE ASSISTANCE. There is appropriated
23 from the general fund of the state to the department of human
24 services for the fiscal year beginning July 1, 2011, and ending
25 June 30, 2012, the following amount, or so much thereof as is
26 necessary, to be used for the purpose designated:
27 For child care programs:
28 ..... $ 55,237,662
29 1. Of the funds appropriated in this section, $51,868,235
30 shall be used for state child care assistance in accordance
31 with section 237A.13.
32 2. Nothing in this section shall be construed or is
33 intended as or shall imply a grant of entitlement for services
34 to persons who are eligible for assistance due to an income
35 level consistent with the waiting list requirements of section

1 237A.13. Any state obligation to provide services pursuant to
2 this section is limited to the extent of the funds appropriated
3 in this section.
4 3. Of the funds appropriated in this section, $432,453 is
5 allocated for the statewide program for child care resource
6 and referral services under section 237A.26. A list of the
7 registered and licensed child care facilities operating in the
8 area served by a child care resource and referral service shall
9 be made available to the families receiving state child care
10 assistance in that area.
11 4. Of the funds appropriated in this section, $936,974
12 is allocated for child care quality improvement initiatives
13 including but not limited to the voluntary quality rating
14 system in accordance with section 237.30.
15 5. The department may use any of the funds appropriated
16 in this section as a match to obtain federal funds for use in
17 expanding child care assistance and related programs. For
18 the purpose of expenditures of state and federal child care
19 funding, funds shall be considered obligated at the time
20 expenditures are projected or are allocated to the department's
21 service areas. Projections shall be based on current and
22 projected caseload growth, current and projected provider
23 rates, staffing requirements for eligibility determination
24 and management of program requirements including data systems
25 management, staffing requirements for administration of the
26 program, contractual and grant obligations and any transfers
27 to other state agencies, and obligations for decategorization
28 or innovation projects.
29 6. A portion of the state match for the federal child care
30 and development block grant shall be provided as necessary to
31 meet federal matching funds requirements through the state
32 general fund appropriation made for child development grants
33 and other programs for at-risk children in section 279.51.
34 7. If a uniform reduction ordered by the governor under
35 section 8.31 or other operation of law, transfer, or federal

1 funding reduction reduces the appropriation made in this
2 section for the fiscal year, the percentage reduction in the
3 amount paid out to or on behalf of the families participating
4 in the state child care assistance program shall be equal to or
5 less than the percentage reduction made for any other purpose
6 payable from the appropriation made in this section and the
7 federal funding relating to it. The percentage reduction to
8 the other allocations made in this section shall be the same as
9 the uniform reduction ordered by the governor or the percentage
10 change of the federal funding reduction, as applicable.
11 If there is an unanticipated increase in federal funding
12 provided for state child care assistance, the entire amount
13 of the increase shall be used for state child care assistance
14 payments. If the appropriations made for purposes of the
15 state child care assistance program for the fiscal year are
16 determined to be insufficient, it is the intent of the general
17 assembly to appropriate sufficient funding for the fiscal year
18 in order to avoid establishment of waiting list requirements.
19 8. Notwithstanding section 8.33, moneys appropriated in
20 this section or received from the federal appropriations made
21 for the purposes of this section that remain unencumbered or
22 unobligated at the close of the fiscal year shall not revert
23 to any fund but shall remain available for expenditure for the
24 purposes designated until the close of the succeeding fiscal
25 year.
26 Sec. 233. JUVENILE INSTITUTIONS. There is appropriated
27 from the general fund of the state to the department of human
28 services for the fiscal year beginning July 1, 2011, and ending
29 June 30, 2012, the following amounts, or so much thereof as is
30 necessary, to be used for the purposes designated:
31 1. For operation of the Iowa juvenile home at Toledo and for
32 salaries, support, maintenance, and miscellaneous purposes, and
33 for not more than the following full-time equivalent positions:
34 ..... $ 8,258,251
35 ..... FTEs 114.00

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

..... $ 10,638,677

..... FTEs 164.30

Of the funds appropriated in this subsection, $91,150 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2011.

Sec. 234. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... $ 82,330,967

2. In order to address a reduction of $5,200,000 from the amount allocated under the appropriation made for the purposes of this section in prior years for purposes of juvenile delinquent graduated sanction services, up to $5,200,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program, state child

1 care assistance program, or the family investment program which
2 are provided to children who would otherwise receive services
3 paid under the appropriation in this section. The department
4 may transfer funds appropriated in this section to the
5 appropriations made in this division of this Act for general
6 administration and for field operations for resources necessary
7 to implement and operate the services funded in this section.
8 4. a. Of the funds appropriated in this section, up to
9 $30,169,129 is allocated as the statewide expenditure target
10 under section 232.143 for group foster care maintenance and
11 services. If the department projects that such expenditures
12 for the fiscal year will be less than the target amount
13 allocated in this lettered paragraph, the department may
14 reallocate the excess to provide additional funding for shelter
15 care or the child welfare emergency services addressed with the
16 allocation for shelter care.
17 b. If at any time after September 30, 2011, annualization
18 of a service area's current expenditures indicates a service
19 area is at risk of exceeding its group foster care expenditure
20 target under section 232.143 by more than 5 percent, the
21 department and juvenile court services shall examine all
22 group foster care placements in that service area in order to
23 identify those which might be appropriate for termination.
24 In addition, any aftercare services believed to be needed
25 for the children whose placements may be terminated shall be
26 identified. The department and juvenile court services shall
27 initiate action to set dispositional review hearings for the
28 placements identified. In such a dispositional review hearing,
29 the juvenile court shall determine whether needed aftercare
30 services are available and whether termination of the placement
31 is in the best interest of the child and the community.
32 5. In accordance with the provisions of section 232.188,
33 the department shall continue the child welfare and juvenile
34 justice funding initiative during fiscal year 2011-2012. Of
35 the funds appropriated in this section, $1,717,753 is allocated

1 specifically for expenditure for fiscal year 2011-2012 through
2 the decategorization service funding pools and governance
3 boards established pursuant to section 232.188. However, if
4 this subsection is enacted on or after June 15, 2011, the
5 determination shall be made not later than 10 calendar days
6 after the effective date.
7 6. A portion of the funds appropriated in this section
8 may be used for emergency family assistance to provide other
9 resources required for a family participating in a family
10 preservation or reunification project or successor project to
11 stay together or to be reunified.
12 7. Notwithstanding section 234.35 or any other provision
13 of law to the contrary, state funding for shelter care and
14 the child welfare emergency services contracting implemented
15 to provide for or prevent the need for shelter care shall be
16 limited to $7,170,116. The department may execute contracts
17 that result from the department's request for proposal, bid
18 number ACFS-11-114, to provide the range of child welfare
19 emergency services described in the request for proposals, and
20 any subsequent amendments to the request for proposals.
21 8. Federal funds received by the state during the fiscal
22 year beginning July 1, 2011, as the result of the expenditure
23 of state funds appropriated during a previous state fiscal
24 year for a service or activity funded under this section are
25 appropriated to the department to be used as additional funding
26 for services and purposes provided for under this section.
27 Notwithstanding section 8.33, moneys received in accordance
28 with this subsection that remain unencumbered or unobligated at
29 the close of the fiscal year shall not revert to any fund but
30 shall remain available for the purposes designated until the
31 close of the succeeding fiscal year.
32 9. Of the funds appropriated in this section, at least
33 $3,696,285 shall be used for protective child care assistance.
34 10. a. Of the funds appropriated in this section, up to
35 $2,062,488 is allocated for the payment of the expenses of

1 court-ordered services provided to juveniles who are under the
2 supervision of juvenile court services, which expenses are a
3 charge upon the state pursuant to section 232.141, subsection
4 4. Of the amount allocated in this lettered paragraph, up to
5 $1,556,287 shall be made available to provide school-based
6 supervision of children adjudicated under chapter 232, of which
7 not more than $15,000 may be used for the purpose of training.
8 A portion of the cost of each school-based liaison officer
9 shall be paid by the school district or other funding source as
10 approved by the chief juvenile court officer.
11 b. Of the funds appropriated in this section, up to $748,985
12 is allocated for the payment of the expenses of court-ordered
13 services provided to children who are under the supervision
14 of the department, which expenses are a charge upon the state
15 pursuant to section 232.141, subsection 4.
16 c. Notwithstanding section 232.141 or any other provision
17 of law to the contrary, the amounts allocated in this
18 subsection shall be distributed to the judicial districts
19 as determined by the state court administrator and to the
20 department's service areas as determined by the administrator
21 of the department's division of child and family services.
22 The state court administrator and the division administrator
23 shall make the determination of the distribution amounts on or
24 before June 15, 2011. However, if this subsection is enacted
25 on or after June 15, 2011, the determination shall be made not
26 later than 10 calendar days after the effective date of this
27 subsection.
28 d. Notwithstanding chapter 232 or any other provision of
29 law to the contrary, a district or juvenile court shall not
30 order any service which is a charge upon the state pursuant
31 to section 232.141 if there are insufficient court-ordered
32 services funds available in the district court or departmental
33 service area distribution amounts to pay for the service. The
34 chief juvenile court officer and the departmental service area
35 manager shall encourage use of the funds allocated in this

1 subsection such that there are sufficient funds to pay for
2 all court-related services during the entire year. The chief
3 juvenile court officers and departmental service area managers
4 shall attempt to anticipate potential surpluses and shortfalls
5 in the distribution amounts and shall cooperatively request the
6 state court administrator or division administrator to transfer
7 funds between the judicial districts' or departmental service
8 areas' distribution amounts as prudent.
9 e. Notwithstanding any provision of law to the contrary,
10 a district or juvenile court shall not order a county to pay
11 for any service provided to a juvenile pursuant to an order
12 entered under chapter 232 which is a charge upon the state
13 under section 232.141, subsection 4.
14 f. Of the funds allocated in this subsection, not more than
15 $83,000 may be used by the judicial branch for administration
16 of the requirements under this subsection.
17 g. Of the funds allocated in this subsection, $17,000
18 shall be used by the department of human services to support
19 the interstate commission for juveniles in accordance with
20 the interstate compact for juveniles as provided in section
21 232.173.
22 11. Of the funds appropriated in this section, $5,422,602 is
23 allocated for juvenile delinquent graduated sanctions services.
24 Any state funds saved as a result of efforts by juvenile court
25 services to earn federal Tit. IV-E match for juvenile court
26 services administration may be used for the juvenile delinquent
27 graduated sanctions services.
28 12. Of the funds appropriated in this section, $988,285
29 shall be transferred to the department of public health to
30 be used for the child protection center grant program in
31 accordance with section 135.118.
32 13. If the department receives federal approval to
33 implement a waiver under Tit. IV-E of the federal Social
34 Security Act to enable providers to serve children who remain
35 in the children's families and communities, for purposes of

1 eligibility under the medical assistance program, children who
2 participate in the waiver shall be considered to be placed in
3 foster care.
4 14. Of the funds appropriated in this section, $3,069,832 is
5 allocated for the preparation for adult living program pursuant
6 to section 234.46.
7 15. Of the funds appropriated in this section, $520,150
8 shall be used for juvenile drug courts. The amount allocated
9 in this subsection shall be distributed as follows:
10 To the judicial branch for salaries to assist with the
11 operation of juvenile drug court programs operated in the
12 following jurisdictions:
13 a. Marshall county:
14 ..... $ 62,708
15 b. Woodbury county:
16 ..... $ 125,682
17 c. Polk county:
18 ..... $ 195,892
19 d. The third judicial district:
20 ..... $ 67,934
21 e. The eighth judicial district:
22 ..... $ 67,934
23 16. Of the funds appropriated in this section, $227,337
24 shall be used for the public purpose of providing a grant to
25 a nonprofit human services organization providing services to
26 individuals and families in multiple locations in southwest
27 Iowa and Nebraska for support of a project providing immediate,
28 sensitive support and forensic interviews, medical exams, needs
29 assessments, and referrals for victims of child abuse and their
30 nonoffending family members.
31 17. Of the funds appropriated in this section, $125,590
32 is allocated for the elevate approach of providing a support
33 network to children placed in foster care.
34 18. Of the funds appropriated in this section, $202,000 is
35 allocated for use pursuant to section 235A.1 for continuation

1 of the initiative to address child sexual abuse implemented
2 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
3 21.
4 19. Of the funds appropriated in this section, $630,240 is
5 allocated for the community partnership for child protection
6 sites.
7 20. Of the funds appropriated in this section, $371,250
8 is allocated for the department's minority youth and family
9 projects under the redesign of the child welfare system.
10 21. Of the funds appropriated in this section, $1,200,495
11 is allocated for funding of the state match for the federal
12 substance abuse and mental health services administration
13 (SAMHSA) system of care grant.
14 22. Of the funds appropriated in this section, at least
15 $147,158 shall be used for the child welfare training academy.
16 23. Of the funds appropriated in this section, $25,000
17 shall be used for the public purpose of providing a grant to
18 a child welfare services provider headquartered in a county
19 with a population between 205,000 and 215,000 in the latest
20 certified federal census that provides multiple services
21 including but not limited to a psychiatric medical institution
22 for children, shelter, residential treatment, after school
23 programs, school-based programming, and an Asperger's syndrome
24 program, to be used for support services for children with
25 autism spectrum disorder and their families.
26 24. Of the funds appropriated in this section, $250,804
27 shall be used for the public purpose of continuing the central
28 Iowa system of care program grant through June 30, 2012.
29 25. Of the funds appropriated in this section, $160,000
30 shall be used for the public purpose of providing a system of
31 care grant to be implemented in Mason City and Cedar Rapids by
32 a nonprofit agency which has been in existence more than 37
33 years and is headquartered in a county with a population of
34 more than 200,000 but less than 300,000, according to the 2010
35 census issued by the United States bureau of the census, and is

1 providing child welfare treatment and prevention services in at
2 least 19 locations throughout the state of Iowa.
3 Sec. 235. ADOPTION SUBSIDY.
4 1. There is appropriated from the general fund of the
5 state to the department of human services for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purpose designated:
9 For adoption subsidy payments and services:
10 ..... $ 34,897,591
11 2. The department may transfer funds appropriated in
12 this section to the appropriation made in this division of
13 this Act for general administration for costs paid from the
14 appropriation relating to adoption subsidy.
15 3. Federal funds received by the state during the
16 fiscal year beginning July 1, 2011, as the result of the
17 expenditure of state funds during a previous state fiscal
18 year for a service or activity funded under this section are
19 appropriated to the department to be used as additional funding
20 for the services and activities funded under this section.
21 Notwithstanding section 8.33, moneys received in accordance
22 with this subsection that remain unencumbered or unobligated
23 at the close of the fiscal year shall not revert to any fund
24 but shall remain available for expenditure for the purposes
25 designated until the close of the succeeding fiscal year.
26 Sec. 236. JUVENILE DETENTION HOME FUND.
27 1. Moneys deposited in the juvenile detention home fund
28 created in section 232.142 during the fiscal year beginning
29 July 1, 2011, and ending June 30, 2012, are appropriated to
30 the department of human services for the fiscal year beginning
31 July 1, 2011, and ending June 30, 2012, for distribution of an
32 amount equal to a percentage of the costs of the establishment,
33 improvement, operation, and maintenance of county or
34 multicounty juvenile detention homes in the fiscal year
35 beginning July 1, 2010. Moneys appropriated for distribution

1 in accordance with this section shall be allocated among
2 eligible detention homes, prorated on the basis of an eligible
3 detention home's proportion of the costs of all eligible
4 detention homes in the fiscal year beginning July 1, 2010.
5 The percentage figure shall be determined by the department
6 based on the amount available for distribution for the fund.
7 Notwithstanding section 232.142, subsection 3, the financial
8 aid payable by the state under that provision for the fiscal
9 year beginning July 1, 2011, shall be limited to the amount
10 appropriated for the purposes of this section.
11 2. Representatives of chief juvenile court officers,
12 the department of human rights, and the department of human
13 services shall work with juvenile detention centers and other
14 stakeholders to review the current methodology for distribution
15 of moneys from the juvenile detention home fund, consider
16 alternative distribution methodologies, and report findings
17 and recommendations to the persons designated by this division
18 of this Act for the submission of reports by December 15,
19 2011. It is the intent of the general assembly to shift
20 responsibility for administering the fund from the department
21 of human services to the division of criminal and juvenile
22 justice planning of the department of human rights, effective
23 with the fiscal year beginning July 1, 2012.
24 Sec. 237. FAMILY SUPPORT SUBSIDY PROGRAM.
25 1. There is appropriated from the general fund of the
26 state to the department of human services for the fiscal year
27 beginning July 1, 2011, and ending June 30, 2012, the following
28 amount, or so much thereof as is necessary, to be used for the
29 purpose designated:
30 For the family support subsidy program subject to the
31 enrollment restrictions in section 225C.37, subsection 3:
32 ..... $ 1,167,998
33 2. The department shall use at least $385,500 of the moneys
34 appropriated in this section for the family support center
35 component of the comprehensive family support program under

1 section 225C.47. Not more than $25,000 of the amount allocated
2 in this subsection shall be used for administrative costs.
3 3. If at any time during the fiscal year, the amount of
4 funding available for the family support subsidy program
5 is reduced from the amount initially used to establish the
6 figure for the number of family members for whom a subsidy
7 is to be provided at any one time during the fiscal year,
8 notwithstanding section 225C.38, subsection 2, the department
9 shall revise the figure as necessary to conform to the amount
10 of funding available.
11 Sec. 238. CONNER DECREE. There is appropriated from the
12 general fund of the state to the department of human services
13 for the fiscal year beginning July 1, 2011, and ending June 30,
14 2012, the following amount, or so much thereof as is necessary,
15 to be used for the purpose designated:
16 For building community capacity through the coordination
17 and provision of training opportunities in accordance with the
18 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
19 Iowa, July 14, 1994):
20 ..... $ 33,622
21 Sec. 239. MENTAL HEALTH INSTITUTES.
22 There is appropriated from the general fund of the state to
23 the department of human services for the fiscal year beginning
24 July 1, 2011, and ending June 30, 2012, the following amounts,
25 or so much thereof as is necessary, to be used for the purposes
26 designated:
27 1. For the state mental health institute at Cherokee for
28 salaries, support, maintenance, and miscellaneous purposes, and
29 for not more than the following full-time equivalent positions:
30 ..... $ 5,877,308
31 ..... FTEs 168.50
32 2. For the state mental health institute at Clarinda for
33 salaries, support, maintenance, and miscellaneous purposes, and
34 for not more than the following full-time equivalent positions:
35 ..... $ 6,411,734

1 ..... FTEs 86.10
2 3. For the state mental health institute at Independence for
3 salaries, support, maintenance, and miscellaneous purposes, and
4 for not more than the following full-time equivalent positions:
5 ..... $ 10,275,685
6 ..... FTEs 233.00
7 4. For the state mental health institute at Mount Pleasant
8 for salaries, support, maintenance, and miscellaneous purposes,
9 and for not more than the following full-time equivalent
10 positions:
11 ..... $ 944,323
12 ..... FTEs 91.72
13 Sec. 240. STATE RESOURCE CENTERS.
14 1. There is appropriated from the general fund of the
15 state to the department of human services for the fiscal year
16 beginning July 1, 2011, and ending June 30, 2012, the following
17 amounts, or so much thereof as is necessary, to be used for the
18 purposes designated:
19 a. For the state resource center at Glenwood for salaries,
20 support, maintenance, and miscellaneous purposes:
21 ..... $ 18,607,801
22 b. For the state resource center at Woodward for salaries,
23 support, maintenance, and miscellaneous purposes:
24 ..... $ 12,885,658
25 2. The department may continue to bill for state resource
26 center services utilizing a scope of services approach used for
27 private providers of ICFMR services, in a manner which does not
28 shift costs between the medical assistance program, counties,
29 or other sources of funding for the state resource centers.
30 3. The state resource centers may expand the time-limited
31 assessment and respite services during the fiscal year.
32 4. If the department's administration and the department
33 of management concur with a finding by a state resource
34 center's superintendent that projected revenues can reasonably
35 be expected to pay the salary and support costs for a new

1 employee position, or that such costs for adding a particular
2 number of new positions for the fiscal year would be less
3 than the overtime costs if new positions would not be added,
4 the superintendent may add the new position or positions. If
5 the vacant positions available to a resource center do not
6 include the position classification desired to be filled, the
7 state resource center's superintendent may reclassify any
8 vacant position as necessary to fill the desired position. The
9 superintendents of the state resource centers may, by mutual
10 agreement, pool vacant positions and position classifications
11 during the course of the fiscal year in order to assist one
12 another in filling necessary positions.
13 5. If existing capacity limitations are reached in
14 operating units, a waiting list is in effect for a service or
15 a special need for which a payment source or other funding
16 is available for the service or to address the special need,
17 and facilities for the service or to address the special need
18 can be provided within the available payment source or other
19 funding, the superintendent of a state resource center may
20 authorize opening not more than two units or other facilities
21 and begin implementing the service or addressing the special
22 need during fiscal year 2011-2012.
23 Sec. 241. MI/MR/DD STATE CASES.
24 1. There is appropriated from the general fund of the
25 state to the department of human services for the fiscal year
26 beginning July 1, 2011, and ending June 30, 2012, the following
27 amount, or so much thereof as is necessary, to be used for the
28 purpose designated:
29 For distribution to counties for state case services
30 for persons with mental illness, mental retardation, and
31 developmental disabilities in accordance with section 331.440:
32 ..... $ 12,169,482
33 2. For the fiscal year beginning July 1, 2011, and ending
34 June 30, 2012, $200,000 is allocated for state case services
35 from the amounts appropriated from the fund created in section

1 8.41 to the department of human services from the funds
2 received from the federal government under 42 U.S.C. ch. 6A,
3 subch. XVII, relating to the community mental health center
4 block grant, for the federal fiscal years beginning October
5 1, 2009, and ending September 30, 2010, beginning October 1,
6 2010, and ending September 30, 2011, and beginning October 1,
7 2011, and ending September 30, 2012. The allocation made in
8 this subsection shall be made prior to any other distribution
9 allocation of the appropriated federal funds.
10 3. Notwithstanding section 8.33, moneys appropriated in
11 this section that remain unencumbered or unobligated at the
12 close of the fiscal year shall not revert but shall remain
13 available for expenditure for the purposes designated until the
14 close of the succeeding fiscal year.
15 Sec. 242. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
16 — COMMUNITY SERVICES FUND. There is appropriated from
17 the general fund of the state to the mental health and
18 developmental disabilities community services fund created in
19 section 225C.7 for the fiscal year beginning July 1, 2011, and
20 ending June 30, 2012, the following amount, or so much thereof
21 as is necessary, to be used for the purpose designated:
22 For mental health and developmental disabilities community
23 services in accordance with this division of this Act:
24 ..... $ 14,211,100
25 1. Of the funds appropriated in this section, $14,187,556
26 shall be allocated to counties for funding of community-based
27 mental health and developmental disabilities services. The
28 moneys shall be allocated to a county as follows:
29 a. Fifty percent based upon the county's proportion of the
30 state's population of persons with an annual income which is
31 equal to or less than the poverty guideline established by the
32 federal office of management and budget.
33 b. Fifty percent based upon the county's proportion of the
34 state's general population.
35 2. a. A county shall utilize the funding the county

1 receives pursuant to subsection 1 for services provided to
2 persons with a disability, as defined in section 225C.2.
3 However, no more than 50 percent of the funding shall be used
4 for services provided to any one of the service populations.
5 b. A county shall use at least 50 percent of the funding the
6 county receives under subsection 1 for contemporary services
7 provided to persons with a disability, as described in rules
8 adopted by the department.
9 3. Of the funds appropriated in this section, $23,544
10 shall be used to support the Iowa compass program providing
11 computerized information and referral services for Iowans with
12 disabilities and their families.
13 4. a. Funding appropriated for purposes of the federal
14 social services block grant is allocated for distribution
15 to counties for local purchase of services for persons with
16 mental illness or mental retardation or other developmental
17 disability.
18 b. The funds allocated in this subsection shall be expended
19 by counties in accordance with the county's county management
20 plan approved by the board of supervisors. A county without
21 an approved county management plan shall not receive allocated
22 funds until the county's management plan is approved.
23 c. The funds provided by this subsection shall be allocated
24 to each county as follows:
25 (1) Fifty percent based upon the county's proportion of the
26 state's population of persons with an annual income which is
27 equal to or less than the poverty guideline established by the
28 federal office of management and budget.
29 (2) Fifty percent based upon the amount provided to the
30 county for local purchase of services in the preceding fiscal
31 year.
32 5. A county is eligible for funds under this section if the
33 county qualifies for a state payment as described in section
34 331.439.
35 6. The latest certified census issued by the United States

1 bureau of the census shall be applied for the population
2 factors utilized in this section.
3 Sec. 243. SEXUALLY VIOLENT PREDATORS.
4 1. There is appropriated from the general fund of the
5 state to the department of human services for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purpose designated:
9 For costs associated with the commitment and treatment of
10 sexually violent predators in the unit located at the state
11 mental health institute at Cherokee, including costs of legal
12 services and other associated costs, including salaries,
13 support, maintenance, and miscellaneous purposes, and for not
14 more than the following full-time equivalent positions:
15 ..... $ 7,550,727
16 ..... FTEs 89.50
17 2. Unless specifically prohibited by law, if the amount
18 charged provides for recoupment of at least the entire amount
19 of direct and indirect costs, the department of human services
20 may contract with other states to provide care and treatment
21 of persons placed by the other states at the unit for sexually
22 violent predators at Cherokee. The moneys received under
23 such a contract shall be considered to be repayment receipts
24 and used for the purposes of the appropriation made in this
25 section.
26 Sec. 244. FIELD OPERATIONS. There is appropriated from the
27 general fund of the state to the department of human services
28 for the fiscal year beginning July 1, 2011, and ending June 30,
29 2012, the following amount, or so much thereof as is necessary,
30 to be used for the purposes designated:
31 For field operations, including salaries, support,
32 maintenance, and miscellaneous purposes, and for not more than
33 the following full-time equivalent positions:
34 ..... $ 55,339,921
35 ..... FTEs 1,781.00

1 Priority in filling full-time equivalent positions shall be
2 given to those positions related to child protection services
3 and eligibility determination for low-income families.
4 Sec. 245. GENERAL ADMINISTRATION. There is appropriated
5 from the general fund of the state to the department of human
6 services for the fiscal year beginning July 1, 2011, and ending
7 June 30, 2012, the following amount, or so much thereof as is
8 necessary, to be used for the purpose designated:
9 For general administration, including salaries, support,
10 maintenance, and miscellaneous purposes, and for not more than
11 the following full-time equivalent positions:
12 ..... $ 15,146,745
13 ..... FTEs 290.00
14 1. Of the funds appropriated in this section, $38,543
15 allocated for the prevention of disabilities policy council
16 established in section 225B.3.
17 2. The department shall report at least monthly to the
18 legislative services agency concerning the department's
19 operational and program expenditures.
20 3. Of the funds appropriated in this section, $132,300 shall
21 be used to contract with a statewide association representing
22 community providers of mental health, mental retardation and
23 brain injury services programs to provide technical assistance,
24 support, and consultation to providers of habilitation
25 services and home and community-based waiver services for
26 adults with disabilities under the medical assistance program.
27 Notwithstanding section 8.47 or any other provision of law to
28 the contrary, the department may utilize a sole source approach
29 to contract with the association.
30 4. Of the funds appropriated in this section, $176,400
31 shall be used to contract with an appropriate entity to
32 expand the provision of nationally accredited and recognized
33 internet-based training to include mental health and disability
34 services providers. Notwithstanding section 8.47 or any other
35 provision of law to the contrary, the department may utilize a

1 sole site source approach to enter into such contract.
2 5. Of the funds appropriated in this section, $500,000
3 shall be used for implementation of child protection system
4 improvements addressed in 2011 Iowa Acts, House File 562, as
5 enacted.
6 Sec. 246. VOLUNTEERS. There is appropriated from the
7 general fund of the state to the department of human services
8 for the fiscal year beginning July 1, 2011, and ending June 30,
9 2012, the following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:
11 For development and coordination of volunteer services:
12 ..... $ 84,660
13 Sec. 247. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
14 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
15 DEPARTMENT OF HUMAN SERVICES.
16 1. a. (1) For the fiscal year beginning July 1, 2011,
17 the total state funding amount for the nursing facility budget
18 shall not exceed $225,502,551.
19 (2) For the fiscal year beginning July 1, 2011, the
20 department shall rebase case-mix nursing facility rates
21 effective July 1, 2011. However, total nursing facility budget
22 expenditures, including both case-mix and noncase-mix shall
23 not exceed the amount specified in subparagraph (1). When
24 calculating case-mix per diem cost and the patient-day-weighted
25 medians used in rate-setting for nursing facilities effective
26 July 1, 2011, the inflation factor applied from the midpoint
27 of the cost report period to the first day of the state fiscal
28 year rate period shall be adjusted to maintain state funding
29 within the amount specified in subparagraph (1).
30 (3) The department, in cooperation with nursing facility
31 representatives, shall review projections for state funding
32 expenditures for reimbursement of nursing facilities on a
33 quarterly basis and the department shall determine if an
34 adjustment to the medical assistance reimbursement rate is
35 necessary in order to provide reimbursement within the state

1 funding amount for the fiscal year. Notwithstanding 2001
2 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
3 "c", and subsection 3, paragraph "a", subparagraph (2),
4 if the state funding expenditures for the nursing facility
5 budget for the fiscal year is projected to exceed the amount
6 specified in subparagraph (1), the department shall adjust
7 the reimbursement for nursing facilities reimbursed under the
8 case-mix reimbursement system to maintain expenditures of the
9 nursing facility budget within the specified amount for the
10 fiscal year.
11 (4) For the fiscal year beginning July 1, 2011, special
12 population nursing facilities shall be reimbursed in accordance
13 with the methodology in effect on June 30, 2011.
14 b. For the fiscal year beginning July 1, 2011, the
15 department shall reimburse pharmacy dispensing fees using a
16 single rate of $4.34 per prescription or the pharmacy's usual
17 and customary fee, whichever is lower. However, the department
18 shall adjust the dispensing fee specified in this paragraph
19 to distribute an additional $3,000,000 in reimbursements for
20 pharmacy dispensing fees under this paragraph for the fiscal
21 year.
22 c. (1) For the fiscal year beginning July 1, 2011,
23 reimbursement rates for outpatient hospital services shall be
24 rebased effective January 1, 2012.
25 (2) For the fiscal year beginning July 1, 2011,
26 reimbursement rates for inpatient hospital services shall be
27 rebased effective October 1, 2011.
28 (3) The total amount of increased funding available for
29 reimbursement attributable to rebasing under this paragraph
30 for the fiscal year beginning July 1, 2011, shall not exceed
31 $4,500,000.
32 (4) For the fiscal year beginning July 1, 2011, the graduate
33 medical education and disproportionate share hospital fund
34 shall remain at the amount in effect on June 30, 2011, except
35 that the portion of the fund attributable to graduate medical

1 education shall be reduced in an amount that reflects the
2 elimination of graduate medical education payments made to
3 out-of-state hospitals.
4 (5) In order to ensure the efficient use of limited
5 state funds in procuring health care services for low-income
6 Iowans, funds appropriated in this division of this Act for
7 hospital services shall not be used for activities which
8 would be excluded from a determination of reasonable costs
9 under the federal Medicare program pursuant to 42 U.S.C.
10 § 1395X(v)(1)(N).
11 d. For the fiscal year beginning July 1, 2011, reimbursement
12 rates for rural health clinics, hospices, and acute mental
13 hospitals shall be increased in accordance with increases under
14 the federal Medicare program or as supported by their Medicare
15 audited costs.
16 e. For the fiscal year beginning July 1, 2011, independent
17 laboratories and rehabilitation agencies shall be reimbursed
18 using the same methodology in effect on June 30, 2011.
19 f. For the fiscal year beginning July 1, 2011, reimbursement
20 rates for home health agencies shall remain at the rates in
21 effect on June 30, 2011, not to exceed a home health agency's
22 actual allowable cost.
23 g. For the fiscal year beginning July 1, 2011, federally
24 qualified health centers shall receive cost-based reimbursement
25 for 100 percent of the reasonable costs for the provision of
26 services to recipients of medical assistance.
27 h. For the fiscal year beginning July 1, 2011, the
28 reimbursement rates for dental services shall remain at the
29 rates in effect on June 30, 2011.
30 i. (1) For the fiscal year beginning July 1, 2011,
31 state-owned psychiatric medical institutions for children shall
32 receive cost-based reimbursement for 100 percent of the actual
33 and allowable costs for the provision of services to recipients
34 of medical assistance.
35 (2) (a) For nonstate-owned psychiatric medical

1 institutions for children, reimbursement rates shall remain at
2 the rates in effect on June 30, 2011. However, the department
3 shall adjust the reimbursement rates in effect on June 30,
4 2011, to distribute an additional $350,000 in reimbursements
5 for nonstate-owned psychiatric medical institutions for
6 children under this subparagraph (2) for the fiscal year.
7 Of the additional $350,000, the department shall distribute
8 $50,000 in reimbursements to qualified outpatient services
9 providers. For the purposes of this subparagraph division (a),
10 "qualified outpatient services provider" means a nonprofit
11 agency holding an Iowa psychiatric medical institution for
12 children license that has an outpatient clinic for children's
13 mental health services in operation on or before January 1,
14 2011, and whose client base consists of at least 40 percent
15 medical assistance program enrollees. The additional $50,000
16 shall be distributed to qualified outpatient services providers
17 based on reimbursement at the federal maximum allowable rate
18 for mental health outpatient services for children.
19 (b) The department, in consultation with representatives
20 of the nonstate-owned psychiatric medical institutions for
21 children, shall develop a reimbursement methodology to include
22 all ancillary medical services costs and any other changes
23 required for federal compliance, to be implemented on July 1,
24 2012. To the extent possible, the reimbursement methodology
25 shall be developed in a manner so as to be budget neutral to the
26 institutions and cost effective for the state.
27 j. For the fiscal year beginning July 1, 2011, unless
28 otherwise specified in the health and human services divisions
29 of this Act, all noninstitutional medical assistance provider
30 reimbursement rates shall remain at the rates in effect on June
31 30, 2011, except for area education agencies, local education
32 agencies, infant and toddler services providers, and those
33 providers whose rates are required to be determined pursuant
34 to section 249A.20.
35 k. Notwithstanding any provision to the contrary, for the

1 fiscal year beginning July 1, 2011, the reimbursement rate for
2 anesthesiologists shall remain at the rate in effect on June
3 30, 2011.
4 l. Notwithstanding section 249A.20, for the fiscal year
5 beginning July 1, 2011, the average reimbursement rate for
6 health care providers eligible for use of the federal Medicare
7 resource-based relative value scale reimbursement methodology
8 under that section shall remain at the rate in effect on June
9 30, 2011; however, this rate shall not exceed the maximum level
10 authorized by the federal government.
11 m. For the fiscal year beginning July 1, 2011, the
12 reimbursement rate for residential care facilities shall not
13 be less than the minimum payment level as established by the
14 federal government to meet the federally mandated maintenance
15 of effort requirement. The flat reimbursement rate for
16 facilities electing not to file annual cost reports shall not
17 be less than the minimum payment level as established by the
18 federal government to meet the federally mandated maintenance
19 of effort requirement.
20 n. For the fiscal year beginning July 1, 2011, inpatient
21 mental health services provided at hospitals shall be rebased
22 effective October 1, 2011, subject to Medicaid program upper
23 payment limit rules; community mental health centers and
24 providers of mental health services to county residents
25 pursuant to a waiver approved under section 225C.7, subsection
26 3, shall be reimbursed at 100 percent of the reasonable
27 costs for the provision of services to recipients of medical
28 assistance; and psychiatrists shall be reimbursed at the
29 medical assistance program fee for service rate.
30 o. For the fiscal year beginning July 1, 2011, the
31 reimbursement rate for consumer-directed attendant care shall
32 remain at the rates in effect on June 30, 2011.
33 p. For the fiscal year beginning July 1, 2011, the
34 reimbursement rate for providers of family planning services
35 that are eligible to receive a 90 percent federal match shall

1 remain at the rates in effect on June 30, 2011.
2 q. For the fiscal year beginning July 1, 2011, the
3 department shall adjust the rates in effect on June 30,
4 2011, for providers of home and community-based services
5 waiver services to distribute an additional $1,500,000 in
6 reimbursements to such providers for the fiscal year.
7 2. For the fiscal year beginning July 1, 2011, the
8 reimbursement rate for providers reimbursed under the
9 in-home-related care program shall not be less than the minimum
10 payment level as established by the federal government to meet
11 the federally mandated maintenance of effort requirement.
12 3. Unless otherwise directed in this section, when the
13 department's reimbursement methodology for any provider
14 reimbursed in accordance with this section includes an
15 inflation factor, this factor shall not exceed the amount
16 by which the consumer price index for all urban consumers
17 increased during the calendar year ending December 31, 2002.
18 4. For the fiscal year beginning July 1, 2011,
19 notwithstanding section 234.38, the foster family basic daily
20 maintenance rate and the maximum adoption subsidy rate for
21 children ages 0 through 5 years shall be $15.74, the rate for
22 children ages 6 through 11 years shall be $16.37, the rate for
23 children ages 12 through 15 years shall be $17.92, and the
24 rate for children and young adults ages 16 and older shall be
25 $18.16. The maximum supervised apartment living foster care
26 reimbursement rate shall be $25.00 per day. For youth ages
27 18 to 21 who have exited foster care, the maximum preparation
28 for adult living program maintenance rate shall be $574.00 per
29 month. The maximum payment for adoption subsidy nonrecurring
30 expenses shall be limited to $500 and the disallowance of
31 additional amounts for court costs and other related legal
32 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,
33 section 408 shall be continued.
34 5. For the fiscal year beginning July 1, 2011, the maximum
35 reimbursement rates under the supervised apartment living

1 program and for social services providers under contract
2 shall remain at the rates in effect on June 30, 2011, or the
3 provider's actual and allowable cost plus inflation for each
4 service, whichever is less. However, if a new service or
5 service provider is added after June 30, 2011, the initial
6 reimbursement rate for the service or provider shall be
7 based upon actual and allowable costs. Providers may also
8 be eligible for an additional amount as specified under the
9 department's request for proposal, bid number ACFS-11-115.
10 6. For the fiscal year beginning July 1, 2011, the
11 reimbursement rates for family-centered service providers,
12 family foster care service providers, group foster care service
13 providers, and the resource family recruitment and retention
14 contractor shall remain at the rates in effect on June 30,
15 2011.
16 7. The group foster care reimbursement rates paid for
17 placement of children out of state shall be calculated
18 according to the same rate-setting principles as those used for
19 in-state providers, unless the director of human services or
20 the director's designee determines that appropriate care cannot
21 be provided within the state. The payment of the daily rate
22 shall be based on the number of days in the calendar month in
23 which service is provided.
24 8. a. For the fiscal year beginning July 1, 2011, the
25 reimbursement rate paid for shelter care and the child welfare
26 emergency services implemented to provide or prevent the need
27 for shelter care shall be established in a contract based on
28 the requirements of the department's request for proposal, bid
29 number ACFS-11-114.
30 b. For the fiscal year beginning July 1, 2011, the combined
31 service and maintenance components of the reimbursement rate
32 paid for shelter care services shall be based on the financial
33 and statistical report submitted to the department. The
34 maximum reimbursement rate shall be $92.36 per day. The
35 department shall reimburse a shelter care provider at the

1 provider's actual and allowable unit cost, plus inflation, not
2 to exceed the maximum reimbursement rate.
3 c. Notwithstanding section 232.141, subsection 8, for the
4 fiscal year beginning July 1, 2011, the amount of the statewide
5 average of the actual and allowable rates for reimbursement of
6 juvenile shelter care homes that is utilized for the limitation
7 on recovery of unpaid costs shall remain at the amount in
8 effect for this purpose in the fiscal year beginning July 1,
9 2010.
10 9. For the fiscal year beginning July 1, 2011, the
11 department shall calculate reimbursement rates for intermediate
12 care facilities for persons with mental retardation at the
13 80th percentile. Beginning July 1, 2011, the rate calculation
14 methodology shall utilize the consumer price index inflation
15 factor applicable to the fiscal year beginning July 1, 2011.
16 10. For the fiscal year beginning July 1, 2011, for child
17 care providers reimbursed under the state child care assistance
18 program, the department shall set provider reimbursement
19 rates based on the rate reimbursement survey completed in
20 December 2004. Effective July 1, 2011, the child care provider
21 reimbursement rates shall remain at the rates in effect on June
22 30, 2011. The department shall set rates in a manner so as
23 to provide incentives for a nonregistered provider to become
24 registered by applying the increase only to registered and
25 licensed providers.
26 11. The department may adopt emergency rules to implement
27 this section.
28 Sec. 248. EMERGENCY RULES.
29 1. If specifically authorized by a provision of this
30 division of this Act, the department of human services or
31 the mental health, and disability services commission may
32 adopt administrative rules under section 17A.4, subsection
33 3, and section 17A.5, subsection 2, paragraph "b", to
34 implement the provisions and the rules shall become effective
35 immediately upon filing or on a later effective date specified

1 in the rules, unless the effective date is delayed by the
2 administrative rules review committee. Any rules adopted in
3 accordance with this section shall not take effect before
4 the rules are reviewed by the administrative rules review
5 committee. The delay authority provided to the administrative
6 rules review committee under section 17A.4, subsection 7, and
7 section 17A.8, subsection 9, shall be applicable to a delay
8 imposed under this section, notwithstanding a provision in
9 those sections making them inapplicable to section 17A.5,
10 subsection 2, paragraph "b". Any rules adopted in accordance
11 with the provisions of this section shall also be published as
12 notice of intended action as provided in section 17A.4.
13 2. If during the fiscal year beginning July 1, 2011, the
14 department of human services is adopting rules in accordance
15 with this section or as otherwise directed or authorized by
16 state law, and the rules will result in an expenditure increase
17 beyond the amount anticipated in the budget process or if the
18 expenditure was not addressed in the budget process for the
19 fiscal year, the department shall notify the persons designated
20 by this division of this Act for submission of reports,
21 the chairpersons and ranking members of the committees on
22 appropriations, and the department of management concerning the
23 rules and the expenditure increase. The notification shall be
24 provided at least 30 calendar days prior to the date notice of
25 the rules is submitted to the administrative rules coordinator
26 and the administrative code editor.
27 Sec. 249. CIVIL MONETARY PENALTIES —— DIRECT CARE WORKER
28 INITIATIVES PROPOSAL. The department of human services shall
29 develop a proposal, in collaboration with the department of
30 public health, requesting federal approval for the use of
31 a portion of the funds received by the department of human
32 services as civil monetary penalties from nursing facilities
33 to support direct care worker initiatives that enhance the
34 quality of care in nursing facilities. The proposal shall
35 request use of the funds for direct care worker initiatives

1 based on recommendations of the direct care worker task force
2 established pursuant to 2005 Iowa Acts, chapter 88, as included
3 in the report submitted to the governor and the general
4 assembly in December 2006. Upon completion of the proposal,
5 the department of human services shall submit the proposal to
6 the centers for Medicare and Medicaid services of the United
7 States department of health and human services for approval.
8 The department of human services shall notify the persons
9 designated in this division of this Act for submission of
10 reports upon receipt of approval of the proposal.
11 Sec. 250. FEDERAL GRANTS REPORTING. During the fiscal year
12 beginning July 1, 2011, the departments and agencies receiving
13 an appropriation in the health and human services divisions of
14 this Act from the general fund of the state shall report to the
15 persons designated by this division of this Act for submission
16 of reports and the department of management within 60 calendar
17 days of applying for or renewing a federal grant with a value
18 over $1,000. The report shall list the federal funding source
19 and address the potential need for the commitment of state
20 funding in order to match or continue the funding provided by
21 the federal grant in the present or the future.
22 Sec. 251. REPORTS. Any reports or information required to
23 be compiled and submitted under the health and human services
24 divisions of this Act shall be submitted to the chairpersons
25 and ranking members of the joint appropriations subcommittee on
26 health and human services, the legislative services agency, and
27 the legislative caucus staffs on or before the dates specified
28 for submission of the reports or information.
29 Sec. 252. EFFECTIVE DATE. The following provision of this
30 division of this Act, being deemed of immediate importance,
31 take effect upon enactment:
32 The provision under the appropriation for child and family
33 services, relating to requirements of section 232.143 for
34 representatives of the department of human services and
35 juvenile court services to establish a plan for continuing

1 group foster care expenditures for fiscal year 2011-2012.
2 DIVISION XXVII
3 HEALTH AND HUMAN SERVICES
4 PHARMACEUTICAL SETTLEMENT ACCOUNT,
5 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER REIMBURSEMENT FUND,
6 HEALTH CARE
7 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
8 QUALITY ASSURANCE TRUST FUND,
9 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND
10 Sec. 253. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
11 appropriated from the pharmaceutical settlement account created
12 in section 249A.33 to the department of human services for the
13 fiscal year beginning July 1, 2011, and ending June 30, 2012,
14 the following amount, or so much thereof as is necessary, to be
15 used for the purpose designated:
16 Notwithstanding any provision of law to the contrary, to
17 supplement the appropriations made in the department of human
18 services division of this Act for medical contracts under the
19 medical assistance program for the same fiscal year:
20 ..... $ 5,433,613
21 Sec. 254. APPROPRIATIONS FROM IOWACARE ACCOUNT.
22 1. There is appropriated from the IowaCare account
23 created in section 249J.24 to the state board of regents for
24 distribution to the university of Iowa hospitals and clinics
25 for the fiscal year beginning July 1, 2011, and ending June 30,
26 2012, the following amount, or so much thereof as is necessary,
27 to be used for the purposes designated:
28 For salaries, support, maintenance, equipment, and
29 miscellaneous purposes, for the provision of medical and
30 surgical treatment of indigent patients, for provision of
31 services to members of the expansion population pursuant to
32 chapter 249J, and for medical education:
33 ..... $ 27,284,584
34 a. Funds appropriated in this subsection shall not be used
35 to perform abortions except medically necessary abortions,

1 and shall not be used to operate the early termination of
2 pregnancy clinic except for the performance of medically
3 necessary abortions. For the purpose of this subsection,
4 medically necessary abortions are those performed under any of
5 the following conditions:
6 (1) The attending physician certifies that continuing the
7 pregnancy would endanger the life of the pregnant woman.
8 (2) Any spontaneous abortion, commonly known as a
9 miscarriage, if not all of the products of conception are
10 expelled.
11 b. Notwithstanding any provision of law to the contrary,
12 the amount appropriated in this subsection shall be distributed
13 based on claims submitted, adjudicated, and paid by the Iowa
14 Medicaid enterprise.
15 c. The university of Iowa hospitals and clinics shall
16 certify public expenditures in an amount equal to provide
17 the nonfederal share on total expenditures not to exceed
18 $20,000,000.
19 2. There is appropriated from the IowaCare account
20 created in section 249J.24 to the state board of regents for
21 distribution to the university of Iowa hospitals and clinics
22 for the fiscal year beginning July 1, 2011, and ending June 30,
23 2012, the following amount, or so much thereof as is necessary,
24 to be used for the purposes designated:
25 For salaries, support, maintenance, equipment, and
26 miscellaneous purposes, for the provision of medical and
27 surgical treatment of indigent patients, for provision of
28 services to members of the expansion population pursuant to
29 chapter 249J, and for medical education:
30 ..... $ 44,226,279
31 Notwithstanding any provision of law to the contrary, the
32 amount appropriated in this subsection shall be distributed
33 based on claims submitted, adjudicated, and paid by the Iowa
34 Medicaid enterprise.
35 3. There is appropriated from the IowaCare account

1 created in section 249J.24, to the state board of regents for
2 distribution to university of Iowa physicians for the fiscal
3 year beginning July 1, 2011, and ending June 30, 2012, the
4 following amount, or so much thereof as is necessary to be used
5 for the purposes designated:
6 For salaries, support, maintenance, equipment, and
7 miscellaneous purposes for the provision of medical and
8 surgical treatment of indigent patients, for provision of
9 services to members of the expansion population pursuant to
10 chapter 249J, and for medical education:
11 ..... $ 16,277,753
12 Notwithstanding any provision of law to the contrary, the
13 amount appropriated in this subsection shall be distributed
14 based on claims submitted, adjudicated, and paid by the Iowa
15 Medicaid enterprise. Once the entire amount appropriated in
16 this subsection has been distributed, claims shall continue to
17 be submitted and adjudicated by the Iowa Medicaid enterprise;
18 however, no payment shall be made based upon such claims.
19 4. There is appropriated from the IowaCare account created
20 in section 249J.24 to the department of human services for the
21 fiscal year beginning July 1, 2011, and ending June 30, 2012,
22 the following amount, or so much thereof as is necessary, to be
23 used for the purposes designated:
24 For distribution to a publicly owned acute care teaching
25 hospital located in a county with a population over 350,000 for
26 the provision of medical and surgical treatment of indigent
27 patients, for provision of services to members of the expansion
28 population pursuant to chapter 249J, and for medical education:
29 ..... $ 65,000,000
30 a. Notwithstanding any provision of law to the contrary,
31 the amount appropriated in this subsection shall be distributed
32 based on claims submitted, adjudicated, and paid by the Iowa
33 Medicaid enterprise plus a monthly disproportionate share
34 hospital payment. Any amount appropriated in this subsection
35 in excess of $60,000,000 shall be distributed only if the sum

1 of the expansion population claims adjudicated and paid by the
2 Iowa Medicaid enterprise plus the estimated disproportionate
3 share hospital payments exceeds $60,000,000. The amount paid
4 in excess of $60,000,000 shall not adjust the original monthly
5 payment amount but shall be distributed monthly based on actual
6 claims adjudicated and paid by the Iowa Medicaid enterprise
7 plus the estimated disproportionate share hospital amount. Any
8 amount appropriated in this subsection in excess of $60,000,000
9 shall be allocated only if federal funds are available to match
10 the amount allocated. Pursuant to paragraph "b", of the amount
11 appropriated in this subsection, not more than $4,000,000 shall
12 be distributed for prescription drugs and podiatry services.
13 b. Notwithstanding any provision of law to the contrary, the
14 hospital identified in this subsection, shall be reimbursed for
15 outpatient prescription drugs and podiatry services provided to
16 members of the expansion population pursuant to all applicable
17 medical assistance program rules, in an amount not to exceed
18 $4,000,000.
19 c. Notwithstanding the total amount of proceeds distributed
20 pursuant to section 249J.24, subsection 4, paragraph "a",
21 unnumbered paragraph 1, for the fiscal year beginning July
22 1, 2011, and ending June 30, 2012, the county treasurer of a
23 county with a population of over 350,000 in which a publicly
24 owned acute care teaching hospital is located shall distribute
25 the proceeds collected pursuant to section 347.7 in a total
26 amount of $38,000,000, which would otherwise be distributed to
27 the county hospital, to the treasurer of state for deposit in
28 the IowaCare account.
29 d. (1) Notwithstanding the amount collected and
30 distributed for deposit in the IowaCare account pursuant to
31 section 249J.24, subsection 6, paragraph "a", subparagraph
32 (1), the first $19,000,000 in proceeds collected pursuant to
33 section 347.7 between July 1, 2011, and December 31, 2011,
34 shall be distributed to the treasurer of state for deposit in
35 the IowaCare account and collections during this time period

1 in excess of $19,000,000 shall be distributed to the acute
2 care teaching hospital identified in this subsection. Of the
3 collections in excess of the $19,000,000 received by the acute
4 care teaching hospital under this subparagraph (1), $2,000,000
5 shall be distributed by the acute care teaching hospital to the
6 treasurer of state for deposit in the IowaCare account in the
7 month of January 2012, following the July 1 through December
8 31, 2011, period.
9 (2) Notwithstanding the amount collected and distributed
10 for deposit in the IowaCare account pursuant to section
11 249J.24, subsection 6, paragraph "a", subparagraph (2),
12 the first $19,000,000 in collections pursuant to section
13 347.7 between January 1, 2012, and June 30, 2012, shall be
14 distributed to the treasurer of state for deposit in the
15 IowaCare account and collections during this time period in
16 excess of $19,000,000 shall be distributed to the acute care
17 teaching hospital identified in this subsection. Of the
18 collections in excess of the $19,000,000 received by the acute
19 care teaching hospital under this subparagraph (2), $2,000,000
20 shall be distributed by the acute care teaching hospital to the
21 treasurer of state for deposit in the IowaCare account in the
22 month of July 2012, following the January 1 through June 30,
23 2012, period.
24 5. There is appropriated from the IowaCare account created
25 in section 249J.24 to the department of human services for the
26 fiscal year beginning July 1, 2011, and ending June 30, 2012,
27 the following amount, or so much thereof as is necessary to be
28 used for the purpose designated:
29 For payment to the regional provider network specified
30 by the department pursuant to section 249J.7 for provision
31 of covered services to members of the expansion population
32 pursuant to chapter 249J:
33 ..... $ 3,472,176
34 Notwithstanding any provision of law to the contrary, the
35 amount appropriated in this subsection shall be distributed

1 based on claims submitted, adjudicated, and paid by the Iowa
2 Medicaid enterprise. Once the entire amount appropriated in
3 this subsection has been distributed, claims shall continue to
4 be submitted and adjudicated by the Iowa Medicaid enterprise;
5 however, no payment shall be made based upon such claims.
6 6. There is appropriated from the IowaCare account created
7 in section 249J.24 to the department of human services for the
8 fiscal year beginning July 1, 2011, and ending June 30, 2012,
9 the following amount, or so much thereof as is necessary to be
10 used for the purposes designated:
11 For a care coordination pool to pay the expansion population
12 providers consisting of the university of Iowa hospitals and
13 clinics, the publicly owned acute care teaching hospital as
14 specified in section 249J.7, and current medical assistance
15 program providers that are not expansion population network
16 providers pursuant to section 249J.7, for services covered by
17 the full benefit medical assistance program but not under the
18 IowaCare program pursuant to section 249J.6, that are provided
19 to expansion population members:
20 ..... $ 1,500,000
21 a. Notwithstanding sections 249J.6 and 249J.7, the amount
22 appropriated in this subsection is intended to provide
23 payment for medically necessary services provided to expansion
24 population members for continuation of care provided by the
25 university of Iowa hospitals and clinics or the publicly owned
26 acute care teaching hospital as specified in section 249J.7.
27 Payment may only be made for services that are not otherwise
28 covered under section 249J.6, and which are follow-up services
29 to covered services provided by the hospitals specified in this
30 paragraph "a".
31 b. The funds appropriated in this subsection are intended
32 to provide limited payment for continuity of care services for
33 an expansion population member, and are intended to cover the
34 costs of services to expansion population members, regardless
35 of the member's county of residence or medical home assignment,

1 if the care is related to specialty or hospital services
2 provided by the hospitals specified in paragraph "a".
3 c. The funds appropriated in this subsection are
4 not intended to provide for expanded coverage under the
5 IowaCare program, and shall not be used to cover emergency
6 transportation services.
7 d. The department shall adopt administrative rules pursuant
8 to chapter 17A to establish a prior authorization process and
9 to identify covered services for reimbursement under this
10 subsection.
11 7. There is appropriated from the IowaCare account created
12 in section 249J.24 to the department of human services for the
13 fiscal year beginning July 1, 2011, and ending June 30, 2012,
14 the following amount or so much thereof as is necessary to be
15 used for the purposes designated:
16 For a laboratory test and radiology pool for services
17 authorized by a federally qualified health center designated
18 by the department as part of the IowaCare regional provider
19 network that does not have the capability to provide these
20 services on site:
21 ..... $ 500,000
22 Notwithstanding sections 249J.6 and 249J.7, the amount
23 appropriated in this subsection is intended to provide
24 reimbursement for services provided to expansion population
25 members that have previously been paid for through expenditure
26 by designated regional provider network providers of their
27 own funds, not to expand coverage under the IowaCare program
28 or to expand the expansion population provider network. The
29 department shall designate the laboratory and radiology
30 provider associated with each designated regional provider
31 network provider that may receive reimbursement. The
32 department shall adopt administrative rules pursuant to chapter
33 17A to establish a prior authorization process and to identify
34 covered services for reimbursement under this subsection.
35 All other medical assistance program payment policies and

1 rules for laboratory and radiology services shall apply to
2 services provided under this subsection. If the entire amount
3 appropriated under this subsection is expended, laboratory
4 tests and radiology services ordered by a designated regional
5 provider network provider shall be the financial responsibility
6 of the regional provider network provider.
7 Sec. 255. APPROPRIATIONS FROM NONPARTICIPATING
8 PROVIDER REIMBURSEMENT FUND —— DEPARTMENT OF HUMAN
9 SERVICES. Notwithstanding any provision to the contrary, and
10 subject to the availability of funds, there is appropriated
11 from the nonparticipating provider reimbursement fund created
12 in section 249J.24A to the department of human services for the
13 fiscal year beginning July 1, 2011, and ending June 30, 2012,
14 the following amount or so much thereof as is necessary for the
15 purposes designated:
16 To reimburse nonparticipating providers in accordance with
17 section 249J.24A:
18 ..... $ 2,000,000
19 Sec. 256. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
20 TRANSFORMATION —— DEPARTMENT OF HUMAN SERVICES.
21 Notwithstanding any provision to the contrary, there is
22 appropriated from the account for health care transformation
23 created in section 249J.23 to the department of human services
24 for the fiscal year beginning July 1, 2011, and ending June
25 30, 2012, the following amounts, or so much thereof as is
26 necessary, to be used for the purposes designated:
27 1. For the provision of an IowaCare nurse helpline for the
28 expansion population as provided in section 249J.6:
29 ..... $ 100,000
30 2. For other health promotion partnership activities
31 pursuant to section 249J.14:
32 ..... $ 600,000
33 3. For the costs related to audits, performance
34 evaluations, and studies required pursuant to chapter 249J:
35 ..... $ 125,000

1 4. For administrative costs associated with chapter 249J:
2 ..... $ 1,132,412
3 5. For planning and development, in cooperation with the
4 department of public health, of a phased-in program to provide
5 a dental home for children in accordance with section 249J.14:
6 ..... $ 1,000,000
7 6. For continuation of the establishment of the tuition
8 assistance for individuals serving individuals with
9 disabilities pilot program, as enacted in 2008 Iowa Acts,
10 chapter 1187, section 130:
11 ..... $ 50,000
12 7. For medical contracts:
13 ..... $ 2,000,000
14 8. For payment to the publicly owned acute care teaching
15 hospital located in a county with a population of over 350,000
16 that is a participating provider pursuant to chapter 249J:
17 ..... $ 290,000
18 Disbursements under this subsection shall be made monthly.
19 The hospital shall submit a report following the close of the
20 fiscal year regarding use of the funds appropriated in this
21 subsection to the persons specified in this Act to receive
22 reports.
23 9. For transfer to the department of public health to be
24 used for the costs of medical home system advisory council
25 established pursuant to section 135.159, including for the
26 incorporation of the work and duties of the prevention and
27 chronic care management advisory council pursuant to section
28 135.161, as amended by the FY 2011-2012 health and human
29 services divisions of this Act:
30 ..... $ 233,357
31 10. For implementation of a uniform cost report:
32 ..... $ 100,000
33 The uniform cost report shall be used in the development
34 of specified Medicaid reimbursement rates over a multiyear
35 timeframe. The department of human services, in collaboration

1 with affected providers, shall finalize a uniform cost
2 report that includes provider type-specific cost schedules by
3 December 15, 2011. The uniform cost report shall be applied
4 to providers of home and community-based services waiver
5 services, habilitation services, case management services and
6 community mental health centers, residential care facilities,
7 psychiatric medical institutions for children, and intermediate
8 care facilities for the mentally retarded in the development of
9 Medicaid reimbursement rates. The department shall collaborate
10 with affected Medicaid providers to test the effectiveness of
11 the uniform cost report and determine the fiscal impact of
12 implementing the uniform cost report during the fiscal year
13 beginning July 1, 2012. A report of the findings and fiscal
14 impact shall be submitted to the governor and the general
15 assembly by December 31, 2013. The rates paid in the fiscal
16 year beginning July 1, 2014, shall be established using uniform
17 cost reports submitted in the fiscal year beginning July 1,
18 2012. Implementation of the uniform cost report shall be
19 limited to the extent of the funding available.
20 11. For implementation of an electronic medical records
21 system:
22 ..... $ 100,000
23 a. The implementation of an electronic medical records
24 system shall include system purchase or development for home
25 and community-based services providers and mental health
26 services providers that comply with the requirements of federal
27 and state laws and regulation by the fiscal year beginning July
28 1, 2013.
29 b. The department shall analyze the costs and benefits of
30 providing an electronic medical records and billing system for
31 home and community-based services providers and mental health
32 services providers that comply with the requirements of federal
33 and state laws and regulation. The analysis shall include a
34 review of all of the following: including the capability for
35 an electronic medical records and billing system within the

1 procurement for the Medicaid management information system,
2 developing the system, and utilizing capacity within the
3 health information network established by the department of
4 public health. If the analysis demonstrates that a program
5 may be implemented in a cost-effective manner and within
6 available funds, the department may take steps to implement
7 such a system. The department shall report the results of
8 the analysis, activities, and recommendations to the persons
9 designated in the department of human services division of this
10 Act for submission of reports by December 15, 2011.
11 c. Notwithstanding section 8.33, funds allocated in this
12 subsection that remain unencumbered or unobligated at the close
13 of the fiscal year shall not revert but shall remain available
14 in succeeding fiscal years to be used for the purposes
15 designated.
16 Notwithstanding section 8.39, subsection 1, without the
17 prior written consent and approval of the governor and the
18 director of the department of management, the director of human
19 services may transfer funds among the appropriations made in
20 this section as necessary to carry out the purposes of the
21 account for health care transformation. The department shall
22 report any transfers made pursuant to this section to the
23 legislative services agency.
24 Sec. 257. MEDICAID FRAUD ACCOUNT —— DEPARTMENT OF
25 INSPECTIONS AND APPEALS. There is appropriated from the
26 Medicaid fraud account created in section 249A.7 to the
27 department of inspections and appeals for the fiscal year
28 beginning July 1, 2011, and ending June 30, 2012, the following
29 amount, or so much thereof as is necessary, to be used for the
30 purposes designated:
31 For the inspection and certification of assisted living
32 programs and adult day care services, including program
33 administration and costs associated with implementation:
34 ..... $ 1,339,527
35 Sec. 258. MEDICAID FRAUD ACCOUNT —— DEPARTMENT OF HUMAN

1 SERVICES. There is appropriated from the Medicaid fraud
2 account created in section 249A.7 to the department of human
3 services for the fiscal year beginning July 1, 2011, and ending
4 June 30, 2012, the following amount, or so much thereof as is
5 necessary, to be used for the purposes designated:
6 To supplement the appropriation made in the department
7 of human services division of this Act from the general fund
8 of the state to the department of human services for medical
9 assistance for the same fiscal year:
10 ..... $ 2,000,000
11 Sec. 259. QUALITY ASSURANCE TRUST FUND —— DEPARTMENT OF
12 HUMAN SERVICES. Notwithstanding any provision to the contrary
13 and subject to the availability of funds, there is appropriated
14 from the quality assurance trust fund created in section
15 249L.4 to the department of human services for the fiscal year
16 beginning July 1, 2011, and ending June 30, 2012, the following
17 amounts, or so much thereof as is necessary for the purposes
18 designated:
19 To supplement the appropriation made in the department
20 of human services division of this Act from the general fund
21 of the state to the department of human services for medical
22 assistance for the same fiscal year:
23 ..... $ 29,000,000
24 Sec. 260. HOSPITAL HEALTH CARE ACCESS TRUST FUND ——
25 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
26 the contrary and subject to the availability of funds, there is
27 appropriated from the hospital health care access trust fund
28 created in section 249M.4 to the department of human services
29 for the fiscal year beginning July 1, 2011, and ending June
30 30, 2012, the following amounts, or so much thereof as is
31 necessary, for the purposes designated:
32 1. To supplement the appropriation made in the department
33 of human services division of this Act from the general fund
34 of the state to the department of human services for medical
35 assistance for the same fiscal year:

1 ..... $ 39,223,800
2 2. For deposit in the nonparticipating provider
3 reimbursement fund created in section 249J.24A to be used for
4 the purposes of the fund:
5 ..... $ 776,200
6 Sec. 261. MEDICAL ASSISTANCE PROGRAM —— NONREVERSION
7 FOR FY 2011-2012. Notwithstanding section 8.33, if moneys
8 appropriated for purposes of the medical assistance program for
9 the fiscal year beginning July 1, 2011, and ending June 30,
10 2012, in the health and human services divisions of this Act
11 from the general fund of the state, the Medicaid fraud account,
12 the quality assurance trust fund, and the hospital health
13 care access trust fund, are in excess of actual expenditures
14 for the medical assistance program and remain unencumbered or
15 unobligated at the close of the fiscal year, the excess moneys
16 shall not revert but shall remain available for expenditure for
17 the purposes of the medical assistance program until the close
18 of the succeeding fiscal year.
19 DIVISION XXVIII
20 HEALTH AND HUMAN SERVICES
21 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR
22 2011-2012
23 Sec. 262. MENTAL HEALTH, MENTAL RETARDATION, AND
24 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
25 RELIEF. Notwithstanding the standing appropriation in section
26 426B.1, subsection 2, for the fiscal year beginning July 1,
27 2011, and ending June 30, 2012, the amount appropriated from
28 the general fund of the state pursuant to that provision shall
29 not exceed the following amount:
30 ..... $ 81,199,911
31 Sec. 263. SENATE FILE 209 APPROPRIATION —— FY 2010-2011.
32 1. Of the amount credited to the property tax relief fund
33 from the appropriation made pursuant to 2011 Iowa Acts, Senate
34 File 209, section 21, subsection 1, there is appropriated to
35 the department of human services for the fiscal year beginning

1 July 1, 2010, and ending June 30, 2011, the following amount,
2 or so much thereof as is necessary, to be used for the purpose
3 designated:
4 For distribution in accordance with this section:
5 ..... $ 10,000,000
6 2. a. For the purposes of this subsection, unless the
7 context otherwise requires:
8 (1) "County management plan" means the county management
9 plan for the county's mental health, mental retardation, and
10 developmental disabilities services system in accordance with
11 section 331.439.
12 (2) "Risk pool board" means the risk pool board created in
13 section 426B.5.
14 (3) "Services fund" means the county mental health, mental
15 retardation, and developmental disabilities services fund
16 created in section 331.424A.
17 b. The appropriation made in this section shall be
18 distributed to counties with persons on a waiting list as of
19 April 21, 2011, for adult mental health, mental retardation,
20 and developmental disabilities services in accordance with the
21 county management plan in effect as of January 1, 2011. All of
22 the following provisions shall apply to such distribution:
23 (1) A county's application for the funding distribution
24 must be received by the department on or before July 15, 2011,
25 or within 10 calendar days of the enactment date of this
26 section, whichever is later.
27 (2) The county's application shall provide all of the
28 following information:
29 (a) A declaration that the county cannot provide services
30 in accordance with the county's management plan and remain in
31 compliance with the 99 percent budgeting requirement in section
32 331.439, subsection 5, resulting in the creation of a waiting
33 list.
34 (b) An accounting of the individuals to be removed from the
35 county's waiting list as a result of the funding applied for

1 under this subsection, along with the following information in
2 a format specified by the department:
3 (i) Each individual's unique client identifier established
4 pursuant to section 225C.6A, subsection 3.
5 (ii) The date the individual was originally placed on the
6 county waiting list.
7 (iii) The services needed by the individual.
8 (iv) The projected cost for the fiscal year for each service
9 needed for that individual.
10 (v) The total cost for all of the services for each
11 individual for the fiscal year.
12 (3) The application shall be accompanied by a signed
13 statement by the county's board of supervisors certifying
14 that the individuals for whom funding is provided under this
15 subsection will not subsequently be placed by the county on a
16 waiting list for services through June 30, 2012.
17 (4) The risk pool board may accept or reject an application
18 for assistance in whole or in part and may prorate distribution
19 of funding as necessary to conform to the amount available for
20 distribution. The decision of the risk pool board is final.
21 The risk pool board shall issue a funding decision within 15
22 working days of the final receipt date for applications.
23 (5) The funding under this subsection shall be distributed
24 within 15 working days of the date the risk pool board's
25 funding decision is issued.
26 c. If there is a balance remaining following the
27 distribution of funding under paragraph "b", the balance shall
28 be distributed in a second distribution process for individuals
29 placed on a waiting list after April 21, 2011, in accordance
30 with the county management plan provisions for the services in
31 effect as of January 1, 2011. In addition, notwithstanding
32 2010 Iowa Acts, chapter 1192, section 48, subsection 4,
33 paragraph "c", any funding rebated by counties pursuant to that
34 provision and any moneys otherwise available in the risk pool
35 in the property tax relief fund for the fiscal year beginning

1 July 1, 2011, pursuant to section 426B.5, subsection 2, shall
2 also be included in the second distribution process. The
3 distribution process under this lettered paragraph shall be
4 in lieu of any risk pool distribution for the fiscal year
5 beginning July 1, 2011, under section 426B.5. All provisions
6 applicable under paragraph "b" shall apply except that a
7 county's application for the second funding distribution
8 process must be received by the department on or before
9 December 1, 2011.
10 d. If moneys from a distribution made under this subsection
11 are not expended by a county by November 1, 2012, for services
12 provided prior to July 1, 2012, the county shall reimburse the
13 unexpended moneys to the department by November 30, 2012, and
14 the moneys reimbursed shall be credited to the risk pool in the
15 property tax relief fund.
16 e. The risk pool board shall submit a report to the governor
17 and general assembly on or before December 31, 2012, regarding
18 the expenditure of funds distributed under this subsection.
19 Sec. 264. SENATE FILE 209 APPROPRIATION —— FY 2011-2012. In
20 addition to the appropriations made in this division of this
21 Act for distribution to counties of the county mental health,
22 mental retardation, and developmental disabilities allowed
23 growth factor adjustment for FY 2011-2012, and for county
24 waiting lists beginning with the fiscal year beginning July 1,
25 2010, of the amount credited to the property tax relief fund
26 from the appropriation made pursuant to 2011 Iowa Acts, Senate
27 File 209, section 21, subsection 1, there is appropriated to
28 the department of human services for the fiscal year beginning
29 July 1, 2011, and ending June 30, 2012, the following amounts,
30 or so much thereof as is necessary, to be used for the purposes
31 designated:
32 To be credited to the appropriation made in the department
33 of human services division of this Act from the general fund
34 of the state to the department of human services for the
35 medical assistance program for the fiscal year beginning July

1 1, 2011, and used to reduce home and community-based services
2 waiver waiting lists for children's mental health, intellectual
3 disabilities, and brain injury:
4 ..... $ 5,000,000
5 Sec. 265. 2010 Iowa Acts, chapter 1193, section 1, is
6 amended to read as follows:
7 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING
8 — FY 2011-2012.
9 1. Notwithstanding section 331.439, subsection 3, the
10 allowed growth factor adjustment for county mental health,
11 mental retardation, and developmental disabilities service
12 expenditures for the fiscal year beginning July 1, 2011, shall
13 be established by statute which shall be enacted within thirty
14 calendar days of the convening of the Eighty-fourth General
15 Assembly, 2011 Session, on January 10, 2011. The governor
16 shall submit to the general assembly a recommendation for such
17 allowed growth factor adjustment and the amounts of related
18 appropriations to the general assembly on or before January 11,
19 2011.
20 2. The appropriation and allocations made in this section
21 fulfill the requirements of the governor and general assembly
22 under subsection 1.
23 3. a. There is appropriated from the general fund of the
24 state to the department of human services for the fiscal year
25 beginning July 1, 2011, and ending June 30, 2012, the following
26 amount, or so much thereof as is necessary, to be used for the
27 purpose designated:
28 For distribution to counties of the county mental health,
29 mental retardation, and developmental disabilities allowed
30 growth factor adjustment for fiscal year 2011-2012 as provided
31 in this section in lieu of the allowed growth factor provisions
32 of section 331.438, subsection 2, and section 331.439,
33 subsection 3, and chapter 426B:
34 ..... $ 68,697,893
35 b. Of the amount credited to the property tax relief fund

1 from the appropriation made pursuant to 2011 Iowa Acts, Senate
2 File 209, section 21, subsection 1, there is appropriated to
3 the department of human services for the fiscal year beginning
4 July 1, 2011, and ending June 30, 2012, the following amount,
5 or so much thereof as is necessary, to be used for the purpose
6 designated:
7 For distribution to counties as described in paragraph "a":
8 ..... $ 5,000,000
9 Sec. 266. 2010 Iowa Acts, chapter 1193, section 1, as
10 amended by this division of this Act, is amended by adding the
11 following new subsections:
12 NEW SUBSECTION. 4. Of the amounts appropriated in this
13 section, $12,000,000 shall be distributed as provided in this
14 subsection.
15 a. To be eligible to receive a distribution under this
16 subsection, a county must meet the following requirements:
17 (1) The county is levying for the maximum amount allowed
18 for the county's mental health, mental retardation, and
19 developmental disabilities services fund under section 331.424A
20 for taxes due and payable in the fiscal year beginning July 1,
21 2011, or the county is levying for at least 90 percent of the
22 maximum amount allowed for the county's services fund and that
23 levy rate is more than $2 per $1,000 of the assessed value of
24 all taxable property in the county.
25 (2) In the fiscal year beginning July 1, 2009, the
26 county's mental health, mental retardation, and developmental
27 disabilities services fund ending balance under generally
28 accepted accounting principles was equal to or less than 15
29 percent of the county's actual gross expenditures for that
30 fiscal year.
31 b. The amount of a county's distribution from the allocation
32 made in this subsection shall be determined based upon the
33 county's proportion of the general population of the counties
34 eligible to receive a distribution under this subsection. The
35 latest certified federal census issued by the United States

1 bureau of the census shall be applied in determining population
2 for the purposes of this paragraph.
3 c. The distributions made pursuant to this subsection
4 are subject to the distribution provisions and withholding
5 requirements established in this section for the county mental
6 health, mental retardation, and developmental disabilities
7 allowed growth factor adjustment for the fiscal year beginning
8 July 1, 2011.
9 NEW SUBSECTION. 5. The following amount of the funding
10 appropriated in this section for distribution to counties is
11 the allowed growth factor adjustment for fiscal year 2011-2012,
12 and shall be credited to the allowed growth funding pool
13 created in the property tax relief fund and for distribution in
14 accordance with section 426B.5, subsection 1:
15 ..... $ 61,697,893
16 NEW SUBSECTION. 6. The following formula amounts shall be
17 utilized only to calculate preliminary distribution amounts for
18 the allowed growth factor adjustment for fiscal year 2011-2012
19 under this section by applying the indicated formula provisions
20 to the formula amounts and producing a preliminary distribution
21 total for each county:
22 a. For calculation of a distribution amount for eligible
23 counties from the allowed growth funding pool created in the
24 property tax relief fund in accordance with the requirements in
25 section 426B.5, subsection 1:
26 ..... $ 74,773,346
27 b. For calculation of a distribution amount for counties
28 from the mental health and developmental disabilities (MH/DD)
29 community services fund in accordance with the formula provided
30 in the appropriation made for the MH/DD community services fund
31 for the fiscal year beginning July 1, 2011:
32 ..... $ 14,187,556
33 NEW SUBSECTION. 7. a. After applying the applicable
34 statutory distribution formulas to the amounts indicated in
35 subsection 6 for purposes of producing preliminary distribution

1 totals, the department of human services shall apply a
2 withholding factor to adjust an eligible individual county's
3 preliminary distribution total. In order to be eligible for
4 a distribution under this section, a county must be levying
5 90 percent or more of the maximum amount allowed for the
6 county's mental health, mental retardation, and developmental
7 disabilities services fund under section 331.424A for taxes due
8 and payable in the fiscal year for which the distribution is
9 payable.
10 b. An ending balance percentage for each county shall
11 be determined by expressing the county's ending balance on a
12 modified accrual basis under generally accepted accounting
13 principles for the fiscal year beginning July 1, 2009, in the
14 county's mental health, mental retardation, and developmental
15 disabilities services fund created under section 331.424A, as a
16 percentage of the county's gross expenditures from that fund
17 for that fiscal year. If a county borrowed moneys for purposes
18 of providing services from the county's services fund on or
19 before July 1, 2009, and the county's services fund ending
20 balance for that fiscal year includes the loan proceeds or an
21 amount designated in the county budget to service the loan for
22 the borrowed moneys, those amounts shall not be considered
23 to be part of the county's ending balance for purposes of
24 calculating an ending balance percentage under this subsection.
25 c. For purposes of calculating withholding factors and
26 for ending balance amounts used for other purposes under law,
27 the county ending balances shall be adjusted, using forms
28 developed for this purpose by the county finance committee,
29 to disregard the temporary funding increase provided to the
30 counties for the fiscal year through the federal American
31 Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5. In
32 addition, a county may adjust the ending balance amount by
33 rebating to the department all or a portion of the allowed
34 growth and MH/DD services fund moneys the county received for
35 the fiscal year beginning July 1, 2010, in accordance with

1 2009 Iowa Acts, chapter 179, section 1, as amended by 2009
2 Iowa Acts, chapter 1192, sections 47 and 48, or from any other
3 services fund moneys available to the county. The rebate must
4 be remitted to the department on or before June 1, 2011, in
5 order to be counted. However, if this division of this Act is
6 enacted after June 1, 2011, the rebate must be remitted not
7 later than 10 calendar days after the date of the governor's
8 approval of this Act. The amount rebated by a county shall be
9 subtracted dollar-for-dollar from the county's ending balance
10 amount for the fiscal year beginning July 1, 2009, for purposes
11 of calculating the withholding factor and for other ending
12 balance purposes for the fiscal year beginning July 1, 2011.
13 The rebates received by the department shall be credited to the
14 property tax relief fund and distributed as additional funding
15 for the fiscal year beginning July 1, 2011, in accordance with
16 the formula provisions in this section.
17 d. The withholding factor for a county shall be the
18 following applicable percent:
19 (1) For an ending balance percentage of less than 5
20 percent, a withholding factor of 0 percent. In addition,
21 a county that is subject to this lettered paragraph shall
22 receive an inflation adjustment equal to 3 percent of the gross
23 expenditures reported for the county's services fund for the
24 fiscal year.
25 (2) For an ending balance percentage of 5 percent or more
26 but less than 10 percent, a withholding factor of 0 percent.
27 In addition, a county that is subject to this lettered
28 paragraph shall receive an inflation adjustment equal to 2
29 percent of the gross expenditures reported for the county's
30 services fund for the fiscal year.
31 (3) For an ending balance percentage of 10 percent or more
32 but less than 25 percent, a withholding factor of 25 percent.
33 However, for counties with an ending balance percentage of 10
34 percent or more but less than 15 percent, the amount withheld
35 shall be limited to the amount by which the county's ending

1 balance was in excess of the ending balance percentage of 10
2 percent.
3 (4) For an ending balance percentage of 25 percent or more,
4 a withholding percentage of 100 percent.
5 NEW SUBSECTION. 8. The total withholding amounts applied
6 pursuant to subsection 7 shall be equal to a withholding target
7 amount of $13,075,453. If the department of human services
8 determines that the amount appropriated is insufficient or
9 the amount to be withheld in accordance with subsection 7 is
10 not equal to the target withholding amount, the department
11 shall adjust the withholding factors listed in subsection 7 as
12 necessary to achieve the target withholding amount. However,
13 in making such adjustments to the withholding factors, the
14 department shall strive to minimize changes to the withholding
15 factors for those ending balance percentage ranges that are
16 lower than others and shall only adjust the zero withholding
17 factor or the inflation adjustment percentages specified in
18 subsection 7, paragraph "d", when the amount appropriated is
19 insufficient.
20 Sec. 267. 2010 Iowa Acts, chapter 1193, section 99, is
21 amended to read as follows:
22 SEC. 99. MH/MR/DD SERVICES FUND TRANSFER. Notwithstanding
23 section 331.424A, subsection 5, and section 331.432, subsection
24 3, for the fiscal year beginning July 1, 2010, and ending June
25 30, 2011, a county may transfer moneys from other funds of the
26 county to the county's mental health, mental retardation, and
27 developmental disabilities services fund created in section
28 331.424A. A county transferring moneys from other funds of the
29 county to the county's services fund pursuant to this section
30 shall submit a report detailing the transfers made and funds
31 affected. The county shall submit the report along with the
32 county expenditure and information report submitted by December
33 1, ~~2010~~ 2011, in accordance with section 331.439.
34 Sec. 268. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
35 APPLICABILITY. The section of this division of this Act

amending 2010 Iowa Acts, chapter 1193, section 99, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to December 1, 2010.

Sec. 269. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this division of this Act making an appropriation for the fiscal year beginning July 1, 2010, of moneys credited to the property tax relief fund pursuant to 2011 Iowa Acts, Senate File 209, being deemed of immediate importance, takes effect upon enactment and applies retroactively to April 21, 2011.

DIVISION XXIX

HEALTH AND HUMAN SERVICES

PRIOR APPROPRIATIONS AND RELATED CHANGES

VIETNAM CONFLICT VETERANS BONUS

Sec. 270. Section 35A.8A, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. The person files an application for compensation under this section, in a manner determined by the department of veterans affairs, by ~~July 1, 2010~~ May 1, 2011.

COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM

Sec. 271. NEW SECTION. **16.185 Community housing and services for persons with disabilities revolving loan program fund.**

1. A community housing and services for persons with disabilities loan program fund is created within the authority to further the availability of affordable housing and supportive services for Medicaid waiver-eligible individuals with behaviors that provide significant barriers to accessing traditional rental and supportive services opportunities. The moneys in the fund are annually appropriated to the authority to be used for the development and operation of a revolving loan program to provide financing to construct affordable permanent supportive housing or develop infrastructure in which to provide supportive services, including through new construction, acquisition and rehabilitation of existing

1 housing or infrastructure, or conversion or adaptive reuse.
2 2. Moneys transferred by the authority for deposit in the
3 community housing and services for persons with disabilities
4 revolving loan program fund, moneys appropriated to the
5 community housing and services for persons with disabilities
6 revolving loan program, and any other moneys available to and
7 obtained or accepted by the authority for placement in the
8 fund shall be credited to the fund. Additionally, payment
9 of interest, recaptures of awards, and other repayments
10 to the community housing and services for persons with
11 disabilities loan program fund shall be credited to the fund.
12 Notwithstanding section 12C.7, subsection 2, interest or
13 earnings on moneys in the fund shall be credited to the fund.
14 Notwithstanding section 8.33, moneys credited to the fund from
15 any other fund that remain unencumbered or unobligated at the
16 close of the fiscal year shall not revert to the other fund.
17 3. *a.* The authority shall annually allocate moneys
18 available in the fund for the development of permanent
19 supportive housing for Medicaid waiver-eligible individuals.
20 The authority shall develop a joint application process for the
21 allocation of United States housing and urban development HOME
22 investment partnerships program funding and the funds available
23 under this section. Moneys allocated to such projects may be
24 in the form of loans, forgivable loans, or a combination of
25 loans and forgivable loans.
26 *b.* The authority shall annually allocate moneys available
27 in the fund for the development of infrastructure in which
28 to provide supportive services for Medicaid waiver-eligible
29 individuals who meet the psychiatric medical institution for
30 children level of care. Moneys allocated to such projects may
31 be in the form of loans, forgivable loans, or a combination of
32 loans and forgivable loans.
33 4. *a.* A project shall demonstrate written approval of the
34 project by the department of human services to the authority
35 prior to application for funding under this section.

1 *b.* In order to be approved by the department of human
2 services for application for funding for development of
3 permanent supportive housing under this section, a project
4 shall include all of the following components:
5 (1) Provision of services to any of the following Medicaid
6 waiver-eligible individuals:
7 (a) Individuals who are currently underserved in community
8 placements, including individuals who are physically aggressive
9 or have behaviors that are difficult to manage or individuals
10 who meet the psychiatric medical institution for children level
11 of care.
12 (b) Individuals who are currently residing in out-of-state
13 facilities.
14 (c) Individuals who are currently receiving care in a
15 licensed health care facility.
16 (2) A plan to provide each individual with crisis
17 stabilization services to ensure that the individual's
18 behavioral issues are appropriately addressed by the provider.
19 (3) Policies and procedures that prohibit discharge of the
20 individual from the waiver services provided by the project
21 provider unless an alternative placement that is acceptable to
22 the client or the client's guardian is identified.
23 *c.* In order to be approved by the department of human
24 services for application for funding for development of
25 infrastructure in which to provide supportive services under
26 this section, a project shall include all of the following
27 components:
28 (1) Provision of services to Medicaid waiver-eligible
29 individuals who meet the psychiatric medical institution for
30 children level of care.
31 (2) Policies and procedures that prohibit discharge of the
32 individual from the waiver services provided by the project
33 provider unless an alternative placement that is acceptable to
34 the client or the client's guardian is identified.
35 *d.* Housing provided through a project under this section is

exempt from the requirements of chapter 135O.

5. The authority, in collaboration with the department of human services, shall adopt rules pursuant to chapter 17A to administer this section.

VIETNAM CONFLICT VETERANS
BONUS FUND

Sec. 272. 2008 Iowa Acts, chapter 1187, section 68, as amended by 2009 Iowa Acts, chapter 182, section 82, and 2010 Iowa Acts, chapter 1192, section 55, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the ~~close of the fiscal year beginning July 1, 2010~~ repeal of section 35A.8A. Upon such repeal, the remaining moneys shall be transferred to the veterans trust fund and, notwithstanding section 35A.13, subsection 3, shall only be expended in accordance with an appropriation for purposes of a bonus enacted for veterans of the conflicts in Panama, Grenada, Lebanon, or the Persian Gulf.

INJURED VETERANS GRANT PROGRAM

Sec. 273. 2008 Iowa Acts, chapter 1187, section 69, unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter 182, section 83, and 2010 Iowa Acts, chapter 1192, section 56, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year beginning July 1, ~~2010~~ 2011.

BEHAVIORAL HEALTH SERVICES
ACCOUNT — MEDICAL ASSISTANCE

Sec. 274. 2009 Iowa Acts, chapter 182, section 9, subsection 16, paragraph b, as amended by 2010 Iowa Acts, chapter 1192, section 63, is amended to read as follows:

b. The department shall continue to maintain a separate account within the medical assistance budget for the deposit of all funds remitted pursuant to a contract with a third party to administer behavioral health services under the medical assistance program established pursuant to 2008 Iowa Acts, chapter 1187, section 9, subsection 20. Notwithstanding section 8.33, other than funds remaining from the appropriation allocations made for implementation of the emergency mental health crisis services and system, for implementation of the mental health services system for children and youth, and for training of child welfare services providers in 2008 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph "c", subparagraphs (1), (2), and (6), as authorized in 2009 Iowa Acts, chapter 182, section 72, shall not revert but shall remain available in succeeding fiscal years to be used for the purposes designated until expended and any other funds remaining in the account that remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available in succeeding fiscal years ~~and are appropriated to the department to be used for the medical assistance program~~ to be used for purposes of crisis stabilization and other mental and behavioral health service improvements.

CHILD WELFARE DECATEGORIZATION
FY 2009-2010 NONREVERSION

Sec. 275. 2009 Iowa Acts, chapter 182, section 14, subsection 5, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 232.188, subsection 5, moneys from the allocations made in this subsection or made from any other source for the decategorization of child welfare and juvenile justice funding initiative under section 232.188 for the fiscal year beginning July 1, 2009, that are designated as carryover funding that remain unencumbered or unobligated at the close of the fiscal

1 year beginning July 1, 2010, shall not revert but shall be
2 transferred to the community housing and services for persons
3 with disabilities revolving loan program fund created in
4 section 16.185, as enacted by this division of this Act.
5 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 — ALLOCATION
6 FOR INFANT AND TODDLER CARE QUALITY
7 Sec. 276. 2009 Iowa Acts, chapter 183, section 62,
8 subsection 3, is amended to read as follows:
9 3. For the purposes of this subsection, "federal poverty
10 level" means the poverty level defined by the most recently
11 revised poverty income guidelines published by the United
12 States department of health and human services. The program
13 shall provide financial assistance to families with infants
14 and toddlers less than thirty-six months of age ~~two~~ that have
15 a family income of more than 145 percent but not more than 185
16 percent of the federal poverty level. However, the department
17 may adjust the qualifying criteria or the financial assistance
18 purpose provisions specified in this subsection or make other
19 changes as necessary for implementation to conform with federal
20 requirements for the funding. Outcome reporting and other
21 grant requirements shall be developed by the department in
22 cooperation with the Iowa empowerment board.
23 Sec. 277. 2009 Iowa Acts, chapter 183, section 62,
24 subsection 4, is amended to read as follows:
25 4. The financial assistance shall be for any of the
26 following purposes:
27 a. For making temporary payments to qualifying families
28 whose members are recently unemployed and seeking work to use
29 in meeting immediate family needs.
30 b. For providing sliding scale subsidies for qualifying
31 families for child care provided to the families' infants
32 and toddlers by providers who are accredited by the national
33 association for the education of young children or the national
34 association for family child care, or who have a rating at
35 level ~~3~~ 2 or higher under the child care quality rating system

implemented pursuant to section 237A.30.

c. For expanding training and other support for infant care providers in the community and this state.

d. For ensuring child care environments are healthy and safe.

e. For promoting positive relationships between parents and providers in their mutual efforts to care for very young children.

f. For ensuring that parents have the information and resources needed to choose quality child care.

IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

Sec. 278. 2010 Iowa Acts, chapter 1192, section 1, subsection 2, is amended to read as follows:

2. ~~a.~~ Of the funds appropriated in this section, $1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department on aging.

~~b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver~~

1 ~~case management services within the state funding amounts~~
2 ~~budgeted under the appropriations made for the fiscal year for~~
3 ~~the medical assistance program.~~
4 IOWA VETERANS HOME
5 Sec. 279. 2010 Iowa Acts, chapter 1192, section 3,
6 subsection 2, is amended by adding the following new paragraph:
7 NEW PARAGRAPH. d. The funds appropriated in this subsection
8 to the Iowa veterans home that remain available for expenditure
9 for the succeeding fiscal year pursuant to section 35D.18,
10 subsection 5, shall be distributed to be used in the succeeding
11 fiscal year in accordance with this lettered paragraph. The
12 first $500,000 shall remain available to be used for the
13 purposes of the Iowa veterans home. On or before October 15,
14 2011, the department of management shall transfer the remaining
15 balance to the appropriation to the department of human
16 services for medical assistance.
17 MEDICAL ASSISTANCE PROGRAM
18 Sec. 280. 2010 Iowa Acts, chapter 1192, section 11, is
19 amended by adding the following new subsection:
20 NEW SUBSECTION. 25. The department may increase the amounts
21 allocated for salaries, support, maintenance, and miscellaneous
22 purposes associated with the medical assistance program as
23 necessary to implement cost containment efforts in order to
24 accomplish medical assistance program savings. These amounts
25 may be transferred to the appropriation made in this division
26 of this Act for the health insurance premium payment program.
27 STATE SUPPLEMENTARY ASSISTANCE PROGRAM
28 Sec. 281. 2010 Iowa Acts, chapter 1192, section 14, is
29 amended by adding the following new subsection:
30 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
31 appropriated in this section that remain unencumbered or
32 unobligated at the close of the fiscal year shall remain
33 available for expenditure for the purposes designated until the
34 close of the succeeding fiscal year.
35 ADOPTION SUBSIDY TRANSFER

Sec. 282. 2010 Iowa Acts, chapter 1192, section 20, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Of the funds appropriated in this section, $60,000 shall be transferred to the appropriation made in this division of this Act for the state mental health institute at Cherokee to be used for children's beds at the institute.

IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

Sec. 283. 2010 Iowa Acts, chapter 1192, section 37, subsection 1, is amended to read as follows:

1. ~~a.~~ Of the funds appropriated in this section, $1,010,000 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver.

~~b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.~~

QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES

Sec. 284. 2010 Iowa Acts, chapter 1192, section 44, is amended to read as follows:

1 SEC. 44. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN
2 SERVICES. Notwithstanding any provision to the contrary and
3 subject to the availability of funds, there is appropriated
4 from the quality assurance trust fund created in section
5 249L.4 to the department of human services for the fiscal year
6 beginning July 1, 2010, and ending June 30, 2011, the following
7 amounts, or so much thereof as is necessary for the purposes
8 designated:
9 To supplement the appropriation made in this Act from the
10 general fund of the state to the department of human services
11 for medical assistance:
12 ..... $ ~~13,900,000~~
13 33,708,458
14 1. Of the funds appropriated in this section, $7,500,000
15 shall be used for nursing facility reimbursement under the
16 medical assistance program in accordance with the nursing
17 facility reimbursement provisions of division IV of this
18 Act, to continue application of the administrative rules
19 changes relating to nursing facility reimbursement and payment
20 procedures made pursuant to 2010 Iowa Acts, Senate File 2366,
21 if enacted, for the fiscal year beginning July 1, 2010, and
22 ending June 30, 2011, and to restore the 5 percent reduction
23 made in nursing facility reimbursement in accordance with
24 executive order number 19 issued October 8, 2009.
25 2. The costs associated with the implementation of this
26 section shall be funded exclusively through moneys appropriated
27 from the quality assurance trust fund, and shall result in
28 budget neutrality to the general fund of the state for the
29 fiscal year beginning July 1, 2010, and ending June 30, 2011.
30 INJURED VETERANS TRUST FUND
31 Sec. 285. INJURED VETERANS TRUST FUND. There is
32 appropriated from the general fund of the state to the
33 department of veterans affairs for the fiscal year beginning
34 July 1, 2010, and ending June 30, 2011, the following amount,
35 or so much thereof as is necessary, to be used for the purposes

1 designated:
2 To be credited to the injured veterans trust fund created
3 pursuant to section 35A.14 to be used for the injured veterans
4 grant program:
5 ..... $ 1,000,000
6 The department shall review the rules and statutory
7 provisions pertaining to the injured veterans grant program and
8 propose amendments to improve the program. Notwithstanding
9 section 8.33, moneys appropriated in this section that remain
10 unencumbered or unobligated at the close of the fiscal year
11 shall not revert but shall remain available for expenditure for
12 the purposes designated until expended.
13 MERCHANT MARINE BONUS FUND TRANSFER
14 Sec. 286. DEPARTMENT OF CULTURAL AFFAIRS —— MERCHANT MARINE
15 BONUS FUND.
16 1. The appropriation made from the merchant marine bonus
17 fund to the department of cultural affairs for the fiscal year
18 beginning July 1, 2010, and ending June 30, 2011, in 2010 Iowa
19 Acts, chapter 1193, section 82, shall be transferred on the
20 effective date of this section to the department of veterans
21 affairs to be used for departmental costs.
22 2. Moneys transferred pursuant to this section that remain
23 unencumbered or unobligated at the close of the fiscal year
24 shall be credited to the veterans trust fund created in section
25 35A.13.
26 STATE INSTITUTION —— APPROPRIATION TRANSFERS
27 Sec. 287. DEPARTMENT OF HUMAN SERVICES. There is
28 transferred between the following designated appropriations
29 made to the department of human services for the fiscal year
30 beginning July 1, 2010, and ending June 30, 2011, not more than
31 the following amounts:
32 1. From the appropriation made for purposes of the state
33 resource center at Glenwood in 2010 Iowa Acts, chapter 1192,
34 section 25, subsection 1, paragraph "a", to the appropriation
35 made for purposes of the Iowa juvenile home at Toledo in 2010

1 Iowa Acts, chapter 1192, section 17, subsection 1:
2 ..... $ 400,000
3 2. From the appropriation made for purposes of the state
4 resource center at Woodward in 2010 Iowa Acts, chapter 1192,
5 section 25, subsection 1, paragraph "b", to the appropriation
6 made for purposes of the state mental health institute at
7 Independence in 2010 Iowa Acts, chapter 1192, section 24,
8 subsection 1, paragraph "c":
9 ..... $ 400,000
10 Sec. 288. FAMILY PLANNING WAIVER AND MAINTENANCE OF
11 EFFORT. Notwithstanding 2010 Iowa Acts, chapter 1192, section
12 11, subsection 24, the department of human services shall
13 not amend the medical assistance waiver for the Iowa family
14 planning network in accordance with that provision, but shall
15 instead continue the Iowa family planning waiver in effect
16 prior to June 30, 2011, and shall only amend the waiver to
17 increase the income eligibility percentage above the percentage
18 provided in the waiver in effect if necessary and only by the
19 minimum percentage required to comply with maintenance of
20 effort requirements.
21 Sec. 289. DECATEGORIZATION PROJECT FUNDING. For the
22 period beginning June 1, 2010, and ending June 30, 2012, a
23 child welfare and juvenile justice funding decategorization
24 initiative project that is incorporated and owns real property
25 may utilize project funding to purchase liability insurance.
26 Sec. 290. ACCOUNTABLE CARE ORGANIZATION —— PILOT.
27 1. a. If an entity applies for certification from the
28 secretary of the United States department of health and
29 human services prior to January 1, 2012, and is subsequently
30 certified to administer an accountable care organization
31 pilot project, pursuant to the federal Patient Protection and
32 Accountability Act, Pub. L. No. 111-148, the department of
33 human services shall work with the entity to provide access to
34 the complete deidentified claims data of the medical assistance
35 recipients receiving health care services through the pilot

1 project for the purposes of identifying areas of utilization,
2 need, and potential cost savings to the medical assistance
3 program subject to all applicable state and federal laws and
4 regulations. The department may also employ new payment
5 models, information technology, and data analytics provisions
6 necessary to the administration of the pilot project.
7 b. The department of human services shall work with an
8 entity to administer an accountable care organization pilot
9 project, only if the centers for Medicare and Medicaid services
10 of the United States department of health and human services
11 approves participation of the medical assistance program in
12 the pilot project and the entity meets all of the following
13 requirements:
14 (1) At a minimum, includes the participation of a
15 prospective payment system hospital, ten primary care
16 physicians, a home health care practice, a palliative care
17 services, a hospice service, and a community mental health
18 center, all of which agree to be paid under a partial or global
19 payment for identified services.
20 (2) Requires all participating providers to utilize
21 electronic health records.
22 (3) Includes delivery of mental health services to
23 recipients of medical assistance through collaboration with
24 the regional community mental health center, a federally
25 qualified health center, and at least one nursing facility as
26 consistent with any other law enacted by the Eighty-fourth
27 general assembly, 2011 session, that redesigns the mental
28 health delivery system in the state.
29 c. The entity certified to implement the pilot project shall
30 report to the joint appropriations subcommittee for health and
31 human services during the 2012 legislative session detailing
32 the progress and expected outcomes of the pilot project.
33 Sec. 291. EMERGENCY RULES. For purposes of the initial
34 rules to implement the provisions of section 16.185, as enacted
35 by this division of this Act, the Iowa finance authority may

1 adopt administrative rules under section 17A.4, subsection
2 3, and section 17A.5, subsection 2, paragraph "b", to
3 implement the provisions and the rules shall become effective
4 immediately upon filing or on a later effective date specified
5 in the rules, unless the effective date is delayed by the
6 administrative rules review committee. Any rules adopted in
7 accordance with this section shall not take effect before
8 the rules are reviewed by the administrative rules review
9 committee. The delay authority provided to the administrative
10 rules review committee under section 17A.4, subsection 7, and
11 section 17A.8, subsection 9, shall be applicable to a delay
12 imposed under this section, notwithstanding a provision in
13 those sections making them inapplicable to section 17A.5,
14 subsection 2, paragraph "b". Any rules adopted in accordance
15 with the provisions of this section shall also be published as
16 a notice of intended action as provided in section 17A.4.
17 Sec. 292. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
18 APPLICABILITY. Except as otherwise provided by this division
19 of this Act, this division of this Act, being deemed of
20 immediate importance, takes effect upon enactment and
21 if approved by the governor after July 1, 2011, applies
22 retroactively to June 30, 2011.
23 Sec. 293. RETROACTIVE APPLICABILITY. The section of this
24 division of this Act addressing child welfare and juvenile
25 justice funding decategorization initiative project funding for
26 the period beginning June 1, 2010, and ending June 30, 2012,
27 applies retroactively to June 1, 2010.
28 Sec. 294. RETROACTIVE APPLICABILITY. The section of
29 this division of this Act amending section 35A.8A, applies
30 retroactively to July 1, 2010.
31 Sec. 295. RETROACTIVE APPLICABILITY. The section of this
32 division of this Act making transfers between appropriations
33 made to the department of human services for state institutions
34 in 2010 Iowa Acts, chapter 1192, applies retroactively to
35 January 1, 2011.

DIVISION XXX
HEALTH AND HUMAN SERVICES
PREVENTION AND CHRONIC CARE MANAGEMENT

Sec. 296. Section 135.159, subsection 10, Code 2011, is amended to read as follows:

10. The department shall integrate the recommendations and policies developed ~~by the prevention and chronic care management advisory council~~ pursuant to section 135.161, Code 2011, into the medical home system and shall incorporate the development and implementation of the state initiative for prevention and chronic care management as developed pursuant to section 135.161, Code 2011, into the duties of the medical home system advisory council beginning January 1, 2012.

Sec. 297. Section 135.162, subsections 1 and 3, Code 2011, are amended to read as follows:

1. The director shall convene a clinicians advisory panel to advise and recommend to the department clinically appropriate, evidence-based best practices regarding the implementation of the medical home as defined in section 135.157 ~~and the prevention and chronic care management initiative pursuant to section 135.161~~. The director shall act as chairperson of the advisory panel.

3. The clinicians advisory panel shall meet on a quarterly basis to receive updates from the director regarding strategic planning and implementation progress on the medical home ~~and the prevention and chronic care management initiative~~ and shall provide clinical consultation to the department regarding the medical home ~~and the initiative~~.

Sec. 298. Section 136.3, subsection 14, Code 2011, is amended to read as follows:

14. Perform those duties authorized pursuant to sections 135.156~~,~~ and 135.159~~, and 135.161,~~ and other provisions of law.

Sec. 299. REPEAL. Section 135.161, Code 2011, is repealed.

Sec. 300. EFFECTIVE DATE. This division of this Act takes effect December 31, 2011.

DIVISION XXXI
HEALTH AND HUMAN SERVICES
MISCELLANEOUS

Sec. 301. Section 29C.20B, Code 2011, is amended to read as follows:

29C.20B Disaster case management.

1. The ~~rebuild Iowa office~~ homeland security and emergency management division shall work with the department of human services and nonprofit, voluntary, and faith-based organizations active in disaster recovery and response in coordination with ~~the homeland security and emergency management division~~ the department of human services to establish a statewide system of disaster case management to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes. Under the system, the ~~department of human services~~ homeland security and emergency management division shall coordinate case management services locally through local committees as established in each local emergency management commission's emergency plan. ~~Beginning July 1, 2011, the department of human services shall assume the duties of the rebuild Iowa office under this subsection.~~

2. The ~~department of human services~~ homeland security and emergency management division, in conjunction with the ~~rebuild Iowa office, the homeland security and emergency management division~~ department of human services, and an Iowa representative to the national voluntary organizations active in disaster, shall adopt rules pursuant to chapter 17A to create coordination mechanisms and standards for the establishment and implementation of a statewide system of disaster case management which shall include at least all of the following:

a. Disaster case management standards.

b. Disaster case management policies.

1 *c.* Reporting requirements.
2 *d.* Eligibility criteria.
3 *e.* Coordination mechanisms necessary to carry out the
4 services provided.
5 *f.* Develop formal working relationships with agencies and
6 create interagency agreements for those considered to provide
7 disaster case management services.
8 *g.* Coordination of all available services for individuals
9 from multiple agencies.
10 Sec. 302. Section 135.106, Code 2011, is amended by adding
11 the following new subsection:
12 NEW SUBSECTION. 4. It is the intent of the general
13 assembly that priority for home visitation funding be given to
14 approaches using evidence-based or promising models for home
15 visitation.
16 Sec. 303. Section 147.136, Code 2011, is amended to read as
17 follows:
18 **147.136 Scope of recovery.**
19 1. ~~In~~ Except as otherwise provided in subsection 2, in an
20 action for damages for personal injury against a physician and
21 surgeon, osteopathic physician and surgeon, dentist, podiatric
22 physician, optometrist, pharmacist, chiropractor, or nurse
23 licensed to practice that profession in this state, or against
24 a hospital licensed for operation in this state, based on the
25 alleged negligence of the practitioner in the practice of the
26 profession or occupation, or upon the alleged negligence of
27 the hospital in patient care, in which liability is admitted
28 or established, the damages awarded shall not include actual
29 economic losses incurred or to be incurred in the future by the
30 claimant by reason of the personal injury, including but not
31 limited to, the cost of reasonable and necessary medical care,
32 rehabilitation services, and custodial care, and the loss of
33 services and loss of earned income, to the extent that those
34 losses are replaced or are indemnified by insurance, or by
35 governmental, employment, or service benefit programs or from

1 any other source ~~except the assets of the claimant or of the~~
2 ~~members of the claimant's immediate family~~.
3 2. This section shall not bar recovery of economic losses
4 replaced or indemnified by any of the following:
5 *a.* Benefits received under the medical assistance program
6 under chapter 249A.
7 *b.* The assets of the claimant or of the members of the
8 claimant's immediate family.
9 Sec. 304. NEW SECTION. **155A.43 Pharmaceutical collection**
10 **and disposal program — annual allocation.**
11 Of the fees collected pursuant to sections 124.301 and
12 147.80 and chapter 155A by the board of pharmacy, and retained
13 by the board pursuant to section 147.82, not more than one
14 hundred twenty-five thousand dollars, may be allocated annually
15 by the board for administering the pharmaceutical collection
16 and disposal program originally established pursuant to 2009
17 Iowa Acts, chapter 175, section 9. The program shall provide
18 for the management and disposal of unused, excess, and expired
19 pharmaceuticals. The board of pharmacy may cooperate with the
20 Iowa pharmacy association and may consult with the department
21 and sanitary landfill operators in administering the program.
22 Sec. 305. Section 225B.8, Code 2011, is amended to read as
23 follows:
24 **225B.8 Repeal.**
25 This chapter is repealed July 1, ~~2011~~ 2012.
26 Sec. 306. Section 232.188, subsection 5, paragraph b,
27 unnumbered paragraph 1, Code 2011, is amended to read as
28 follows:
29 Notwithstanding section 8.33, moneys designated for a
30 project's decategorization services funding pool that remain
31 unencumbered or unobligated at the close of the fiscal year
32 shall not revert but shall remain available for expenditure as
33 directed by the project's governance board for child welfare
34 and juvenile justice systems enhancements and other purposes of
35 the project ~~until the close of the succeeding fiscal year and~~

for the next two succeeding fiscal years. Such moneys shall be known as *"carryover funding"*. Moneys may be made available to a funding pool from one or more of the following sources:

Sec. 307. Section 249A.4B, subsection 2, paragraph a, subparagraph (18), Code 2011, is amended to read as follows:

(18) The ~~Iowa/Nebraska~~ Iowa primary care association.

Sec. 308. REPEAL. Section 135.27A, Code 2011, is repealed December 31, 2011.

DIVISION XXXII

HEALTH AND HUMAN SERVICES

MEDICAID PRESCRIPTION DRUGS

Sec. 309. Section 249A.20A, subsection 4, Code 2011, is amended to read as follows:

4. With the exception of drugs prescribed for the treatment of human immunodeficiency virus or acquired immune deficiency syndrome, transplantation, or cancer and drugs prescribed for mental illness with the exception of drugs and drug compounds that do not have a significant variation in a therapeutic profile or side effect profile within a therapeutic class, prescribing and dispensing of prescription drugs not included on the preferred drug list shall be subject to prior authorization.

Sec. 310. 2010 Iowa Acts, chapter 1031, section 348, is amended to read as follows:

SEC. 348. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING.

~~1.~~ The department shall adopt rules pursuant to chapter 17A to restrict physicians and other prescribers to prescribing not more than a 72-hour or three-day supply of a prescription drug not included on the medical assistance preferred drug list while seeking approval to continue prescribing the medication.

~~2. Notwithstanding subsection 1, the department shall adopt rules pursuant to chapter 17A to restrict a physician or other prescriber prescribing a chemically unique mental health prescription drug to prescribing not more than a seven-day supply of the prescription drug while requesting approval to~~

1 ~~continue to prescribe the medication. The rules shall provide~~
2 ~~that if an approval or disapproval is not received by the~~
3 ~~physician or other prescriber within 48 hours of the request,~~
4 ~~the request is deemed approved.~~
5 Sec. 311. REPEAL. 2010 Iowa Acts, chapter 1031, section
6 349, is repealed.
7 Sec. 312. RESCINDING AND ADOPTION OF RULES. The department
8 of human services shall rescind the rules adopted pursuant
9 to 2010 Iowa Acts, chapter 1031, section 347, chapter 1031,
10 section 348, subsection 2, and chapter 1031, section 349,
11 and shall instead adopt emergency rules under section 17A.4,
12 subsection 3, and section 17A.5, subsection 2, paragraph "b",
13 to implement section 249A.20A, as amended in this division of
14 this Act, and the rules shall be effective immediately upon
15 filing and retroactively applicable to January 1, 2011, unless
16 a later date is specified in the rules. Any rules adopted
17 in accordance with this section shall also be published as a
18 notice of intended action as provided in section 17A.4.
19 Sec. 313. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
20 APPLICABILITY. This division of this Act, being deemed of
21 immediate importance, takes effect upon enactment and applies
22 retroactively to January 1, 2011.
23 DIVISION XXXIII
24 HEALTH AND HUMAN SERVICES
25 IOWA FALSE CLAIMS ACT
26 Sec. 314. Section 685.1, subsection 11, Code 2011, is
27 amended to read as follows:
28 11. *"Original source"* means an individual who ~~has direct and~~
29 ~~independent~~ prior to a public disclosure under section 685.3,
30 subsection 5, paragraph *"c"*, has voluntarily disclosed to the
31 state the information on which the allegations or transactions
32 in a claim are based; or who has knowledge ~~of the information~~
33 ~~on which the allegations are based~~ that is independent of
34 and materially adds to the publicly disclosed allegations or
35 transactions, and has voluntarily provided the information to

1 the state before filing an action under ~~section 685.3 which is~~
2 ~~based on the information~~ this chapter.
3 Sec. 315. Section 685.1, Code 2011, is amended by adding the
4 following new subsection:
5 NEW SUBSECTION. 15. *"State"* means the state of Iowa.
6 Sec. 316. Section 685.2, subsection 1, unnumbered paragraph
7 1, Code 2011, is amended to read as follows:
8 A person who commits any of the following acts is liable to
9 the state for a civil penalty of not less than ~~five thousand~~
10 ~~dollars~~ and not more than ~~ten thousand dollars~~ the civil
11 penalty allowed under the federal False Claims Act, as codified
12 in 31 U.S.C. § 3729 et seq., as may be adjusted in accordance
13 with the inflation adjustment procedures prescribed in the
14 federal Civil Penalties Inflation Adjustment Act of 1990, Pub.
15 L. No. 101-410, for each false or fraudulent claim, plus three
16 times the amount of damages which the state sustains ~~because of~~
17 ~~the act of that person~~:
18 Sec. 317. Section 685.3, subsection 5, paragraph c, Code
19 2011, is amended by striking the paragraph and inserting in
20 lieu thereof the following:
21 *c.* A court shall dismiss an action or claim under this
22 section, unless opposed by the state, if substantially the
23 same allegations or transactions as alleged in the action or
24 claim were publicly disclosed in a state criminal, civil, or
25 administrative hearing in which the state or an agent of the
26 state is a party; in a state legislative, state auditor, or
27 other state report, hearing, audit, or investigation; or by
28 the news media, unless the action is brought by the attorney
29 general or the qui tam plaintiff is an original source of the
30 information.
31 Sec. 318. Section 685.3, subsection 6, Code 2011, is amended
32 to read as follows:
33 6. *a.* Any employee, contractor, or agent ~~who~~ shall be
34 entitled to all relief necessary to make that employee,
35 contractor, or agent whole, if that employee, contractor, or

agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts ~~performed~~ done by the employee, contractor, or agent ~~on behalf of the employee, contractor, or agent~~ or associated others in furtherance of an action under this section or other efforts to stop ~~a violation~~ one or more violations of this chapter~~,~~ ~~shall be entitled to all relief necessary to make the employee, contractor, or agent whole~~. ~~Such relief~~

b. Relief under paragraph *"a"* shall include reinstatement with the same seniority status ~~such~~ that employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. An ~~employee, contractor, or agent may bring an~~ action under this subsection may be brought in the appropriate district court of the state for the relief provided in this subsection.

c. A civil action under this subsection shall not be brought more than three years after the date when the retaliation occurred.

DIVISION XXXIV

HEALTH AND HUMAN SERVICES

VOLUNTEER HEALTH CARE PROVIDER PROGRAM

Sec. 319. Section 135.24, subsection 2, paragraphs b and c, Code 2011, are amended to read as follows:

b. Procedures for registration of hospitals, free clinics, field dental clinics, and specialty health care provider offices.

c. Criteria for and identification of hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations, eligible to participate in the provision of free medical,

1 dental, chiropractic, pharmaceutical, nursing, optometric,
2 psychological, social work, behavioral science, podiatric,
3 physical therapy, occupational therapy, respiratory therapy,
4 or emergency medical care services through the volunteer
5 health care provider program. A hospital, a clinic, a
6 free clinic, a field dental clinic, a specialty health care
7 provider office, a health care facility, a health care referral
8 program, a charitable organization, or a health care provider
9 participating in the program shall not bill or charge a
10 patient for any health care provider service provided under the
11 volunteer health care provider program.
12 Sec. 320. Section 135.24, Code 2011, is amended by adding
13 the following new subsection:
14 NEW SUBSECTION. 6A. A hospital providing free care under
15 this section shall be considered a state agency solely for
16 the purposes of this section and chapter 669 and shall be
17 afforded protection under chapter 669 as a state agency for
18 all claims arising from the provision of free care by a health
19 care provider registered under subsection 3 who is providing
20 services at the hospital in accordance with this section, if
21 the hospital has registered with the department pursuant to
22 subsection 1.
23 Sec. 321. Section 135.24, subsection 7, Code 2011, is
24 amended by adding the following new paragraph:
25 NEW PARAGRAPH. *0e. "Hospital"* means hospital as defined in
26 section 135B.1.
27 DIVISION XXXV
28 HEALTH AND HUMAN SERVICES
29 DEPARTMENT ON AGING —— FY 2012-2013
30 Sec. 322. DEPARTMENT ON AGING. There is appropriated from
31 the general fund of the state to the department on aging for
32 the fiscal year beginning July 1, 2012, and ending June 30,
33 2013, the following amount, or so much thereof as is necessary,
34 to be used for the purposes designated:
35 For aging programs for the department on aging and area

1 agencies on aging to provide citizens of Iowa who are 60 years
2 of age and older with case management for frail elders, Iowa's
3 aging and disabilities resource center, and other services
4 which may include but are not limited to adult day services,
5 respite care, chore services, information and assistance,
6 and material aid, for information and options counseling for
7 persons with disabilities who are 18 years of age or older,
8 and for salaries, support, administration, maintenance, and
9 miscellaneous purposes, and for not more than the following
10 full-time equivalent positions:
11 ..... $ 8,757,190
12 ..... FTEs 35.00
13 1. Funds appropriated in this section may be used to
14 supplement federal funds under federal regulations. To
15 receive funds appropriated in this section, a local area
16 agency on aging shall match the funds with moneys from other
17 sources according to rules adopted by the department. Funds
18 appropriated in this section may be used for elderly services
19 not specifically enumerated in this section only if approved
20 by an area agency on aging for provision of the service within
21 the area.
22 2. The amount appropriated in this section includes
23 additional funding of $382,500 for delivery of long-term care
24 services to older individuals with low or moderate incomes.
25 3. Of the funds appropriated in this section, $152,954 shall
26 be transferred to the department of economic development for
27 the Iowa commission on volunteer services to be used for the
28 retired and senior volunteer program.
29 4. a. The department on aging shall establish and enforce
30 procedures relating to expenditure of state and federal funds
31 by area agencies on aging that require compliance with both
32 state and federal laws, rules, and regulations, including but
33 not limited to all of the following:
34 (1) Requiring that expenditures are incurred only for goods
35 or services received or performed prior to the end of the

1 fiscal period designated for use of the funds.
2 (2) Prohibiting prepayment for goods or services not
3 received or performed prior to the end of the fiscal period
4 designated for use of the funds.
5 (3) Prohibiting the prepayment for goods or services
6 not defined specifically by good or service, time period, or
7 recipient.
8 (4) Prohibiting the establishment of accounts from which
9 future goods or services which are not defined specifically by
10 good or service, time period, or recipient, may be purchased.
11 b. The procedures shall provide that if any funds are
12 expended in a manner that is not in compliance with the
13 procedures and applicable federal and state laws, rules, and
14 regulations, and are subsequently subject to repayment, the
15 area agency on aging expending such funds in contravention of
16 such procedures, laws, rules and regulations, not the state,
17 shall be liable for such repayment.
18 DIVISION XXXVI
19 HEALTH AND HUMAN SERVICES
20 DEPARTMENT OF PUBLIC HEALTH —— FY 2012-2013
21 Sec. 323. DEPARTMENT OF PUBLIC HEALTH. There is
22 appropriated from the general fund of the state to the
23 department of public health for the fiscal year beginning July
24 1, 2012, and ending June 30, 2013, the following amounts, or
25 so much thereof as is necessary, to be used for the purposes
26 designated:
27 1. ADDICTIVE DISORDERS
28 For reducing the prevalence of use of tobacco, alcohol, and
29 other drugs, and treating individuals affected by addictive
30 behaviors, including gambling, and for not more than the
31 following full-time equivalent positions:
32 ..... $ 17,597,712
33 ..... FTEs 13.00
34 a. (1) Of the funds appropriated in this subsection,
35 $385,756 shall be transferred to the alcoholic beverages

1 division of the department of commerce for enforcement of
2 tobacco laws, regulations, and ordinances in accordance with
3 2011 Iowa Acts, House File 467, as enacted.
4 (2) Implementation of the tobacco use prevention and
5 control initiative for the fiscal year beginning July 1, 2011,
6 including efforts at the state and local levels, as provided
7 in chapter 142A, shall be limited to the extent of the funding
8 available.
9 b. Of the funds appropriated in this subsection 1,
10 $17,211,956 shall be used for problem gambling and substance
11 abuse prevention, treatment, and recovery services, including a
12 24-hour helpline, public information resources, professional
13 training, and program evaluation.
14 (1) Of the funds allocated in this paragraph "b",
15 $14,562,632 shall be used for substance abuse prevention and
16 treatment.
17 (a) Of the funds allocated in this subparagraph (1),
18 $764,405 shall be used for the public purpose of a grant
19 program to provide substance abuse prevention programming for
20 children.
21 (i) Of the funds allocated in this subparagraph division
22 (a), $363,408 shall be used for grant funding for organizations
23 that provide programming for children by utilizing mentors.
24 Programs approved for such grants shall be certified or will
25 be certified within six months of receiving the grant award
26 by the Iowa commission on volunteer services as utilizing the
27 standards for effective practice for mentoring programs.
28 (ii) Of the funds allocated in this subparagraph division
29 (a), $362,813 shall be used for grant funding for organizations
30 that provide programming that includes youth development and
31 leadership. The programs shall also be recognized as being
32 programs that are scientifically based with evidence of their
33 effectiveness in reducing substance abuse in children.
34 (iii) The department of public health shall utilize a
35 request for proposals process to implement the grant program.

1 (iv) All grant recipients shall participate in a program
2 evaluation as a requirement for receiving grant funds.
3 (v) Of the funds allocated in this subparagraph division
4 (a), up to $38,184 may be used to administer substance abuse
5 prevention grants and for program evaluations.
6 (b) Of the funds allocated in this subparagraph (1),
7 $232,103 shall be used for culturally competent substance abuse
8 treatment pilot projects.
9 (i) The department shall utilize the amount allocated
10 in this subparagraph division (b) for at least three pilot
11 projects to provide culturally competent substance abuse
12 treatment in various areas of the state. Each pilot project
13 shall target a particular ethnic minority population. The
14 populations targeted shall include but are not limited to
15 African American, Asian, and Latino.
16 (ii) The pilot project requirements shall provide for
17 documentation or other means to ensure access to the cultural
18 competence approach used by a pilot project so that such
19 approach can be replicated and improved upon in successor
20 programs.
21 (2) Of the funds allocated in this paragraph "b", up
22 to $2,649,324 may be used for problem gambling prevention,
23 treatment, and recovery services.
24 (a) Of the funds allocated in this subparagraph (2),
25 $2,192,150 shall be used for problem gambling prevention and
26 treatment.
27 (b) Of the funds allocated in this subparagraph (2), up to
28 $372,174 may be used for a 24-hour helpline, public information
29 resources, professional training, and program evaluation.
30 (c) Of the funds allocated in this subparagraph (2), up
31 to $85,000 may be used for the licensing of problem gambling
32 treatment programs.
33 (3) It is the intent of the general assembly that from the
34 moneys allocated in this paragraph "b", persons with a dual
35 diagnosis of substance abuse and gambling addictions shall be

1 given priority in treatment services.
2 c. Notwithstanding any provision of law to the contrary,
3 to standardize the availability, delivery, cost of delivery,
4 and accountability of problem gambling and substance abuse
5 treatment services statewide, the department shall continue
6 implementation of a process to create a system for delivery
7 of treatment services in accordance with the requirements
8 specified in 2008 Iowa Acts, chapter 1187, section 3,
9 subsection 4. To ensure the system provides a continuum of
10 treatment services that best meets the needs of Iowans, the
11 problem gambling and substance abuse treatment services in any
12 area may be provided either by a single agency or by separate
13 agencies submitting a joint proposal.
14 (1) The system for delivery of substance abuse and
15 problem gambling treatment shall include problem gambling
16 prevention by July 1, 2012. The department shall submit a
17 proposed legislative bill in accordance with section 2.16, for
18 consideration during the 2012 legislative session, addressing
19 any statutory revisions necessary for full implementation of
20 the system.
21 (2) The system for delivery of substance abuse and problem
22 gambling treatment shall include substance abuse prevention by
23 July 1, 2014.
24 (3) Of the funds allocated in paragraph "b", the department
25 may use up to $85,000 for administrative costs to continue
26 developing and implementing the process in accordance with this
27 paragraph "c".
28 d. The requirement of section 123.53, subsection 5, is met
29 by the appropriations and allocations made in the health and
30 human services divisions of this Act for purposes of substance
31 abuse treatment and addictive disorders for the fiscal year
32 beginning July 1, 2012.
33 e. The department of public health shall work with all other
34 departments that fund substance abuse prevention and treatment
35 services and all such departments shall, to the extent

1 necessary, collectively meet the state maintenance of effort
2 requirements for expenditures for substance abuse services
3 as required under the federal substance abuse prevention and
4 treatment block grant.
5 f. The department shall amend or otherwise revise
6 departmental policies and contract provisions in order to
7 eliminate free t-shirt distribution, banner production, and
8 other unnecessary promotional expenditures.
9 2. HEALTHY CHILDREN AND FAMILIES
10 For promoting the optimum health status for children,
11 adolescents from birth through 21 years of age, and families,
12 and for not more than the following full-time equivalent
13 positions:
14 ..... $ 2,205,130
15 ..... FTEs 10.00
16 a. Of the funds appropriated in this subsection, not more
17 than $628,420 shall be used for the healthy opportunities to
18 experience success (HOPES)-healthy families Iowa (HFI) program
19 established pursuant to section 135.106. The funding shall
20 be distributed to renew the grants that were provided to the
21 grantees that operated the program during the fiscal year
22 ending June 30, 2012.
23 b. Of the funds appropriated in this subsection, $280,402
24 shall be used to continue to address the healthy mental
25 development of children from birth through five years of age
26 through local evidence-based strategies that engage both the
27 public and private sectors in promoting healthy development,
28 prevention, and treatment for children.
29 c. Of the funds appropriated in this subsection, $26,857
30 shall be distributed to a statewide dental carrier to provide
31 funds to continue the donated dental services program patterned
32 after the projects developed by the lifeline network to provide
33 dental services to indigent elderly and disabled individuals.
34 d. Of the funds appropriated in this subsection, $95,775
35 shall be used for childhood obesity prevention.

1 e. Of the funds appropriated in this subsection, $139,196
2 shall be used to provide audiological services and hearing
3 aids for children. The department may enter into a contract
4 to administer this paragraph.
5 3. CHRONIC CONDITIONS
6 For serving individuals identified as having chronic
7 conditions or special health care needs, and for not more than
8 the following full-time equivalent positions:
9 ..... $ 2,922,802
10 ..... FTEs 4.00
11 a. Of the funds appropriated in this subsection, $136,495
12 shall be used for grants to individual patients who have
13 phenylketonuria (PKU) to assist with the costs of necessary
14 special foods.
15 b. Of the funds appropriated in this subsection, $411,060
16 is allocated for continuation of the contracts for resource
17 facilitator services in accordance with section 135.22B,
18 subsection 9, and for brain injury training services and
19 recruiting of service providers to increase the capacity within
20 this state to address the needs of individuals with brain
21 injuries and such individuals' families.
22 c. Of the funds appropriated in this subsection, $398,543
23 shall be used as additional funding to leverage federal funding
24 through the federal Ryan White Care Act, Tit. II, AIDS drug
25 assistance program supplemental drug treatment grants.
26 d. Of the funds appropriated in this subsection, $26,566
27 shall be used for the public purpose of providing a grant to an
28 existing national-affiliated organization to provide education,
29 client-centered programs, and client and family support for
30 people living with epilepsy and their families.
31 e. Of the funds appropriated in this subsection, $670,057
32 shall be used for child health specialty clinics.
33 f. Of the funds appropriated in this subsection, $604,394
34 shall be used for the comprehensive cancer control program to
35 reduce the burden of cancer in Iowa through prevention, early

1 detection, effective treatment, and ensuring quality of life.
2 Of the funds allocated in this lettered paragraph, $309,389
3 shall be used to support a melanoma research symposium, a
4 melanoma biorepository and registry, basic and translational
5 melanoma research, and clinical trials.
6 g. Of the funds appropriated in this subsection, $107,483
7 shall be used for cervical and colon cancer screening.
8 h. Of the funds appropriated in this subsection, $358,515
9 shall be used for the center for congenital and inherited
10 disorders.
11 i. Of the funds appropriated in this subsection, $110,446
12 shall be used for the prescription drug donation repository
13 program created in chapter 135M.
14 4. COMMUNITY CAPACITY
15 For strengthening the health care delivery system at the
16 local level, and for not more than the following full-time
17 equivalent positions:
18 ..... $ 3,751,954
19 ..... FTEs 14.00
20 a. Of the funds appropriated in this subsection, $85,000
21 is allocated for a child vision screening program implemented
22 through the university of Iowa hospitals and clinics in
23 collaboration with early childhood Iowa areas.
24 b. Of the funds appropriated in this subsection, $94,612 is
25 allocated for continuation of an initiative implemented at the
26 university of Iowa and $85,419 is allocated for continuation of
27 an initiative at the state mental health institute at Cherokee
28 to expand and improve the workforce engaged in mental health
29 treatment and services. The initiatives shall receive input
30 from the university of Iowa, the department of human services,
31 the department of public health, and the mental health, mental
32 retardation, developmental disabilities, and brain injury
33 commission to address the focus of the initiatives.
34 c. Of the funds appropriated in this subsection, $995,767
35 shall be used for essential public health services that promote

1 healthy aging throughout the lifespan, contracted through a
2 formula for local boards of health, to enhance health promotion
3 and disease prevention services.
4 d. Of the funds appropriated in this section, $103,544 shall
5 be deposited in the governmental public health system fund
6 created in section 135A.8 to be used for the purposes of the
7 fund.
8 e. Of the funds appropriated in this subsection, $90,337
9 shall be used for the mental health professional shortage area
10 program implemented pursuant to section 135.80.
11 f. Of the funds appropriated in this subsection,
12 $32,524 shall be used for a grant to a statewide association
13 of psychologists that is affiliated with the American
14 psychological association to be used for continuation of a
15 program to rotate intern psychologists in placements in urban
16 and rural mental health professional shortage areas, as defined
17 in section 135.80.
18 g. Of the funds appropriated in this subsection, the
19 following amounts shall be allocated to the Iowa collaborative
20 safety net provider network established pursuant to section
21 135.153 to be used for the purposes designated. The following
22 amounts allocated under this lettered paragraph shall be
23 distributed to the specified provider and shall not be reduced
24 for administrative or other costs prior to distribution:
25 (1) For distribution to the Iowa primary care association
26 for statewide coordination of the Iowa collaborative safety net
27 provider network:
28 ..... $ 99,107
29 (2) For distribution to the local boards of health that
30 provide direct services for pilot programs in three counties to
31 assist patients in determining an appropriate medical home:
32 ..... $ 58,082
33 (3) For distribution to maternal and child health centers
34 for pilot programs in three counties to assist patients in
35 determining an appropriate medical home:

1 ..... $ 58,082
2 (4) For distribution to free clinics for necessary
3 infrastructure, statewide coordination, provider recruitment,
4 service delivery, and provision of assistance to patients in
5 determining an appropriate medical home:
6 ..... $ 96,691
7 (5) For distribution to rural health clinics for necessary
8 infrastructure, statewide coordination, provider recruitment,
9 service delivery, and provision of assistance to patients in
10 determining an appropriate medical home:
11 ..... $ 86,074
12 (6) For continuation of the safety net provider patient
13 access to specialty health care initiative as described in 2007
14 Iowa Acts, chapter 218, section 109:
15 ..... $ 202,657
16 (7) For continuation of the pharmaceutical infrastructure
17 for safety net providers as described in 2007 Iowa Acts,
18 chapter 218, section 108:
19 ..... $ 210,452
20 The Iowa collaborative safety net provider network may
21 continue to distribute funds allocated pursuant to this
22 lettered paragraph through existing contracts or renewal of
23 existing contracts.
24 h. Of the funds appropriated in this subsection,
25 $85,000 shall be used for continued implementation of
26 the recommendations of the direct care worker task force
27 established pursuant to 2005 Iowa Acts, chapter 88, based upon
28 the report submitted to the governor and the general assembly
29 in December 2006. The department may use a portion of the
30 funds allocated in this lettered paragraph for an additional
31 position to assist in the continued implementation.
32 i. Of the funds appropriated in this subsection, $127,500
33 shall be used for allocation through a request for proposals
34 process to a statewide direct care worker association for
35 education, outreach, and mentoring intended to enhance the

1 recruitment and retention of direct care workers in health care
2 and long-term care settings. Funding allocated under this
3 paragraph shall not be used by the recipient association for
4 lobbying activities as described in section 689B.36.
5 j. The department may utilize one of the full-time
6 equivalent positions authorized in this subsection for
7 administration of the activities related to the Iowa
8 collaborative safety net provider network.
9 k. Of the funds appropriated in this subsection, the
10 department may use up to $51,000 for up to one full-time
11 equivalent position to administer the volunteer health care
12 provider program pursuant to section 135.24.
13 l. Of the funds appropriated in this subsection, $42,500
14 shall be used for a matching dental education loan repayment
15 program to be allocated to a dental nonprofit health service
16 corporation to develop the criteria and implement the loan
17 repayment program.
18 m. Of the funds appropriated in this subsection,
19 $309,389 shall be used as state matching funds for the health
20 information network as established by the department of public
21 health.
22 5. HEALTHY AGING
23 To provide public health services that reduce risks and
24 invest in promoting and protecting good health over the
25 course of a lifetime with a priority given to older Iowans and
26 vulnerable populations:
27 ..... $ 6,202,571
28 a. Of the funds appropriated in this subsection, $1,707,809
29 shall be used for local public health nursing services.
30 b. Of the funds appropriated in this subsection, $4,494,762
31 shall be used for home care aide services.
32 6. ENVIRONMENTAL HAZARDS
33 For reducing the public's exposure to hazards in the
34 environment, primarily chemical hazards, and for not more than
35 the following full-time equivalent positions:

1 ..... $ 691,710
2 ..... FTEs 4.00
3 Of the funds appropriated in this subsection, $462,720 shall
4 be used for childhood lead poisoning provisions.
5 7. INFECTIOUS DISEASES
6 For reducing the incidence and prevalence of communicable
7 diseases, and for not more than the following full-time
8 equivalent positions:
9 ..... $ 1,143,970
10 ..... FTEs 4.00
11 8. PUBLIC PROTECTION
12 For protecting the health and safety of the public through
13 establishing standards and enforcing regulations, and for not
14 more than the following full-time equivalent positions:
15 ..... $ 2,359,797
16 ..... FTEs 125.00
17 a. Of the funds appropriated in this subsection, not more
18 than $400,936 shall be credited to the emergency medical
19 services fund created in section 135.25. Moneys in the
20 emergency medical services fund are appropriated to the
21 department to be used for the purposes of the fund.
22 b. Of the funds appropriated in this subsection, $179,026
23 shall be used for sexual violence prevention programming
24 through a statewide organization representing programs serving
25 victims of sexual violence through the department's sexual
26 violence prevention program. The amount allocated in this
27 lettered paragraph shall not be used to supplant funding
28 administered for other sexual violence prevention or victims
29 assistance programs.
30 c. Of the funds appropriated in this subsection, not more
31 than $371,095 shall be used for the state poison control
32 center.
33 9. RESOURCE MANAGEMENT
34 For establishing and sustaining the overall ability of the
35 department to deliver services to the public, and for not more

1 than the following full-time equivalent positions:
2 ..... $ 696,621
3 ..... FTEs 7.00
4 The university of Iowa hospitals and clinics under the
5 control of the state board of regents shall not receive
6 indirect costs from the funds appropriated in this section.
7 The university of Iowa hospitals and clinics billings to the
8 department shall be on at least a quarterly basis.
9 DIVISION XXXVII
10 HEALTH AND HUMAN SERVICES
11 DEPARTMENT OF VETERANS AFFAIRS — FY 2012-2013
12 Sec. 324. DEPARTMENT OF VETERANS AFFAIRS. There is
13 appropriated from the general fund of the state to the
14 department of veterans affairs for the fiscal year beginning
15 July 1, 2012, and ending June 30, 2013, the following amounts,
16 or so much thereof as is necessary, to be used for the purposes
17 designated:
18 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
19 For salaries, support, maintenance, and miscellaneous
20 purposes, including the war orphans educational assistance fund
21 created in section 35.8, and for not more than the following
22 full-time equivalent positions:
23 ..... $ 849,007
24 ..... FTEs 16.34
25 2. IOWA VETERANS HOME
26 For salaries, support, maintenance, and miscellaneous
27 purposes:
28 ..... $ 7,609,328
29 a. The Iowa veterans home billings involving the department
30 of human services shall be submitted to the department on at
31 least a monthly basis.
32 b. If there is a change in the employer of employees
33 providing services at the Iowa veterans home under a collective
34 bargaining agreement, such employees and the agreement shall
35 be continued by the successor employer as though there had not

1 been a change in employer.
2 c. Within available resources and in conformance with
3 associated state and federal program eligibility requirements,
4 the Iowa veterans home may implement measures to provide
5 financial assistance to or on behalf of veterans or their
6 spouses participating in the community reentry program.
7 3. STATE EDUCATIONAL ASSISTANCE —— CHILDREN OF DECEASED
8 VETERANS
9 For provision of educational assistance pursuant to section
10 35.9:
11 ..... $ 10,554
12 Sec. 325. LIMITATION OF COUNTY COMMISSION OF VETERANS
13 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the
14 standing appropriation in the following designated section for
15 the fiscal year beginning July 1, 2012, and ending June 30,
16 2013, the amounts appropriated from the general fund of the
17 state pursuant to that section for the following designated
18 purposes shall not exceed the following amount:
19 For the county commissions of veterans affairs fund under
20 section 35A.16:
21 ..... $ 841,500
22 DIVISION XXXVIII
23 HEALTH AND HUMAN SERVICES
24 DEPARTMENT OF HUMAN SERVICES —— FY 2012-2013
25 Sec. 326. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
26 GRANT. There is appropriated from the fund created in section
27 8.41 to the department of human services for the fiscal year
28 beginning July 1, 2012, and ending June 30, 2013, from moneys
29 received under the federal temporary assistance for needy
30 families (TANF) block grant pursuant to the federal Personal
31 Responsibility and Work Opportunity Reconciliation Act of 1996,
32 Pub. L. No. 104-193, and successor legislation, and from moneys
33 received under the emergency contingency fund for temporary
34 assistance for needy families state program established
35 pursuant to the federal American Recovery and Reinvestment Act

1 of 2009, Pub. L. No. 111-5 § 2101, and successor legislation,
2 the following amounts, or so much thereof as is necessary, to
3 be used for the purposes designated:
4 1. To be credited to the family investment program account
5 and used for assistance under the family investment program
6 under chapter 239B:
7 ..... $ 18,275,627
8 2. To be credited to the family investment program account
9 and used for the job opportunities and basic skills (JOBS)
10 program and implementing family investment agreements in
11 accordance with chapter 239B:
12 ..... $ 10,549,799
13 3. To be used for the family development and
14 self-sufficiency grant program in accordance with section
15 216A.107:
16 ..... $ 2,464,133
17 Notwithstanding section 8.33, moneys appropriated in this
18 subsection that remain unencumbered or unobligated at the close
19 of the fiscal year shall not revert but shall remain available
20 for expenditure for the purposes designated until the close of
21 the succeeding fiscal year. However, unless such moneys are
22 encumbered or obligated on or before September 30, 2013, the
23 moneys shall revert.
24 4. For field operations:
25 ..... $ 26,601,797
26 5. For general administration:
27 ..... $ 3,182,400
28 6. For state child care assistance:
29 ..... $ 13,925,284
30 The funds appropriated in this subsection shall be
31 transferred to the child care and development block grant
32 appropriation made by the Eighty-fourth General Assembly, 2012
33 Session, for the federal fiscal year beginning October 1,
34 2012, and ending September 30, 2013. Of this amount, $170,000
35 shall be used for provision of educational opportunities to

1 registered child care home providers in order to improve
2 services and programs offered by this category of providers
3 and to increase the number of providers. The department may
4 contract with institutions of higher education or child care
5 resource and referral centers to provide the educational
6 opportunities. Allowable administrative costs under the
7 contracts shall not exceed 5 percent. The application for a
8 grant shall not exceed two pages in length.
9 7. For mental health and developmental disabilities
10 community services:
11 ..... $ 4,159,944
12 8. For child and family services:
13 ..... $ 27,271,766
14 9. For child abuse prevention grants:
15 ..... $ 106,250
16 10. For pregnancy prevention grants on the condition that
17 family planning services are funded:
18 ..... $ 1,640,557
19 Pregnancy prevention grants shall be awarded to pregnancy
20 prevention programs that are based on existing models that
21 have demonstrated positive outcomes. Grants shall comply with
22 the requirements provided in 1997 Iowa Acts, chapter 208,
23 section 14, subsections 1 and 2, including the requirement that
24 grant programs must emphasize sexual abstinence. Priority in
25 the awarding of grants shall be given to programs that serve
26 areas of the state which demonstrate the highest percentage of
27 unplanned pregnancies of females of childbearing age within the
28 geographic area to be served by the grant.
29 11. For technology needs and other resources necessary
30 to meet federal welfare reform reporting, tracking, and case
31 management requirements:
32 ..... $ 881,608
33 12. To be credited to the state child care assistance
34 appropriation made in this section to be used for funding of
35 community-based early childhood programs targeted to children

1 from birth through five years of age developed by early
2 childhood Iowa areas as provided in section 256I.11:
3 ..... $ 5,397,500
4 The department shall transfer TANF block grant funding
5 appropriated and allocated in this subsection to the child care
6 and development block grant appropriation in accordance with
7 federal law as necessary to comply with the provisions of this
8 subsection.
9 13. a. Notwithstanding any provision to the contrary,
10 including but not limited to requirements in section 8.41 or
11 provisions in 2011 or 2012 Iowa Acts regarding the receipt
12 and appropriation of federal block grants, federal funds
13 from the emergency contingency fund for temporary assistance
14 for needy families state program established pursuant to the
15 federal American Recovery and Reinvestment Act of 2009, Pub.
16 L. No. 111-5 § 2101, received by the state during the fiscal
17 year beginning July 1, 2011, and ending June 30, 2012, not
18 otherwise appropriated in this section and remaining available
19 as of July 1, 2012, and received by the state during the fiscal
20 year beginning July 1, 2012, and ending June 30, 2013, are
21 appropriated to the extent as may be necessary to be used in
22 the following priority order: the family investment program
23 for the fiscal year and for state child care assistance program
24 payments for individuals enrolled in the family investment
25 program who are employed. The federal funds appropriated in
26 this paragraph "a" shall be expended only after all other
27 funds appropriated in subsection 1 for the assistance under
28 the family investment program under chapter 239B have been
29 expended.
30 b. The department shall, on a quarterly basis, advise the
31 legislative services agency and department of management of
32 the amount of funds appropriated in this subsection that was
33 expended in the prior quarter.
34 14. Of the amounts appropriated in this section,
35 $11,017,707 for the fiscal year beginning July 1, 2012, shall

be transferred to the appropriation of the federal social services block grant made for that fiscal year.

15. For continuation of the program allowing the department to maintain categorical eligibility for the food assistance program as required under the section of this division of this Act relating to the family investment account:

..... $ 124,161

16. The department may transfer funds allocated in this section to the appropriations made in this division of this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

Sec. 327. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

3. The department may transfer funds allocated in this section to the appropriations in this division of this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2012, and ending June 30, 2013, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in the FIP program and

1 other shared clients and to meet federal reporting requirements
2 under the federal temporary assistance for needy families block
3 grant:
4 ..... $ 17,000
5 b. To the department of human rights for staffing,
6 administration, and implementation of the family development
7 and self-sufficiency grant program in accordance with section
8 216A.107:
9 ..... $ 4,541,409
10 (1) Of the funds allocated for the family development and
11 self-sufficiency grant program in this lettered paragraph,
12 not more than 5 percent of the funds shall be used for the
13 administration of the grant program.
14 (2) The department of human rights may continue to implement
15 the family development and self-sufficiency grant program
16 statewide during fiscal year 2012-2013.
17 c. For the diversion subaccount of the FIP account:
18 ..... $ 1,443,640
19 A portion of the moneys allocated for the subaccount may
20 be used for field operations salaries, data management system
21 development, and implementation costs and support deemed
22 necessary by the director of human services in order to
23 administer the FIP diversion program.
24 d. For the food stamp employment and training program:
25 ..... $ 56,600
26 (1) The department shall amend the food stamp employment and
27 training state plan in order to maximize to the fullest extent
28 permitted by federal law the use of the 50-50 match provisions
29 for the claiming of allowable federal matching funds from the
30 United States department of agriculture pursuant to the federal
31 food stamp employment and training program for providing
32 education, employment, and training services for eligible food
33 assistance program participants, including but not limited to
34 related dependent care and transportation expenses.
35 (2) The department shall continue the categorical federal

1 food assistance program eligibility at 160 percent of the
2 federal poverty level and continue to eliminate the asset test
3 from eligibility requirements, consistent with federal food
4 assistance program requirements. The department shall include
5 as many food assistance households as is allowed by federal
6 law. The eligibility provisions shall conform to all federal
7 requirements including requirements addressing individuals who
8 are incarcerated or otherwise ineligible.
9 e. For the JOBS program:
10 ..... $ 17,200,519
11 5. Of the child support collections assigned under FIP,
12 an amount equal to the federal share of support collections
13 shall be credited to the child support recovery appropriation
14 made in this division of this Act. Of the remainder of the
15 assigned child support collections received by the child
16 support recovery unit, a portion shall be credited to the FIP
17 account, a portion may be used to increase recoveries, and a
18 portion may be used to sustain cash flow in the child support
19 payments account. If as a consequence of the appropriations
20 and allocations made in this section the resulting amounts
21 are insufficient to sustain cash assistance payments and meet
22 federal maintenance of effort requirements, the department
23 shall seek supplemental funding. If child support collections
24 assigned under FIP are greater than estimated or are otherwise
25 determined not to be required for maintenance of effort, the
26 state share of either amount may be transferred to or retained
27 in the child support payment account.
28 6. The department may adopt emergency rules for the family
29 investment, JOBS, food stamp, and medical assistance programs
30 if necessary to comply with federal requirements.
31 Sec. 328. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
32 is appropriated from the general fund of the state to the
33 department of human services for the fiscal year beginning July
34 1, 2012, and ending June 30, 2013, the following amount, or
35 so much thereof as is necessary, to be used for the purpose

1 designated:
2 To be credited to the family investment program (FIP)
3 account and used for family investment program assistance under
4 chapter 239B:
5 ..... $ 42,645,373
6 1. Of the funds appropriated in this section, $6,650,720 is
7 allocated for the JOBS program.
8 2. Of the funds appropriated in this section, $2,094,276 is
9 allocated for the family development and self-sufficiency grant
10 program.
11 3. Notwithstanding section 8.39, for the fiscal year
12 beginning July 1, 2012, if necessary to meet federal
13 maintenance of effort requirements or to transfer federal
14 temporary assistance for needy families block grant funding
15 to be used for purposes of the federal social services block
16 grant or to meet cash flow needs resulting from delays in
17 receiving federal funding or to implement, in accordance with
18 this division of this Act, activities currently funded with
19 juvenile court services, county, or community moneys and state
20 moneys used in combination with such moneys, the department
21 of human services may transfer funds within or between any
22 of the appropriations made in this division of this Act and
23 appropriations in law for the federal social services block
24 grant to the department for the following purposes, provided
25 that the combined amount of state and federal temporary
26 assistance for needy families block grant funding for each
27 appropriation remains the same before and after the transfer:
28 a. For the family investment program.
29 b. For child care assistance.
30 c. For child and family services.
31 d. For field operations.
32 e. For general administration.
33 f. MH/MR/DD/BI community services (local purchase).
34 This subsection shall not be construed to prohibit the use
35 of existing state transfer authority for other purposes. The

1 department shall report any transfers made pursuant to this
2 subsection to the legislative services agency.
3 4. Of the funds appropriated in this section, $166,326 shall
4 be used for continuation of a grant to an Iowa-based nonprofit
5 organization with a history of providing tax preparation
6 assistance to low-income Iowans in order to expand the usage of
7 the earned income tax credit. The purpose of the grant is to
8 supply this assistance to underserved areas of the state.
9 Sec. 329. CHILD SUPPORT RECOVERY. There is appropriated
10 from the general fund of the state to the department of human
11 services for the fiscal year beginning July 1, 2012, and ending
12 June 30, 2013, the following amount, or so much thereof as is
13 necessary, to be used for the purposes designated:
14 For child support recovery, including salaries, support,
15 maintenance, and miscellaneous purposes, and for not more than
16 the following full-time equivalent positions:
17 ..... $ 11,087,783
18 ..... FTEs 475.00
19 1. The department shall expend up to $20,680, including
20 federal financial participation, for the fiscal year beginning
21 July 1, 2012, for a child support public awareness campaign.
22 The department and the office of the attorney general shall
23 cooperate in continuation of the campaign. The public
24 awareness campaign shall emphasize, through a variety of
25 media activities, the importance of maximum involvement of
26 both parents in the lives of their children as well as the
27 importance of payment of child support obligations.
28 2. Federal access and visitation grant moneys shall be
29 issued directly to private not-for-profit agencies that provide
30 services designed to increase compliance with the child access
31 provisions of court orders, including but not limited to
32 neutral visitation sites and mediation services.
33 3. The appropriation made to the department for child
34 support recovery may be used throughout the fiscal year in the
35 manner necessary for purposes of cash flow management, and for

1 cash flow management purposes the department may temporarily
2 draw more than the amount appropriated, provided the amount
3 appropriated is not exceeded at the close of the fiscal year.
4 4. With the exception of the funding amount specified, the
5 requirements established under 2001 Iowa Acts, chapter 191,
6 section 3, subsection 5, paragraph "c", subparagraph (3), shall
7 be applicable to parental obligation pilot projects for the
8 fiscal year beginning July 1, 2012, and ending June 30, 2013.
9 Notwithstanding 441 IAC 100.8, providing for termination of
10 rules relating to the pilot projects, the rules shall remain
11 in effect until June 30, 2013.
12 Sec. 330. HEALTH CARE TRUST FUND —— MEDICAL ASSISTANCE. Any
13 funds remaining in the health care trust fund created in
14 section 453A.35A for the fiscal year beginning July 1, 2012,
15 and ending June 30, 2013, are appropriated to the department
16 of human services to supplement the medical assistance
17 program appropriations made in the health and human services
18 divisions of this Act, for medical assistance reimbursement and
19 associated costs, including program administration and costs
20 associated with implementation.
21 Sec. 331. MEDICAL ASSISTANCE. There is appropriated from
22 the general fund of the state to the department of human
23 services for the fiscal year beginning July 1, 2012, and ending
24 June 30, 2013, the following amount, or so much thereof as is
25 necessary, to be used for the purpose designated:
26 For medical assistance reimbursement and associated costs
27 as specifically provided in the reimbursement methodologies
28 in effect on June 30, 2012, except as otherwise expressly
29 authorized by law, including reimbursement for abortion
30 services which shall be available under the medical assistance
31 program only for those abortions which are medically necessary:
32 ..... $907,162,189
33 1. Medically necessary abortions are those performed under
34 any of the following conditions:
35 a. The attending physician certifies that continuing the

1 pregnancy would endanger the life of the pregnant woman.
2 b. Any spontaneous abortion, commonly known as a
3 miscarriage, if not all of the products of conception are
4 expelled.
5 2. The department shall utilize not more than $60,000 of
6 the funds appropriated in this section to continue the AIDS/HIV
7 health insurance premium payment program as established in 1992
8 Iowa Acts, Second Extraordinary Session, chapter 1001, section
9 409, subsection 6. Of the funds allocated in this subsection,
10 not more than $5,000 may be expended for administrative
11 purposes.
12 3. Of the funds appropriated in the department of public
13 health division of this Act to the department of public health
14 for addictive disorders for FY 2012-2013, $950,000 for the
15 fiscal year beginning July 1, 2012, shall be transferred to
16 the department of human services for an integrated substance
17 abuse managed care system. The department shall not assume
18 management of the substance abuse system in place of the
19 managed care contractor unless such a change in approach is
20 specifically authorized in law. The departments of human
21 services and public health shall work together to maintain
22 the level of mental health and substance abuse services
23 provided by the managed care contractor through the Iowa plan
24 for behavioral health. Each department shall take the steps
25 necessary to continue the federal waivers as necessary to
26 maintain the level of services.
27 4. a. The department shall aggressively pursue options for
28 providing medical assistance or other assistance to individuals
29 with special needs who become ineligible to continue receiving
30 services under the early and periodic screening, diagnostic,
31 and treatment program under the medical assistance program
32 due to becoming 21 years of age who have been approved for
33 additional assistance through the department's exception to
34 policy provisions, but who have health care needs in excess
35 of the funding available through the exception to policy

1 provisions.
2 b. Of the funds appropriated in this section, $100,000
3 shall be used for participation in one or more pilot projects
4 operated by a private provider to allow the individual or
5 individuals to receive service in the community in accordance
6 with principles established in Olmstead v. L.C., 527 U.S. 581
7 (1999), for the purpose of providing medical assistance or
8 other assistance to individuals with special needs who become
9 ineligible to continue receiving services under the early and
10 periodic screening, diagnosis, and treatment program under
11 the medical assistance program due to becoming 21 years of
12 age who have been approved for additional assistance through
13 the department's exception to policy provisions, but who have
14 health care needs in excess of the funding available through
15 the exception to the policy provisions.
16 5. Of the funds appropriated in this section, up to
17 $3,050,082 may be transferred to the field operations or
18 general administration appropriations in this division of this
19 Act for operational costs associated with Part D of the federal
20 Medicare Prescription Drug Improvement and Modernization Act
21 of 2003, Pub. L. No. 108-173.
22 6. Of the funds appropriated in this section, up to $442,100
23 may be transferred to the appropriation in this division
24 of this Act for medical contracts to be used for clinical
25 assessment services and prior authorization of services.
26 7. A portion of the funds appropriated in this section
27 may be transferred to the appropriations in this division of
28 this Act for general administration, medical contracts, the
29 children's health insurance program, or field operations to be
30 used for the state match cost to comply with the payment error
31 rate measurement (PERM) program for both the medical assistance
32 and children's health insurance programs as developed by the
33 centers for Medicare and Medicaid services of the United States
34 department of health and human services to comply with the
35 federal Improper Payments Information Act of 2002, Pub. L. No.

1 107-300.
2 8. It is the intent of the general assembly that the
3 department continue to implement the recommendations of
4 the assuring better child health and development initiative
5 II (ABCDII) clinical panel to the Iowa early and periodic
6 screening, diagnostic, and treatment services healthy mental
7 development collaborative board regarding changes to billing
8 procedures, codes, and eligible service providers.
9 9. Of the funds appropriated in this section, a sufficient
10 amount is allocated to supplement the incomes of residents of
11 nursing facilities, intermediate care facilities for persons
12 with mental illness, and intermediate care facilities for
13 persons with mental retardation, with incomes of less than $50
14 in the amount necessary for the residents to receive a personal
15 needs allowance of $50 per month pursuant to section 249A.30A.
16 10. Of the funds appropriated in this section, the following
17 amounts shall be transferred to the appropriations made in this
18 division of this Act for the state mental health institutes:
19 a. Cherokee mental health institute ..... $ 9,098,425
20 b. Clarinda mental health institute ..... $ 1,977,305
21 c. Independence mental health institute ..... $ 9,045,894
22 d. Mount Pleasant mental health institute .... $ 5,752,587
23 11. a. Of the funds appropriated in this section,
24 $7,425,684 is allocated for the state match for a
25 disproportionate share hospital payment of $19,133,430 to
26 hospitals that meet both of the conditions specified in
27 subparagraphs (1) and (2). In addition, the hospitals that
28 meet the conditions specified shall either certify public
29 expenditures or transfer to the medical assistance program
30 an amount equal to provide the nonfederal share for a
31 disproportionate share hospital payment of $7,500,000. The
32 hospitals that meet the conditions specified shall receive and
33 retain 100 percent of the total disproportionate share hospital
34 payment of $26,633,430.
35 (1) The hospital qualifies for disproportionate share and

1 graduate medical education payments.
2 (2) The hospital is an Iowa state-owned hospital with more
3 than 500 beds and eight or more distinct residency specialty
4 or subspecialty programs recognized by the American college of
5 graduate medical education.
6 b. Distribution of the disproportionate share payments
7 shall be made on a monthly basis. The total amount of
8 disproportionate share payments including graduate medical
9 education, enhanced disproportionate share, and Iowa
10 state-owned teaching hospital payments shall not exceed the
11 amount of the state's allotment under Pub. L. No. 102-234.
12 In addition, the total amount of all disproportionate
13 share payments shall not exceed the hospital-specific
14 disproportionate share limits under Pub. L. No. 103-66.
15 12. The university of Iowa hospitals and clinics shall
16 either certify public expenditures or transfer to the medical
17 assistance appropriation an amount equal to provide the
18 nonfederal share for increased medical assistance payments for
19 inpatient and outpatient hospital services of $9,900,000. The
20 university of Iowa hospitals and clinics shall receive and
21 retain 100 percent of the total increase in medical assistance
22 payments.
23 13. Of the funds appropriated in this section, up to
24 $4,480,304 may be transferred to the IowaCare account created
25 in section 249J.24.
26 14. Of the funds appropriated in this section, $200,000
27 shall be used for the Iowa chronic care consortium pursuant to
28 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
29 Iowa Acts, chapter 179, sections 166 and 167.
30 15. One hundred percent of the nonfederal share of payments
31 to area education agencies that are medical assistance
32 providers for medical assistance-covered services provided to
33 medical assistance-covered children, shall be made from the
34 appropriation made in this section.
35 16. Any new or renewed contract entered into by the

1 department with a third party to administer behavioral health
2 services under the medical assistance program shall provide
3 that any interest earned on payments from the state during
4 the state fiscal year shall be remitted to the department
5 and treated as recoveries to offset the costs of the medical
6 assistance program.
7 17. The department shall continue to implement the
8 provisions in 2007 Iowa Acts, chapter 218, section 124 and
9 section 126, as amended by 2008 Iowa Acts, chapter 1188,
10 section 55, relating to eligibility for certain persons with
11 disabilities under the medical assistance program in accordance
12 with the federal family opportunity Act.
13 18. A portion of the funds appropriated in this section
14 may be transferred to the appropriation in this division of
15 this Act for medical contracts to be used for administrative
16 activities associated with the money follows the person
17 demonstration project.
18 19. Of the funds appropriated in this section, $349,011
19 shall be used for the administration of the health insurance
20 premium payment program, including salaries, support,
21 maintenance, and miscellaneous purposes for the fiscal year
22 beginning July 1, 2012.
23 20. Notwithstanding any provision of law to the contrary,
24 the department of human services shall continue implementation
25 of the amended section 1915(b) waiver and Iowa plan contract
26 for inclusion of remedial services under the Iowa plan contract
27 for the fiscal year beginning July 1, 2012.
28 Sec. 332. MEDICAL CONTRACTS. There is appropriated from the
29 general fund of the state to the department of human services
30 for the fiscal year beginning July 1, 2012, and ending June 30,
31 2013, the following amount, or so much thereof as is necessary,
32 to be used for the purpose designated:
33 For medical contracts:
34 ..... $ 4,950,267
35 The department of inspections and appeals shall provide all

1 state matching funds for survey and certification activities
2 performed by the department of inspections and appeals.
3 The department of human services is solely responsible for
4 distributing the federal matching funds for such activities.
5 Sec. 333. STATE SUPPLEMENTARY ASSISTANCE.
6 1. There is appropriated from the general fund of the
7 state to the department of human services for the fiscal year
8 beginning July 1, 2012, and ending June 30, 2013, the following
9 amount, or so much thereof as is necessary, to be used for the
10 purpose designated:
11 For the state supplementary assistance program:
12 ..... $ 14,323,135
13 2. The department shall increase the personal needs
14 allowance for residents of residential care facilities by the
15 same percentage and at the same time as federal supplemental
16 security income and federal social security benefits are
17 increased due to a recognized increase in the cost of living.
18 The department may adopt emergency rules to implement this
19 subsection.
20 3. If during the fiscal year beginning July 1, 2012,
21 the department projects that state supplementary assistance
22 expenditures for a calendar year will not meet the federal
23 pass-through requirement specified in Tit. XVI of the federal
24 Social Security Act, section 1618, as codified in 42 U.S.C.
25 § 1382g, the department may take actions including but not
26 limited to increasing the personal needs allowance for
27 residential care facility residents and making programmatic
28 adjustments or upward adjustments of the residential care
29 facility or in-home health-related care reimbursement rates
30 prescribed in this division of this Act to ensure that federal
31 requirements are met. In addition, the department may make
32 other programmatic and rate adjustments necessary to remain
33 within the amount appropriated in this section while ensuring
34 compliance with federal requirements. The department may adopt
35 emergency rules to implement the provisions of this subsection.

1 Sec. 334. CHILDREN'S HEALTH INSURANCE PROGRAM. There
2 is appropriated from the general fund of the state to the
3 department of human services for the fiscal year beginning July
4 1, 2012, and ending June 30, 2013, the following amount, or
5 so much thereof as is necessary, to be used for the purpose
6 designated:
7 For maintenance of the healthy and well kids in Iowa (hawk-i)
8 program pursuant to chapter 514I, including supplemental dental
9 services, for receipt of federal financial participation under
10 Tit. XXI of the federal Social Security Act, which creates the
11 children's health insurance program:
12 ..... $ 27,775,579
13 Sec. 335. CHILD CARE ASSISTANCE. There is appropriated
14 from the general fund of the state to the department of human
15 services for the fiscal year beginning July 1, 2012, and ending
16 June 30, 2013, the following amount, or so much thereof as is
17 necessary, to be used for the purpose designated:
18 For child care programs:
19 ..... $ 46,952,013
20 1. Of the funds appropriated in this section, $44,088,000
21 shall be used for state child care assistance in accordance
22 with section 237A.13.
23 2. Nothing in this section shall be construed or is
24 intended as or shall imply a grant of entitlement for services
25 to persons who are eligible for assistance due to an income
26 level consistent with the waiting list requirements of section
27 237A.13. Any state obligation to provide services pursuant to
28 this section is limited to the extent of the funds appropriated
29 in this section.
30 3. Of the funds appropriated in this section, $367,585 is
31 allocated for the statewide program for child care resource
32 and referral services under section 237A.26. A list of the
33 registered and licensed child care facilities operating in the
34 area served by a child care resource and referral service shall
35 be made available to the families receiving state child care

1 assistance in that area.
2 4. Of the funds appropriated in this section, $796,428
3 is allocated for child care quality improvement initiatives
4 including but not limited to the voluntary quality rating
5 system in accordance with section 237A.30.
6 5. The department may use any of the funds appropriated
7 in this section as a match to obtain federal funds for use in
8 expanding child care assistance and related programs. For
9 the purpose of expenditures of state and federal child care
10 funding, funds shall be considered obligated at the time
11 expenditures are projected or are allocated to the department's
12 service areas. Projections shall be based on current and
13 projected caseload growth, current and projected provider
14 rates, staffing requirements for eligibility determination
15 and management of program requirements including data systems
16 management, staffing requirements for administration of the
17 program, contractual and grant obligations and any transfers
18 to other state agencies, and obligations for decategorization
19 or innovation projects.
20 6. A portion of the state match for the federal child care
21 and development block grant shall be provided as necessary to
22 meet federal matching funds requirements through the state
23 general fund appropriation made for child development grants
24 and other programs for at-risk children in section 279.51.
25 7. If a uniform reduction ordered by the governor under
26 section 8.31 or other operation of law, transfer, or federal
27 funding reduction reduces the appropriation made in this
28 section for the fiscal year, the percentage reduction in the
29 amount paid out to or on behalf of the families participating
30 in the state child care assistance program shall be equal to or
31 less than the percentage reduction made for any other purpose
32 payable from the appropriation made in this section and the
33 federal funding relating to it. The percentage reduction to
34 the other allocations made in this section shall be the same as
35 the uniform reduction ordered by the governor or the percentage

1 change of the federal funding reduction, as applicable.
2 If there is an unanticipated increase in federal funding
3 provided for state child care assistance, the entire amount
4 of the increase shall be used for state child care assistance
5 payments. If the appropriations made for purposes of the
6 state child care assistance program for the fiscal year are
7 determined to be insufficient, it is the intent of the general
8 assembly to appropriate sufficient funding for the fiscal year
9 in order to avoid establishment of waiting list requirements.
10 8. Notwithstanding section 8.33, moneys appropriated in
11 this section or received from the federal appropriations made
12 for the purposes of this section that remain unencumbered or
13 unobligated at the close of the fiscal year shall not revert
14 to any fund but shall remain available for expenditure for the
15 purposes designated until the close of the succeeding fiscal
16 year.
17 Sec. 336. JUVENILE INSTITUTIONS. There is appropriated
18 from the general fund of the state to the department of human
19 services for the fiscal year beginning July 1, 2012, and ending
20 June 30, 2013, the following amounts, or so much thereof as is
21 necessary, to be used for the purposes designated:
22 1. For operation of the Iowa juvenile home at Toledo and for
23 salaries, support, maintenance, and miscellaneous purposes, and
24 for not more than the following full-time equivalent positions:
25 ..... $ 7,019,513
26 ..... FTEs 114.00
27 2. For operation of the state training school at Eldora and
28 for salaries, support, maintenance, and miscellaneous purposes,
29 and for not more than the following full-time equivalent
30 positions:
31 ..... $ 9,042,875
32 ..... FTEs 164.30
33 Of the funds appropriated in this subsection, $77,478 shall
34 be used for distribution to licensed classroom teachers at this
35 and other institutions under the control of the department of

1 human services based upon the average student yearly enrollment
2 at each institution as determined by the department.
3 3. A portion of the moneys appropriated in this section
4 shall be used by the state training school and by the Iowa
5 juvenile home for grants for adolescent pregnancy prevention
6 activities at the institutions in the fiscal year beginning
7 July 1, 2012.
8 Sec. 337. CHILD AND FAMILY SERVICES.
9 1. There is appropriated from the general fund of the
10 state to the department of human services for the fiscal year
11 beginning July 1, 2012, and ending June 30, 2013, the following
12 amount, or so much thereof as is necessary, to be used for the
13 purpose designated:
14 For child and family services:
15 ..... $ 69,981,332
16 2. In order to address a reduction of $5,200,000 from the
17 amount allocated under the appropriation made for the purposes
18 of this section in prior years for purposes of juvenile
19 delinquent graduated sanction services, up to $4,420,000 of the
20 amount of federal temporary assistance for needy families block
21 grant funding appropriated in this division of this Act for
22 child and family services shall be made available for purposes
23 of juvenile delinquent graduated sanction services.
24 3. The department may transfer funds appropriated in this
25 section as necessary to pay the nonfederal costs of services
26 reimbursed under the medical assistance program, state child
27 care assistance program, or the family investment program which
28 are provided to children who would otherwise receive services
29 paid under the appropriation in this section. The department
30 may transfer funds appropriated in this section to the
31 appropriations made in this division of this Act for general
32 administration and for field operations for resources necessary
33 to implement and operate the services funded in this section.
34 4. a. Of the funds appropriated in this section, up to
35 $25,643,760 is allocated as the statewide expenditure target

1 under section 232.143 for group foster care maintenance and
2 services. If the department projects that such expenditures
3 for the fiscal year will be less than the target amount
4 allocated in this lettered paragraph, the department may
5 reallocate the excess to provide additional funding for shelter
6 care or the child welfare emergency services addressed with the
7 allocation for shelter care.
8 b. If at any time after September 30, 2012, annualization
9 of a service area's current expenditures indicates a service
10 area is at risk of exceeding its group foster care expenditure
11 target under section 232.143 by more than 5 percent, the
12 department and juvenile court services shall examine all
13 group foster care placements in that service area in order to
14 identify those which might be appropriate for termination.
15 In addition, any aftercare services believed to be needed
16 for the children whose placements may be terminated shall be
17 identified. The department and juvenile court services shall
18 initiate action to set dispositional review hearings for the
19 placements identified. In such a dispositional review hearing,
20 the juvenile court shall determine whether needed aftercare
21 services are available and whether termination of the placement
22 is in the best interest of the child and the community.
23 5. In accordance with the provisions of section 232.188,
24 the department shall continue the child welfare and juvenile
25 justice funding initiative during fiscal year 2012-2013. Of
26 the funds appropriated in this section, $1,460,090 is allocated
27 specifically for expenditure for fiscal year 2012-2013 through
28 the decategorization service funding pools and governance
29 boards established pursuant to section 232.188.
30 6. A portion of the funds appropriated in this section
31 may be used for emergency family assistance to provide other
32 resources required for a family participating in a family
33 preservation or reunification project or successor project to
34 stay together or to be reunified.
35 7. Notwithstanding section 234.35 or any other provision

1 of law to the contrary, state funding for shelter care and
2 the child welfare emergency services contracting implemented
3 to provide for or prevent the need for shelter care shall be
4 limited to $6,094,599. The department may execute contracts
5 that result from the department's request for proposal, bid
6 number ACFS-11-114, to provide the range of child welfare
7 emergency services described in the request for proposals, and
8 any subsequent amendments to the request for proposals.
9 8. Federal funds received by the state during the fiscal
10 year beginning July 1, 2012, as the result of the expenditure
11 of state funds appropriated during a previous state fiscal
12 year for a service or activity funded under this section are
13 appropriated to the department to be used as additional funding
14 for services and purposes provided for under this section.
15 Notwithstanding section 8.33, moneys received in accordance
16 with this subsection that remain unencumbered or unobligated at
17 the close of the fiscal year shall not revert to any fund but
18 shall remain available for the purposes designated until the
19 close of the succeeding fiscal year.
20 9. Of the funds appropriated in this section, at least
21 $3,141,842 shall be used for protective child care assistance.
22 10. a. Of the funds appropriated in this section, up to
23 $1,753,115 is allocated for the payment of the expenses of
24 court-ordered services provided to juveniles who are under the
25 supervision of juvenile court services, which expenses are a
26 charge upon the state pursuant to section 232.141, subsection
27 4. Of the amount allocated in this lettered paragraph, up to
28 $1,322,844 shall be made available to provide school-based
29 supervision of children adjudicated under chapter 232, of which
30 not more than $12,750 may be used for the purpose of training.
31 A portion of the cost of each school-based liaison officer
32 shall be paid by the school district or other funding source as
33 approved by the chief juvenile court officer.
34 b. Of the funds appropriated in this section, up to $636,637
35 is allocated for the payment of the expenses of court-ordered

1 services provided to children who are under the supervision
2 of the department, which expenses are a charge upon the state
3 pursuant to section 232.141, subsection 4.
4 c. Notwithstanding section 232.141 or any other provision
5 of law to the contrary, the amounts allocated in this
6 subsection shall be distributed to the judicial districts
7 as determined by the state court administrator and to the
8 department's service areas as determined by the administrator
9 of the department's division of child and family services. The
10 state court administrator and the division administrator shall
11 make the determination of the distribution amounts on or before
12 June 15, 2012.
13 d. Notwithstanding chapter 232 or any other provision of
14 law to the contrary, a district or juvenile court shall not
15 order any service which is a charge upon the state pursuant
16 to section 232.141 if there are insufficient court-ordered
17 services funds available in the district court or departmental
18 service area distribution amounts to pay for the service. The
19 chief juvenile court officer and the departmental service area
20 manager shall encourage use of the funds allocated in this
21 subsection such that there are sufficient funds to pay for
22 all court-related services during the entire year. The chief
23 juvenile court officers and departmental service area managers
24 shall attempt to anticipate potential surpluses and shortfalls
25 in the distribution amounts and shall cooperatively request the
26 state court administrator or division administrator to transfer
27 funds between the judicial districts' or departmental service
28 areas' distribution amounts as prudent.
29 e. Notwithstanding any provision of law to the contrary,
30 a district or juvenile court shall not order a county to pay
31 for any service provided to a juvenile pursuant to an order
32 entered under chapter 232 which is a charge upon the state
33 under section 232.141, subsection 4.
34 f. Of the funds allocated in this subsection, not more than
35 $70,550 may be used by the judicial branch for administration

1 of the requirements under this subsection.
2 g. Of the funds allocated in this subsection, $14,450
3 shall be used by the department of human services to support
4 the interstate commission for juveniles in accordance with
5 the interstate compact for juveniles as provided in section
6 232.173.
7 11. Of the funds appropriated in this section, $4,609,212 is
8 allocated for juvenile delinquent graduated sanctions services.
9 Any state funds saved as a result of efforts by juvenile court
10 services to earn federal Tit. IV-E match for juvenile court
11 services administration may be used for the juvenile delinquent
12 graduated sanctions services.
13 12. Of the funds appropriated in this section, $840,042
14 shall be transferred to the department of public health to
15 be used for the child protection center grant program in
16 accordance with section 135.118.
17 13. If the department receives federal approval to
18 implement a waiver under Tit. IV-E of the federal Social
19 Security Act to enable providers to serve children who remain
20 in the children's families and communities, for purposes of
21 eligibility under the medical assistance program, children who
22 participate in the waiver shall be considered to be placed in
23 foster care.
24 14. Of the funds appropriated in this section, $2,609,357 is
25 allocated for the preparation for adult living program pursuant
26 to section 234.46.
27 15. Of the funds appropriated in this section, $442,128
28 shall be used for juvenile drug courts. The amount allocated
29 in this subsection shall be distributed as follows:
30 To the judicial branch for salaries to assist with the
31 operation of juvenile drug court programs operated in the
32 following jurisdictions:
33 a. Marshall county:
34 ..... $ 53,302
35 b. Woodbury county:

1 ..... $ 106,830
2 c. Polk county:
3 ..... $ 166,508
4 d. The third judicial district:
5 ..... $ 57,744
6 e. The eighth judicial district:
7 ..... $ 57,744
8 16. Of the funds appropriated in this section, $193,236
9 shall be used for the public purpose of providing a grant to
10 a nonprofit human services organization providing services to
11 individuals and families in multiple locations in southwest
12 Iowa and Nebraska for support of a project providing immediate,
13 sensitive support and forensic interviews, medical exams, needs
14 assessments, and referrals for victims of child abuse and their
15 nonoffending family members.
16 17. Of the funds appropriated in this section, $106,752
17 is allocated for the elevate approach of providing a support
18 network to children placed in foster care.
19 18. Of the funds appropriated in this section, $171,700 is
20 allocated for use pursuant to section 235A.1 for continuation
21 of the initiative to address child sexual abuse implemented
22 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
23 21.
24 19. Of the funds appropriated in this section, $535,704 is
25 allocated for the community partnership for child protection
26 sites.
27 20. Of the funds appropriated in this section, $315,563
28 is allocated for the department's minority youth and family
29 projects under the redesign of the child welfare system.
30 21. Of the funds appropriated in this section, $1,020,421
31 is allocated for funding of the state match for the federal
32 substance abuse and mental health services administration
33 (SAMHSA) system of care grant.
34 22. Of the funds appropriated in this section, at least
35 $125,084 shall be used for the child welfare training academy.

1 23. Of the funds appropriated in this section, $21,250
2 shall be used for the public purpose of providing a grant to
3 a child welfare services provider headquartered in a county
4 with a population between 205,000 and 215,000 in the latest
5 certified federal census that provides multiple services
6 including but not limited to a psychiatric medical institution
7 for children, shelter, residential treatment, after school
8 programs, school-based programming, and an Asperger's syndrome
9 program, to be used for support services for children with
10 autism spectrum disorder and their families.
11 24. Of the funds appropriated in this section, $213,183
12 shall be used for the public purpose of continuing the central
13 Iowa system of care program grant through June 30, 2013.
14 25. Of the funds appropriated in this section, $136,000
15 shall be used for the public purpose of continuing the system
16 of care grant in Mason City and Cedar Rapids through June 30,
17 2013.
18 Sec. 338. ADOPTION SUBSIDY.
19 1. There is appropriated from the general fund of the
20 state to the department of human services for the fiscal year
21 beginning July 1, 2012, and ending June 30, 2013, the following
22 amount, or so much thereof as is necessary, to be used for the
23 purpose designated:
24 For adoption subsidy payments and services:
25 ..... $ 29,662,952
26 2. The department may transfer funds appropriated in
27 this section to the appropriation made in this division of
28 this Act for general administration for costs paid from the
29 appropriation relating to adoption subsidy.
30 3. Federal funds received by the state during the
31 fiscal year beginning July 1, 2012, as the result of the
32 expenditure of state funds during a previous state fiscal
33 year for a service or activity funded under this section are
34 appropriated to the department to be used as additional funding
35 for the services and activities funded under this section.

1 Notwithstanding section 8.33, moneys received in accordance
2 with this subsection that remain unencumbered or unobligated
3 at the close of the fiscal year shall not revert to any fund
4 but shall remain available for expenditure for the purposes
5 designated until the close of the succeeding fiscal year.
6 Sec. 339. JUVENILE DETENTION HOME FUND. Moneys deposited
7 in the juvenile detention home fund created in section 232.142
8 during the fiscal year beginning July 1, 2012, and ending June
9 30, 2013, are appropriated to the department of human services
10 for the fiscal year beginning July 1, 2012, and ending June 30,
11 2013, for distribution of an amount equal to a percentage of
12 the costs of the establishment, improvement, operation, and
13 maintenance of county or multicounty juvenile detention homes
14 in the fiscal year beginning July 1, 2011. Moneys appropriated
15 for distribution in accordance with this section shall be
16 allocated among eligible detention homes, prorated on the basis
17 of an eligible detention home's proportion of the costs of all
18 eligible detention homes in the fiscal year beginning July
19 1, 2011. The percentage figure shall be determined by the
20 department based on the amount available for distribution for
21 the fund. Notwithstanding section 232.142, subsection 3, the
22 financial aid payable by the state under that provision for the
23 fiscal year beginning July 1, 2012, shall be limited to the
24 amount appropriated for the purposes of this section.
25 Sec. 340. FAMILY SUPPORT SUBSIDY PROGRAM.
26 1. There is appropriated from the general fund of the
27 state to the department of human services for the fiscal year
28 beginning July 1, 2012, and ending June 30, 2013, the following
29 amount, or so much thereof as is necessary, to be used for the
30 purpose designated:
31 For the family support subsidy program subject to the
32 enrollment restrictions in section 225C.37, subsection 3:
33 ..... $ 992,798
34 2. The department shall use at least $327,675 of the moneys
35 appropriated in this section for the family support center

1 component of the comprehensive family support program under
2 section 225C.47. Not more than $21,250 of the amount allocated
3 in this subsection shall be used for administrative costs.
4 3. If at any time during the fiscal year, the amount of
5 funding available for the family support subsidy program
6 is reduced from the amount initially used to establish the
7 figure for the number of family members for whom a subsidy
8 is to be provided at any one time during the fiscal year,
9 notwithstanding section 225C.38, subsection 2, the department
10 shall revise the figure as necessary to conform to the amount
11 of funding available.
12 Sec. 341. CONNER DECREE. There is appropriated from the
13 general fund of the state to the department of human services
14 for the fiscal year beginning July 1, 2012, and ending June 30,
15 2013, the following amount, or so much thereof as is necessary,
16 to be used for the purpose designated:
17 For building community capacity through the coordination
18 and provision of training opportunities in accordance with the
19 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
20 Iowa, July 14, 1994):
21 ..... $ 28,579
22 Sec. 342. MENTAL HEALTH INSTITUTES. There is appropriated
23 from the general fund of the state to the department of human
24 services for the fiscal year beginning July 1, 2012, and ending
25 June 30, 2013, the following amounts, or so much thereof as is
26 necessary, to be used for the purposes designated:
27 1. For the state mental health institute at Cherokee for
28 salaries, support, maintenance, and miscellaneous purposes, and
29 for not more than the following full-time equivalent positions:
30 ..... $ 4,995,712
31 ..... FTEs 168.50
32 2. For the state mental health institute at Clarinda for
33 salaries, support, maintenance, and miscellaneous purposes, and
34 for not more than the following full-time equivalent positions:
35 ..... $ 5,449,974

1 ..... FTEs 86.10
2 3. For the state mental health institute at Independence for
3 salaries, support, maintenance, and miscellaneous purposes, and
4 for not more than the following full-time equivalent positions:
5 ..... $ 8,734,332
6 ..... FTEs 233.00
7 4. For the state mental health institute at Mount Pleasant
8 for salaries, support, maintenance, and miscellaneous purposes,
9 and for not more than the following full-time equivalent
10 positions:
11 ..... $ 802,675
12 ..... FTEs 91.72
13 Sec. 343. STATE RESOURCE CENTERS.
14 1. There is appropriated from the general fund of the
15 state to the department of human services for the fiscal year
16 beginning July 1, 2012, and ending June 30, 2013, the following
17 amounts, or so much thereof as is necessary, to be used for the
18 purposes designated:
19 a. For the state resource center at Glenwood for salaries,
20 support, maintenance, and miscellaneous purposes:
21 ..... $ 15,816,631
22 b. For the state resource center at Woodward for salaries,
23 support, maintenance, and miscellaneous purposes:
24 ..... $ 10,952,809
25 2. The department may continue to bill for state resource
26 center services utilizing a scope of services approach used for
27 private providers of ICFMR services, in a manner which does not
28 shift costs between the medical assistance program, counties,
29 or other sources of funding for the state resource centers.
30 3. The state resource centers may expand the time-limited
31 assessment and respite services during the fiscal year.
32 4. If the department's administration and the department
33 of management concur with a finding by a state resource
34 center's superintendent that projected revenues can reasonably
35 be expected to pay the salary and support costs for a new

1 employee position, or that such costs for adding a particular
2 number of new positions for the fiscal year would be less
3 than the overtime costs if new positions would not be added,
4 the superintendent may add the new position or positions. If
5 the vacant positions available to a resource center do not
6 include the position classification desired to be filled, the
7 state resource center's superintendent may reclassify any
8 vacant position as necessary to fill the desired position. The
9 superintendents of the state resource centers may, by mutual
10 agreement, pool vacant positions and position classifications
11 during the course of the fiscal year in order to assist one
12 another in filling necessary positions.
13 5. If existing capacity limitations are reached in
14 operating units, a waiting list is in effect for a service or
15 a special need for which a payment source or other funding
16 is available for the service or to address the special need,
17 and facilities for the service or to address the special need
18 can be provided within the available payment source or other
19 funding, the superintendent of a state resource center may
20 authorize opening not more than two units or other facilities
21 and begin implementing the service or addressing the special
22 need during fiscal year 2012-2013.
23 Sec. 344. MI/MR/DD STATE CASES.
24 1. There is appropriated from the general fund of the
25 state to the department of human services for the fiscal year
26 beginning July 1, 2012, and ending June 30, 2013, the following
27 amount, or so much thereof as is necessary, to be used for the
28 purpose designated:
29 For distribution to counties for state case services
30 for persons with mental illness, mental retardation, and
31 developmental disabilities in accordance with section 331.440:
32 ..... $ 10,344,060
33 2. For the fiscal year beginning July 1, 2012, and ending
34 June 30, 2013, $170,000 is allocated for state case services
35 from the amounts appropriated from the fund created in section

1 8.41 to the department of human services from the funds
2 received from the federal government under 42 U.S.C. ch. 6A,
3 subch. XVII, relating to the community mental health center
4 block grant, for the federal fiscal years beginning October
5 1, 2010, and ending September 30, 2011, beginning October 1,
6 2011, and ending September 30, 2012, and beginning October 1,
7 2012, and ending September 30, 2013. The allocation made in
8 this subsection shall be made prior to any other distribution
9 allocation of the appropriated federal funds.
10 3. Notwithstanding section 8.33, moneys appropriated in
11 this section that remain unencumbered or unobligated at the
12 close of the fiscal year shall not revert but shall remain
13 available for expenditure for the purposes designated until the
14 close of the succeeding fiscal year.
15 Sec. 345. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
16 — COMMUNITY SERVICES FUND. There is appropriated from
17 the general fund of the state to the mental health and
18 developmental disabilities community services fund created in
19 section 225C.7 for the fiscal year beginning July 1, 2012, and
20 ending June 30, 2013, the following amount, or so much thereof
21 as is necessary, to be used for the purpose designated:
22 For mental health and developmental disabilities community
23 services in accordance with this division of this Act:
24 ..... $ 14,211,100
25 1. Of the funds appropriated in this section, $14,187,556
26 shall be allocated to counties for funding of community-based
27 mental health and developmental disabilities services. The
28 moneys shall be allocated to a county as follows:
29 a. Fifty percent based upon the county's proportion of the
30 state's population of persons with an annual income which is
31 equal to or less than the poverty guideline established by the
32 federal office of management and budget.
33 b. Fifty percent based upon the county's proportion of the
34 state's general population.
35 2. a. A county shall utilize the funding the county

1 receives pursuant to subsection 1 for services provided to
2 persons with a disability, as defined in section 225C.2.
3 However, no more than 50 percent of the funding shall be used
4 for services provided to any one of the service populations.
5 b. A county shall use at least 50 percent of the funding the
6 county receives under subsection 1 for contemporary services
7 provided to persons with a disability, as described in rules
8 adopted by the department.
9 3. Of the funds appropriated in this section, $20,012
10 shall be used to support the Iowa compass program providing
11 computerized information and referral services for Iowans with
12 disabilities and their families.
13 4. a. Funding appropriated for purposes of the federal
14 social services block grant is allocated for distribution
15 to counties for local purchase of services for persons with
16 mental illness or mental retardation or other developmental
17 disability.
18 b. The funds allocated in this subsection shall be expended
19 by counties in accordance with the county's county management
20 plan approved by the board of supervisors. A county without
21 an approved county management plan shall not receive allocated
22 funds until the county's management plan is approved.
23 c. The funds provided by this subsection shall be allocated
24 to each county as follows:
25 (1) Fifty percent based upon the county's proportion of the
26 state's population of persons with an annual income which is
27 equal to or less than the poverty guideline established by the
28 federal office of management and budget.
29 (2) Fifty percent based upon the amount provided to the
30 county for local purchase of services in the preceding fiscal
31 year.
32 5. A county is eligible for funds under this section if the
33 county qualifies for a state payment as described in section
34 331.439.
35 6. The most recent population estimates issued by the United

1 States bureau of the census shall be applied for the population
2 factors utilized in this section.
3 Sec. 346. SEXUALLY VIOLENT PREDATORS.
4 1. There is appropriated from the general fund of the
5 state to the department of human services for the fiscal year
6 beginning July 1, 2012, and ending June 30, 2013, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purpose designated:
9 For costs associated with the commitment and treatment of
10 sexually violent predators in the unit located at the state
11 mental health institute at Cherokee, including costs of legal
12 services and other associated costs, including salaries,
13 support, maintenance, and miscellaneous purposes, and for not
14 more than the following full-time equivalent positions:
15 ..... $ 6,418,118
16 ..... FTEs 89.50
17 2. Unless specifically prohibited by law, if the amount
18 charged provides for recoupment of at least the entire amount
19 of direct and indirect costs, the department of human services
20 may contract with other states to provide care and treatment
21 of persons placed by the other states at the unit for sexually
22 violent predators at Cherokee. The moneys received under
23 such a contract shall be considered to be repayment receipts
24 and used for the purposes of the appropriation made in this
25 section.
26 Sec. 347. FIELD OPERATIONS. There is appropriated from the
27 general fund of the state to the department of human services
28 for the fiscal year beginning July 1, 2012, and ending June 30,
29 2013, the following amount, or so much thereof as is necessary,
30 to be used for the purposes designated:
31 For field operations, including salaries, support,
32 maintenance, and miscellaneous purposes, and for not more than
33 the following full-time equivalent positions:
34 ..... $ 47,038,933
35 ..... FTEs 1,781.00

1 Priority in filling full-time equivalent positions shall be
2 given to those positions related to child protection services
3 and eligibility determination for low-income families.
4 Sec. 348. GENERAL ADMINISTRATION. There is appropriated
5 from the general fund of the state to the department of human
6 services for the fiscal year beginning July 1, 2012, and ending
7 June 30, 2013, the following amount, or so much thereof as is
8 necessary, to be used for the purpose designated:
9 For general administration, including salaries, support,
10 maintenance, and miscellaneous purposes, and for not more than
11 the following full-time equivalent positions:
12 ..... $ 12,874,733
13 ..... FTEs 290.00
14 1. Of the funds appropriated in this section, $32,762
15 allocated for the prevention of disabilities policy council
16 established in section 225B.3.
17 2. The department shall report at least monthly to the
18 legislative services agency concerning the department's
19 operational and program expenditures.
20 3. Of the funds appropriated in this section, $112,455 shall
21 be used to continue to contract with a statewide association
22 representing community providers of mental health, mental
23 retardation and brain injury services programs to provide
24 technical assistance, support, and consultation to providers
25 of habilitation services and home and community-based waiver
26 services for adults with disabilities under the medical
27 assistance program. Notwithstanding section 8.47 or any other
28 provision of law to the contrary, the department may utilize a
29 sole source approach to contract with the association.
30 4. Of the funds appropriated in this section, $149,940 shall
31 be used to continue to contract with an appropriate entity to
32 expand the provision of nationally accredited and recognized
33 internet-based training to include mental health and disability
34 services providers. Notwithstanding section 8.47 or any other
35 provision of law to the contrary, the department may utilize a

1 sole site source approach to enter into such contract.
2 5. Of the funds appropriated in this section, $425,000 shall
3 be used for continued implementation of child protection system
4 improvements addressed in 2011 Iowa Acts, House File 562, as
5 enacted.
6 Sec. 349. VOLUNTEERS. There is appropriated from the
7 general fund of the state to the department of human services
8 for the fiscal year beginning July 1, 2012, and ending June 30,
9 2013, the following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:
11 For development and coordination of volunteer services:
12 ..... $ 71,961
13 Sec. 350. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
14 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
15 DEPARTMENT OF HUMAN SERVICES.
16 1. a. (1) For the fiscal year beginning July 1, 2012,
17 the total state funding amount for the nursing facility budget
18 shall not exceed $225,502,551.
19 (2) The department, in cooperation with nursing facility
20 representatives, shall review projections for state funding
21 expenditures for reimbursement of nursing facilities on a
22 quarterly basis and the department shall determine if an
23 adjustment to the medical assistance reimbursement rate is
24 necessary in order to provide reimbursement within the state
25 funding amount for the fiscal year. Notwithstanding 2001
26 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
27 "c", and subsection 3, paragraph "a", subparagraph (2),
28 if the state funding expenditures for the nursing facility
29 budget for the fiscal year is projected to exceed the amount
30 specified in subparagraph (1), the department shall adjust
31 the reimbursement for nursing facilities reimbursed under the
32 case-mix reimbursement system to maintain expenditures of the
33 nursing facility budget within the specified amount for the
34 fiscal year.
35 (3) For the fiscal year beginning July 1, 2012, special

population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2012.

b. For the fiscal year beginning July 1, 2012, the department shall reimburse pharmacy dispensing fees using a single rate of $4.34 per prescription or the pharmacy's usual and customary fee, whichever is lower. However, the department shall adjust the dispensing fee specified in this paragraph to distribute an additional $3,000,000 in reimbursements for pharmacy dispensing fees under this paragraph for the fiscal year.

c. (1) For the fiscal year beginning July 1, 2012, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2012.

(2) For the fiscal year beginning July 1, 2012, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2012.

(3) For the fiscal year beginning July 1, 2012, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2012, except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.

(4) In order to ensure the efficient use of limited state funds in procuring health care services for low-income Iowans, funds appropriated in this division of this Act for hospital services shall not be used for activities which would be excluded from a determination of reasonable costs under the federal Medicare program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

d. For the fiscal year beginning July 1, 2012, reimbursement rates for rural health clinics, hospices, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

1 e. For the fiscal year beginning July 1, 2012, independent
2 laboratories and rehabilitation agencies shall be reimbursed
3 using the same methodology in effect on June 30, 2012.
4 f. For the fiscal year beginning July 1, 2012, reimbursement
5 rates for home health agencies shall remain at the rates in
6 effect on June 30, 2012, not to exceed a home health agency's
7 actual allowable cost.
8 g. For the fiscal year beginning July 1, 2012, federally
9 qualified health centers shall receive cost-based reimbursement
10 for 100 percent of the reasonable costs for the provision of
11 services to recipients of medical assistance.
12 h. For the fiscal year beginning July 1, 2012, the
13 reimbursement rates for dental services shall remain at the
14 rates in effect on June 30, 2012.
15 i. (1) For the fiscal year beginning July 1, 2012,
16 state-owned psychiatric medical institutions for children shall
17 receive cost-based reimbursement for 100 percent of the actual
18 and allowable costs for the provision of services to recipients
19 of medical assistance.
20 (2) For the nonstate-owned psychiatric medical institutions
21 for children, reimbursement rates shall be based on the
22 reimbursement methodology developed by the department in
23 consultation with representatives of the nonstate-owned
24 psychiatric medical institutions for children to include all
25 ancillary medical services costs and any other changes required
26 for federal compliance.
27 j. For the fiscal year beginning July 1, 2012, unless
28 otherwise specified in the health and human services divisions
29 of this Act, all noninstitutional medical assistance provider
30 reimbursement rates shall remain at the rates in effect on June
31 30, 2012, except for area education agencies, local education
32 agencies, infant and toddler services providers, and those
33 providers whose rates are required to be determined pursuant
34 to section 249A.20.
35 k. Notwithstanding any provision to the contrary, for the

1 fiscal year beginning July 1, 2012, the reimbursement rate for
2 anesthesiologists shall remain at the rate in effect on June
3 30, 2012.
4 l. Notwithstanding section 249A.20, for the fiscal year
5 beginning July 1, 2012, the average reimbursement rate for
6 health care providers eligible for use of the federal Medicare
7 resource-based relative value scale reimbursement methodology
8 under that section shall remain at the rate in effect on June
9 30, 2012; however, this rate shall not exceed the maximum level
10 authorized by the federal government.
11 m. For the fiscal year beginning July 1, 2012, the
12 reimbursement rate for residential care facilities shall not
13 be less than the minimum payment level as established by the
14 federal government to meet the federally mandated maintenance
15 of effort requirement. The flat reimbursement rate for
16 facilities electing not to file annual cost reports shall not
17 be less than the minimum payment level as established by the
18 federal government to meet the federally mandated maintenance
19 of effort requirement.
20 n. For the fiscal year beginning July 1, 2012, inpatient
21 mental health services provided at hospitals shall remain at
22 the rates in effect on June 30, 2012, subject to Medicaid
23 program upper payment limit rules; community mental health
24 centers and providers of mental health services to county
25 residents pursuant to a waiver approved under section 225C.7,
26 subsection 3, shall be reimbursed at 100 percent of the
27 reasonable costs for the provision of services to recipients of
28 medical assistance; and psychiatrists shall be reimbursed at
29 the medical assistance program fee for service rate.
30 o. For the fiscal year beginning July 1, 2012, the
31 reimbursement rate for consumer-directed attendant care shall
32 remain at the rates in effect on June 30, 2012.
33 p. For the fiscal year beginning July 1, 2012, the
34 reimbursement rate for providers of family planning services
35 that are eligible to receive a 90 percent federal match shall

1 remain at the rates in effect on June 30, 2012.
2 q. For the fiscal year beginning July 1, 2012, the
3 department shall adjust the rates in effect on June 30,
4 2012, for providers of home and community-based services
5 waiver services to distribute an additional $1,500,000 in
6 reimbursements to such providers for the fiscal year.
7 2. For the fiscal year beginning July 1, 2012, the
8 reimbursement rate for providers reimbursed under the
9 in-home-related care program shall not be less than the minimum
10 payment level as established by the federal government to meet
11 the federally mandated maintenance of effort requirement.
12 3. Unless otherwise directed in this section, when the
13 department's reimbursement methodology for any provider
14 reimbursed in accordance with this section includes an
15 inflation factor, this factor shall not exceed the amount
16 by which the consumer price index for all urban consumers
17 increased during the calendar year ending December 31, 2002.
18 4. For the fiscal year beginning July 1, 2012,
19 notwithstanding section 234.38, the foster family basic daily
20 maintenance rate and the maximum adoption subsidy rate for
21 children ages 0 through 5 years shall be $15.74, the rate for
22 children ages 6 through 11 years shall be $16.37, the rate for
23 children ages 12 through 15 years shall be $17.92, and the
24 rate for children and young adults ages 16 and older shall be
25 $18.16. The maximum supervised apartment living foster care
26 reimbursement rate shall be $25.00 per day. For youth ages
27 18 to 21 who have exited foster care, the maximum preparation
28 for adult living program maintenance rate shall be $574.00 per
29 month. The maximum payment for adoption subsidy nonrecurring
30 expenses shall be limited to $500 and the disallowance of
31 additional amounts for court costs and other related legal
32 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,
33 section 408 shall be continued.
34 5. For the fiscal year beginning July 1, 2012, the maximum
35 reimbursement rates under the supervised apartment living

1 program and for social services providers under contract
2 shall remain at the rates in effect on June 30, 2012, or the
3 provider's actual and allowable cost plus inflation for each
4 service, whichever is less. However, if a new service or
5 service provider is added after June 30, 2012, the initial
6 reimbursement rate for the service or provider shall be
7 based upon actual and allowable costs. Providers may also
8 be eligible for an additional amount as specified under the
9 department's request for proposal, bid number ACFS-11-115.
10 6. For the fiscal year beginning July 1, 2012, the
11 reimbursement rates for family-centered service providers,
12 family foster care service providers, group foster care service
13 providers, and the resource family recruitment and retention
14 contractor shall remain at the rates in effect on June 30,
15 2012.
16 7. The group foster care reimbursement rates paid for
17 placement of children out of state shall be calculated
18 according to the same rate-setting principles as those used for
19 in-state providers, unless the director of human services or
20 the director's designee determines that appropriate care cannot
21 be provided within the state. The payment of the daily rate
22 shall be based on the number of days in the calendar month in
23 which service is provided.
24 8. a. For the fiscal year beginning July 1, 2012, the
25 reimbursement rate paid for shelter care and the child welfare
26 emergency services implemented to provide or prevent the need
27 for shelter care shall be established in a contract based on
28 the requirements of the department's request for proposal, bid
29 number ACFS-11-114.
30 b. For the fiscal year beginning July 1, 2012, the combined
31 service and maintenance components of the reimbursement rate
32 paid for shelter care services shall be based on the financial
33 and statistical report submitted to the department. The
34 maximum reimbursement rate shall be $92.36 per day. The
35 department shall reimburse a shelter care provider at the

1 provider's actual and allowable unit cost, plus inflation, not
2 to exceed the maximum reimbursement rate.
3 c. Notwithstanding section 232.141, subsection 8, for the
4 fiscal year beginning July 1, 2012, the amount of the statewide
5 average of the actual and allowable rates for reimbursement of
6 juvenile shelter care homes that is utilized for the limitation
7 on recovery of unpaid costs shall remain at the amount in
8 effect for this purpose in the fiscal year beginning July 1,
9 2011.
10 9. For the fiscal year beginning July 1, 2012, the
11 department shall calculate reimbursement rates for intermediate
12 care facilities for persons with mental retardation at the
13 80th percentile. Beginning July 1, 2012, the rate calculation
14 methodology shall utilize the consumer price index inflation
15 factor applicable to the fiscal year beginning July 1, 2012.
16 10. For the fiscal year beginning July 1, 2012, for child
17 care providers reimbursed under the state child care assistance
18 program, the department shall set provider reimbursement
19 rates based on the rate reimbursement survey completed in
20 December 2004. Effective July 1, 2012, the child care provider
21 reimbursement rates shall remain at the rates in effect on June
22 30, 2012. The department shall set rates in a manner so as
23 to provide incentives for a nonregistered provider to become
24 registered by applying the increase only to registered and
25 licensed providers.
26 11. The department may adopt emergency rules to implement
27 this section.
28 Sec. 351. EMERGENCY RULES.
29 1. If specifically authorized by a provision of this
30 division of this Act, the department of human services or
31 the mental health, and disability services commission may
32 adopt administrative rules under section 17A.4, subsection
33 3, and section 17A.5, subsection 2, paragraph "b", to
34 implement the provisions and the rules shall become effective
35 immediately upon filing or on a later effective date specified

1 in the rules, unless the effective date is delayed by the
2 administrative rules review committee. Any rules adopted in
3 accordance with this section shall not take effect before
4 the rules are reviewed by the administrative rules review
5 committee. The delay authority provided to the administrative
6 rules review committee under section 17A.4, subsection 7, and
7 section 17A.8, subsection 9, shall be applicable to a delay
8 imposed under this section, notwithstanding a provision in
9 those sections making them inapplicable to section 17A.5,
10 subsection 2, paragraph "b". Any rules adopted in accordance
11 with the provisions of this section shall also be published as
12 notice of intended action as provided in section 17A.4.
13 2. If during the fiscal year beginning July 1, 2012, the
14 department of human services is adopting rules in accordance
15 with this section or as otherwise directed or authorized by
16 state law, and the rules will result in an expenditure increase
17 beyond the amount anticipated in the budget process or if the
18 expenditure was not addressed in the budget process for the
19 fiscal year, the department shall notify the persons designated
20 by this division of this Act for submission of reports,
21 the chairpersons and ranking members of the committees on
22 appropriations, and the department of management concerning the
23 rules and the expenditure increase. The notification shall be
24 provided at least 30 calendar days prior to the date notice of
25 the rules is submitted to the administrative rules coordinator
26 and the administrative code editor.
27 Sec. 352. FEDERAL GRANTS REPORTING. During the fiscal year
28 beginning July 1, 2012, the departments and agencies receiving
29 an appropriation in the health and human services divisions of
30 this Act from the general fund of the state shall report to the
31 persons designated by this division of this Act for submission
32 of reports and the department of management within 60 calendar
33 days of applying for or renewing a federal grant with a value
34 over $1,000. The report shall list the federal funding source
35 and address the potential need for the commitment of state

1 funding in order to match or continue the funding provided by
2 the federal grant in the present or the future.
3 Sec. 353. REPORTS. Any reports or information required to
4 be compiled and submitted under the health and human services
5 divisions of this Act shall be submitted to the chairpersons
6 and ranking members of the joint appropriations subcommittee on
7 health and human services, the legislative services agency, and
8 the legislative caucus staffs on or before the dates specified
9 for submission of the reports or information.
10 Sec. 354. EFFECTIVE DATE. The following provision of this
11 division of this Act, being deemed of immediate importance,
12 take effect upon enactment:
13 The provision under the appropriation for child and family
14 services, relating to requirements of section 232.143 for
15 representatives of the department of human services and
16 juvenile court services to establish a plan for continuing
17 group foster care expenditures for fiscal year 2012-2013.
18 DIVISION XXXIX
19 HEALTH AND HUMAN SERVICES
20 PHARMACEUTICAL SETTLEMENT ACCOUNT,
21 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER
22 REIMBURSEMENT FUND, HEALTH CARE
23 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
24 QUALITY ASSURANCE TRUST FUND,
25 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND —— FY 2012-2013
26 Sec. 355. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
27 appropriated from the pharmaceutical settlement account created
28 in section 249A.33 to the department of human services for the
29 fiscal year beginning July 1, 2012, and ending June 30, 2013,
30 the following amount, or so much thereof as is necessary, to be
31 used for the purpose designated:
32 Notwithstanding any provision of law to the contrary, to
33 supplement the appropriations made in the department of human
34 services division in this Act for medical contracts under the
35 medical assistance program for the same fiscal year:

1 ..... $ 4,618,571
2 Sec. 356. APPROPRIATIONS FROM IOWACARE ACCOUNT.
3 1. There is appropriated from the IowaCare account
4 created in section 249J.24 to the state board of regents for
5 distribution to the university of Iowa hospitals and clinics
6 for the fiscal year beginning July 1, 2012, and ending June 30,
7 2013, the following amount, or so much thereof as is necessary,
8 to be used for the purposes designated:
9 For salaries, support, maintenance, equipment, and
10 miscellaneous purposes, for the provision of medical and
11 surgical treatment of indigent patients, for provision of
12 services to members of the expansion population pursuant to
13 chapter 249J, and for medical education:
14 ..... $ 27,284,584
15 a. Funds appropriated in this subsection shall not be used
16 to perform abortions except medically necessary abortions,
17 and shall not be used to operate the early termination of
18 pregnancy clinic except for the performance of medically
19 necessary abortions. For the purpose of this subsection,
20 medically necessary abortions are those performed under any of
21 the following conditions:
22 (1) The attending physician certifies that continuing the
23 pregnancy would endanger the life of the pregnant woman.
24 (2) Any spontaneous abortion, commonly known as a
25 miscarriage, if not all of the products of conception are
26 expelled.
27 b. Notwithstanding any provision of law to the contrary,
28 the amount appropriated in this subsection shall be distributed
29 based on claims submitted, adjudicated, and paid by the Iowa
30 Medicaid enterprise.
31 c. The university of Iowa hospitals and clinics shall
32 certify public expenditures in an amount equal to provide
33 the nonfederal share on total expenditures not to exceed
34 $20,000,000.
35 2. There is appropriated from the IowaCare account

1 created in section 249J.24 to the state board of regents for
2 distribution to the university of Iowa hospitals and clinics
3 for the fiscal year beginning July 1, 2012, and ending June 30,
4 2013, the following amount, or so much thereof as is necessary,
5 to be used for the purposes designated:
6 For salaries, support, maintenance, equipment, and
7 miscellaneous purposes, for the provision of medical and
8 surgical treatment of indigent patients, for provision of
9 services to members of the expansion population pursuant to
10 chapter 249J, and for medical education:
11 ..... $ 44,226,279
12 Notwithstanding any provision of law to the contrary, the
13 amount appropriated in this subsection shall be distributed
14 based on claims submitted, adjudicated, and paid by the Iowa
15 Medicaid enterprise.
16 3. There is appropriated from the IowaCare account
17 created in section 249J.24, to the state board of regents for
18 distribution to university of Iowa physicians for the fiscal
19 year beginning July 1, 2012, and ending June 30, 2013, the
20 following amount, or so much thereof as is necessary to be used
21 for the purposes designated:
22 For salaries, support, maintenance, equipment, and
23 miscellaneous purposes for the provision of medical and
24 surgical treatment of indigent patients, for provision of
25 services to members of the expansion population pursuant to
26 chapter 249J, and for medical education:
27 ..... $ 16,277,753
28 Notwithstanding any provision of law to the contrary, the
29 amount appropriated in this subsection shall be distributed
30 based on claims submitted, adjudicated, and paid by the Iowa
31 Medicaid enterprise. Once the entire amount appropriated in
32 this subsection has been distributed, claims shall continue to
33 be submitted and adjudicated by the Iowa Medicaid enterprise;
34 however, no payment shall be made based upon such claims.
35 4. There is appropriated from the IowaCare account created

1 in section 249J.24 to the department of human services for the
2 fiscal year beginning July 1, 2012, and ending June 30, 2013,
3 the following amount, or so much thereof as is necessary, to be
4 used for the purposes designated:
5 For distribution to a publicly owned acute care teaching
6 hospital located in a county with a population over 350,000 for
7 the provision of medical and surgical treatment of indigent
8 patients, for provision of services to members of the expansion
9 population pursuant to chapter 249J, and for medical education:
10 ..... $ 65,000,000
11 a. Notwithstanding any provision of law to the contrary,
12 the amount appropriated in this subsection shall be distributed
13 based on claims submitted, adjudicated, and paid by the Iowa
14 Medicaid enterprise plus a monthly disproportionate share
15 hospital payment. Any amount appropriated in this subsection
16 in excess of $60,000,000 shall be distributed only if the sum
17 of the expansion population claims adjudicated and paid by the
18 Iowa Medicaid enterprise plus the estimated disproportionate
19 share hospital payments exceeds $60,000,000. The amount paid
20 in excess of $60,000,000 shall not adjust the original monthly
21 payment amount but shall be distributed monthly based on actual
22 claims adjudicated and paid by the Iowa Medicaid enterprise
23 plus the estimated disproportionate share hospital amount. Any
24 amount appropriated in this subsection in excess of $60,000,000
25 shall be allocated only if federal funds are available to match
26 the amount allocated. Pursuant to paragraph "b", of the amount
27 appropriated in this subsection, not more than $4,000,000 shall
28 be distributed for prescription drugs and podiatry services.
29 b. Notwithstanding any provision of law to the contrary, the
30 hospital identified in this subsection, shall be reimbursed for
31 outpatient prescription drugs and podiatry services provided to
32 members of the expansion population pursuant to all applicable
33 medical assistance program rules, in an amount not to exceed
34 $4,000,000.
35 c. Notwithstanding the total amount of proceeds distributed

1 pursuant to section 249J.24, subsection 6, paragraph "a",
2 unnumbered paragraph 1, for the fiscal year beginning July
3 1, 2012, and ending June 30, 2013, the county treasurer of a
4 county with a population of over 350,000 in which a publicly
5 owned acute care teaching hospital is located shall distribute
6 the proceeds collected pursuant to section 347.7 in a total
7 amount of $38,000,000, which would otherwise be distributed to
8 the county hospital, to the treasurer of state for deposit in
9 the IowaCare account.
10 d. (1) Notwithstanding the amount collected and
11 distributed for deposit in the IowaCare account pursuant to
12 section 249J.24, subsection 6, paragraph "a", subparagraph
13 (1), the first $19,000,000 in proceeds collected pursuant to
14 section 347.7 between July 1, 2012, and December 31, 2012,
15 shall be distributed to the treasurer of state for deposit in
16 the IowaCare account and collections during this time period
17 in excess of $19,000,000 shall be distributed to the acute
18 care teaching hospital identified in this subsection. Of the
19 collections in excess of the $19,000,000 received by the acute
20 care teaching hospital under this subparagraph (1), $2,000,000
21 shall be distributed by the acute care teaching hospital to the
22 treasurer of state for deposit in the IowaCare account in the
23 month of January 2013, following the July 1 through December
24 31, 2012, period.
25 (2) Notwithstanding the amount collected and distributed
26 for deposit in the IowaCare account pursuant to section
27 249J.24, subsection 6, paragraph "a", subparagraph (2),
28 the first $19,000,000 in collections pursuant to section
29 347.7 between January 1, 2013, and June 30, 2013, shall be
30 distributed to the treasurer of state for deposit in the
31 IowaCare account and collections during this time period in
32 excess of $19,000,000 shall be distributed to the acute care
33 teaching hospital identified in this subsection. Of the
34 collections in excess of the $19,000,000 received by the acute
35 care teaching hospital under this subparagraph (2), $2,000,000

1 shall be distributed by the acute care teaching hospital to the
2 treasurer of state for deposit in the IowaCare account in the
3 month of July 2013, following the January 1 through June 30,
4 2013, period.
5 5. There is appropriated from the IowaCare account created
6 in section 249J.24 to the department of human services for the
7 fiscal year beginning July 1, 2012, and ending June 30, 2013,
8 the following amount, or so much thereof as is necessary to be
9 used for the purpose designated:
10 For payment to the regional provider network specified
11 by the department pursuant to section 249J.7 for provision
12 of covered services to members of the expansion population
13 pursuant to chapter 249J:
14 ..... $ 3,472,176
15 Notwithstanding any provision of law to the contrary, the
16 amount appropriated in this subsection shall be distributed
17 based on claims submitted, adjudicated, and paid by the Iowa
18 Medicaid enterprise. Once the entire amount appropriated in
19 this subsection has been distributed, claims shall continue to
20 be submitted and adjudicated by the Iowa Medicaid enterprise;
21 however, no payment shall be made based upon such claims.
22 6. There is appropriated from the IowaCare account created
23 in section 249J.24 to the department of human services for the
24 fiscal year beginning July 1, 2012, and ending June 30, 2013,
25 the following amount, or so much thereof as is necessary to be
26 used for the purposes designated:
27 For a care coordination pool to pay the expansion population
28 providers consisting of the university of Iowa hospitals and
29 clinics, the publicly owned acute care teaching hospital as
30 specified in section 249J.7, and current medical assistance
31 program providers that are not expansion population network
32 providers pursuant to section 249J.7, for services covered by
33 the full benefit medical assistance program but not under the
34 IowaCare program pursuant to section 249J.6, that are provided
35 to expansion population members:

1 ..... $ 1,500,000
2 a. Notwithstanding sections 249J.6 and 249J.7, the amount
3 appropriated in this subsection is intended to provide
4 payment for medically necessary services provided to expansion
5 population members for continuation of care provided by the
6 university of Iowa hospitals and clinics or the publicly owned
7 acute care teaching hospital as specified in section 249J.7.
8 Payment may only be made for services that are not otherwise
9 covered under section 249J.6, and which are follow-up services
10 to covered services provided by the hospitals specified in this
11 paragraph "a".
12 b. The funds appropriated in this subsection are intended
13 to provide limited payment for continuity of care services for
14 an expansion population member, and are intended to cover the
15 costs of services to expansion population members, regardless
16 of the member's county of residence or medical home assignment,
17 if the care is related to specialty or hospital services
18 provided by the hospitals specified in paragraph "a".
19 c. The funds appropriated in this subsection are
20 not intended to provide for expanded coverage under the
21 IowaCare program, and shall not be used to cover emergency
22 transportation services.
23 d. The department shall adopt administrative rules pursuant
24 to chapter 17A to establish a prior authorization process and
25 to identify covered services for reimbursement under this
26 subsection.
27 7. There is appropriated from the IowaCare account created
28 in section 249J.24 to the department of human services for the
29 fiscal year beginning July 1, 2012, and ending June 30, 2013,
30 the following amount or so much thereof as is necessary to be
31 used for the purposes designated:
32 For a laboratory test and radiology pool for services
33 authorized by a federally qualified health center designated
34 by the department as part of the IowaCare regional provider
35 network that does not have the capability to provide these

1 services on site:
2 ..... $ 500,000
3 Notwithstanding sections 249J.6 and 249J.7, the amount
4 appropriated in this subsection is intended to provide
5 reimbursement for services provided to expansion population
6 members that have previously been paid for through expenditure
7 by designated regional provider network providers of their
8 own funds, not to expand coverage under the IowaCare program
9 or to expand the expansion population provider network. The
10 department shall designate the laboratory and radiology
11 provider associated with each designated regional provider
12 network provider that may receive reimbursement. The
13 department shall adopt administrative rules pursuant to chapter
14 17A to establish a prior authorization process and to identify
15 covered services for reimbursement under this subsection.
16 All other medical assistance program payment policies and
17 rules for laboratory and radiology services shall apply to
18 services provided under this subsection. If the entire amount
19 appropriated under this subsection is expended, laboratory
20 tests and radiology services ordered by a designated regional
21 provider network provider shall be the financial responsibility
22 of the regional provider network provider.
23 Sec. 357. APPROPRIATIONS FROM NONPARTICIPATING
24 PROVIDER REIMBURSEMENT FUND —— DEPARTMENT OF HUMAN
25 SERVICES. Notwithstanding any provision to the contrary, and
26 subject to the availability of funds, there is appropriated
27 from the nonparticipating provider reimbursement fund created
28 in section 249J.24A to the department of human services for the
29 fiscal year beginning July 1, 2012, and ending June 30, 2013,
30 the following amount or so much thereof as is necessary for the
31 purposes designated:
32 To reimburse nonparticipating providers in accordance with
33 section 249J.24A:
34 ..... $ 2,000,000
35 Sec. 358. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE

1 TRANSFORMATION —— DEPARTMENT OF HUMAN SERVICES.
2 Notwithstanding any provision to the contrary, there is
3 appropriated from the account for health care transformation
4 created in section 249J.23 to the department of human services
5 for the fiscal year beginning July 1, 2012, and ending June
6 30, 2013, the following amounts, or so much thereof as is
7 necessary, to be used for the purposes designated:
8 1. For the provision of an IowaCare nurse helpline for the
9 expansion population as provided in section 249J.6:
10 ..... $ 85,000
11 2. For other health promotion partnership activities
12 pursuant to section 249J.14:
13 ..... $ 510,000
14 3. For the costs related to audits, performance
15 evaluations, and studies required pursuant to chapter 249J:
16 ..... $ 106,250
17 4. For administrative costs associated with chapter 249J:
18 ..... $ 962,550
19 5. For planning and development, in cooperation with the
20 department of public health, of a phased-in program to provide
21 a dental home for children in accordance with section 249J.14:
22 ..... $ 850,000
23 6. For continuation of the establishment of the tuition
24 assistance for individuals serving individuals with
25 disabilities pilot program, as enacted in 2008 Iowa Acts,
26 chapter 1187, section 130:
27 ..... $ 42,500
28 7. For medical contracts:
29 ..... $ 1,700,000
30 8. For payment to the publicly owned acute care teaching
31 hospital located in a county with a population of over 350,000
32 that is a participating provider pursuant to chapter 249J:
33 ..... $ 246,500
34 Disbursements under this subsection shall be made monthly.
35 The hospital shall submit a report following the close of the

1 fiscal year regarding use of the funds appropriated in this
2 subsection to the persons specified in this Act to receive
3 reports.
4 9. For transfer to the department of public health to be
5 used for the costs of medical home system advisory council
6 established pursuant to section 135.159:
7 ..... $ 198,353
8 10. For continued implementation of a uniform cost report:
9 ..... $ 85,000
10 11. For continued implementation of an electronic medical
11 records system:
12 ..... $ 85,000
13 Notwithstanding section 8.39, subsection 1, without the
14 prior written consent and approval of the governor and the
15 director of the department of management, the director of human
16 services may transfer funds among the appropriations made in
17 this section as necessary to carry out the purposes of the
18 account for health care transformation. The department shall
19 report any transfers made pursuant to this section to the
20 legislative services agency.
21 Sec. 359. MEDICAID FRAUD ACCOUNT —— DEPARTMENT OF
22 INSPECTIONS AND APPEALS. There is appropriated from the
23 Medicaid fraud account created in section 249A.7 to the
24 department of inspections and appeals for the fiscal year
25 beginning July 1, 2012, and ending June 30, 2013, the following
26 amount, or so much thereof as is necessary, to be used for the
27 purposes designated:
28 For the inspection and certification of assisted living
29 programs and adult day care services, including program
30 administration and costs associated with implementation:
31 ..... $ 1,138,598
32 Sec. 360. MEDICAID FRAUD ACCOUNT —— DEPARTMENT OF HUMAN
33 SERVICES. There is appropriated from the Medicaid fraud
34 account created in section 249A.7 to the department of human
35 services for the fiscal year beginning July 1, 2012, and ending

1 June 30, 2013, the following amount, or so much thereof as is
2 necessary, to be used for the purposes designated:
3 To supplement the appropriation made in the department
4 of human services division of this Act from the general fund
5 of the state to the department of human services for medical
6 assistance for the same fiscal year:
7 ..... $ 2,000,000
8 Sec. 361. QUALITY ASSURANCE TRUST FUND —— DEPARTMENT OF
9 HUMAN SERVICES. Notwithstanding any provision to the contrary
10 and subject to the availability of funds, there is appropriated
11 from the quality assurance trust fund created in section
12 249L.4 to the department of human services for the fiscal year
13 beginning July 1, 2012, and ending June 30, 2013, the following
14 amounts, or so much thereof as is necessary for the purposes
15 designated:
16 To supplement the appropriation made in the department
17 of human services division of this Act from the general fund
18 of the state to the department of human services for medical
19 assistance for the same fiscal year:
20 ..... $ 29,000,000
21 Sec. 362. HOSPITAL HEALTH CARE ACCESS TRUST FUND ——
22 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
23 the contrary and subject to the availability of funds, there is
24 appropriated from the hospital health care access trust fund
25 created in section 249M.4 to the department of human services
26 for the fiscal year beginning July 1, 2012, and ending June
27 30, 2013, the following amounts, or so much thereof as is
28 necessary, for the purposes designated:
29 1. To supplement the appropriation made in the health and
30 human services division of this Act from the general fund of
31 the state to the department of human services for medical
32 assistance:
33 ..... $ 39,223,800
34 2. For deposit in the nonparticipating provider
35 reimbursement fund created in section 249J.24A to be used for

1 the purposes of the fund:
2 ..... $ 776,200
3 Sec. 363. MEDICAL ASSISTANCE PROGRAM —— NONREVERSION
4 FOR FY 2012-2013. Notwithstanding section 8.33, if moneys
5 appropriated for purposes of the medical assistance program for
6 the fiscal year beginning July 1, 2012, and ending June 30,
7 2013, in the health and human services divisions of this Act
8 from the general fund of the state, the Medicaid fraud account,
9 the quality assurance trust fund, and the hospital health
10 care access trust fund, are in excess of actual expenditures
11 for the medical assistance program and remain unencumbered or
12 unobligated at the close of the fiscal year, the excess moneys
13 shall not revert but shall remain available for expenditure for
14 the purposes of the medical assistance program until the close
15 of the succeeding fiscal year.
16 DIVISION XL
17 HEALTH AND HUMAN SERVICES
18 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR
19 2012-2013
20 Sec. 364. MENTAL HEALTH, MENTAL RETARDATION, AND
21 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
22 RELIEF. Notwithstanding the standing appropriation in section
23 426B.1, subsection 2, for the fiscal year beginning July 1,
24 2012, and ending June 30, 2013, the amount appropriated from
25 the general fund of the state pursuant to that provision shall
26 not exceed the following amount:
27 ..... $ 81,199,911
28 Sec. 365. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ——
29 FY 2012-2013.
30 1. There is appropriated from the general fund of the
31 state to the department of human services for the fiscal year
32 beginning July 1, 2012, and ending June 30, 2013, the following
33 amount, or so much thereof as is necessary, to be used for the
34 purpose designated:
35 For distribution to counties of the county mental health,

1 mental retardation, and developmental disabilities allowed
2 growth factor adjustment for fiscal year 2012-2013 as provided
3 in this section in lieu of the allowed growth factor provisions
4 of section 331.438, subsection 2, and section 331.439,
5 subsection 3, and chapter 426B and for transfer for the medical
6 assistance program:
7 ..... $ 88,697,893
8 Of the amount appropriated in this subsection, $5,000,000
9 shall be transferred to the appropriation made in the
10 department of human services division of this Act from
11 the general fund of the state to the department of human
12 services for the medical assistance program for the fiscal
13 year beginning July 1, 2012, and shall be used to continue
14 the funding designated in the previous fiscal year to reduce
15 home and community-based services waiver waiting lists for
16 children's mental health, intellectual disabilities, and brain
17 injury.
18 2. Of the amount appropriated in this section, $12,000,000
19 shall be distributed as provided in this subsection.
20 a. To be eligible to receive a distribution under this
21 subsection, a county must meet the following requirements:
22 (1) The county is levying for the maximum amount allowed
23 for the county's mental health, mental retardation, and
24 developmental disabilities services fund under section 331.424A
25 for taxes due and payable in the fiscal year beginning July 1,
26 2012, or the county is levying for at least 90 percent of the
27 maximum amount allowed for the county's services fund and that
28 levy rate is more than $2 per $1,000 of the assessed value of
29 all taxable property in the county.
30 (2) In the fiscal year beginning July 1, 2010, the
31 county's mental health, mental retardation, and developmental
32 disabilities services fund ending balance under generally
33 accepted accounting principles was equal to or less than 15
34 percent of the county's actual gross expenditures for that
35 fiscal year.

b. The amount of a county's distribution from the allocation made in this subsection shall be determined based upon the county's proportion of the general population of the counties eligible to receive a distribution under this subsection. The most recent population estimates issued by the United States bureau of the census shall be applied in determining population for the purposes of this paragraph.

c. The distributions made pursuant to this subsection are subject to the distribution provisions and withholding requirements established in this section for the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for the fiscal year beginning July 1, 2012.

3. The following amount of the funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2012-2013, and shall be credited to the allowed growth funding pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... $ 71,697,893

4. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for the allowed growth factor adjustment for fiscal year 2012-2013 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

a. For calculation of a distribution amount for eligible counties from the allowed growth funding pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1:

..... $ 84,773,346

b. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in the appropriation made for the MH/DD community services fund for the fiscal year beginning July 1, 2012:

1 ..... $ 14,187,556
2 5. a. After applying the applicable statutory distribution
3 formulas to the amounts indicated in subsection 4 for purposes
4 of producing preliminary distribution totals, the department
5 of human services shall apply a withholding factor to adjust
6 an eligible individual county's preliminary distribution
7 total. In order to be eligible for a distribution under this
8 section, a county must be levying 90 percent or more of the
9 maximum amount allowed for the county's mental health, mental
10 retardation, and developmental disabilities services fund under
11 section 331.424A for taxes due and payable in the fiscal year
12 for which the distribution is payable.
13 b. An ending balance percentage for each county shall
14 be determined by expressing the county's ending balance on a
15 modified accrual basis under generally accepted accounting
16 principles for the fiscal year beginning July 1, 2010, in the
17 county's mental health, mental retardation, and developmental
18 disabilities services fund created under section 331.424A, as a
19 percentage of the county's gross expenditures from that fund
20 for that fiscal year. If a county borrowed moneys for purposes
21 of providing services from the county's services fund on or
22 before July 1, 2010, and the county's services fund ending
23 balance for that fiscal year includes the loan proceeds or an
24 amount designated in the county budget to service the loan for
25 the borrowed moneys, those amounts shall not be considered
26 to be part of the county's ending balance for purposes of
27 calculating an ending balance percentage under this subsection.
28 c. For purposes of calculating withholding factors and for
29 ending balance amounts used for other purposes under law, the
30 county ending balances shall be adjusted, using forms developed
31 for this purpose by the county finance committee, to disregard
32 the temporary funding increase provided to the counties for
33 the fiscal year through the federal American Recovery and
34 Reinvestment Act of 2009, Pub. L. No. 111-5. In addition, a
35 county may adjust the ending balance amount by rebating to the

1 department all or a portion of the allowed growth and MH/DD
2 services fund moneys the county received for the fiscal year
3 beginning July 1, 2011, in accordance with this Act, or from
4 any other services fund moneys available to the county. The
5 rebate must be remitted to the department on or before June
6 1, 2012, in order to be counted. However, if this division
7 of this Act is enacted after July 1, 2012, the rebate must be
8 remitted not later than 10 calendar days after the date of
9 the governor's approval of this Act. The amount rebated by a
10 county shall be subtracted dollar-for-dollar from the county's
11 ending balance amount for the fiscal year beginning July 1,
12 2010, for purposes of calculating the withholding factor and
13 for other ending balance purposes for the fiscal year beginning
14 July 1, 2012. The rebates received by the department shall be
15 credited to the property tax relief fund and distributed as
16 additional funding for the fiscal year beginning July 1, 2012,
17 in accordance with the formula provisions in this section.
18 d. The withholding factor for a county shall be the
19 following applicable percent:
20 (1) For an ending balance percentage of less than 5
21 percent, a withholding factor of 0 percent. In addition,
22 a county that is subject to this lettered paragraph shall
23 receive an inflation adjustment equal to 3 percent of the gross
24 expenditures reported for the county's services fund for the
25 fiscal year.
26 (2) For an ending balance percentage of 5 percent or more
27 but less than 10 percent, a withholding factor of 0 percent.
28 In addition, a county that is subject to this lettered
29 paragraph shall receive an inflation adjustment equal to 2
30 percent of the gross expenditures reported for the county's
31 services fund for the fiscal year.
32 (3) For an ending balance percentage of 10 percent or more
33 but less than 25 percent, a withholding factor of 25 percent.
34 However, for counties with an ending balance of 10 percent or
35 more but less than 15 percent, the amount withheld shall be

limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 10 percent.

(4) For an ending balance percentage of 25 percent or more, a withholding percentage of 100 percent.

6. The total withholding amounts applied pursuant to subsection 5 shall be equal to a withholding target amount of $13,075,453. If the department of human services determines that the amount appropriated is insufficient or the amount to be withheld in accordance with subsection 5 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 5 as necessary to achieve the target withholding amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall only adjust the zero withholding factor or the inflation adjustment percentages specified in subsection 5, paragraph "d", when the amount appropriated is insufficient.

DIVISION XLI

JUSTICE SYSTEM

FY 2011-2012

Sec. 366. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

..... $ 7,692,930

1 ..... FTEs 212.00
2 It is the intent of the general assembly that as a condition
3 of receiving the appropriation provided in this lettered
4 paragraph, the department of justice shall maintain a record
5 of the estimated time incurred representing each agency or
6 department.
7 b. For victim assistance grants:
8 ..... $ 2,876,400
9 The funds appropriated in this lettered paragraph shall be
10 used to provide grants to care providers providing services to
11 crime victims of domestic abuse or to crime victims of rape and
12 sexual assault.
13 The balance of the victim compensation fund established in
14 section 915.94 may be used to provide salary and support of not
15 more than 24 FTEs and to provide maintenance for the victim
16 compensation functions of the department of justice.
17 The department of justice may transfer moneys from the
18 victim compensation fund established in section 915.94 to the
19 victim assistance grant program.
20 c. For legal services for persons in poverty grants as
21 provided in section 13.34:
22 ..... $ 1,800,000
23 2. a. The department of justice, in submitting budget
24 estimates for the fiscal year commencing July 1, 2012, pursuant
25 to section 8.23, shall include a report of funding from sources
26 other than amounts appropriated directly from the general fund
27 of the state to the department of justice or to the office of
28 consumer advocate. These funding sources shall include but
29 are not limited to reimbursements from other state agencies,
30 commissions, boards, or similar entities, and reimbursements
31 from special funds or internal accounts within the department
32 of justice. The department of justice shall also report actual
33 reimbursements for the fiscal year commencing July 1, 2010,
34 and actual and expected reimbursements for the fiscal year
35 commencing July 1, 2011.

1 b. The department of justice shall include the report
2 required under paragraph "a", as well as information regarding
3 any revisions occurring as a result of reimbursements actually
4 received or expected at a later date, in a report to the
5 co-chairpersons and ranking members of the joint appropriations
6 subcommittee on the justice system and the legislative services
7 agency. The department of justice shall submit the report on
8 or before January 15, 2012.
9 Sec. 367. OFFICE OF CONSUMER ADVOCATE. There is
10 appropriated from the department of commerce revolving fund
11 created in section 546.12 to the office of consumer advocate of
12 the department of justice for the fiscal year beginning July
13 1, 2011, and ending June 30, 2012, the following amount, or
14 so much thereof as is necessary, to be used for the purposes
15 designated:
16 For salaries, support, maintenance, miscellaneous purposes,
17 and for not more than the following full-time equivalent
18 positions:
19 ..... $ 3,136,163
20 ..... FTEs 22.00
21 Sec. 368. DEPARTMENT OF CORRECTIONS —— FACILITIES.
22 1. There is appropriated from the general fund of the
23 state to the department of corrections for the fiscal year
24 beginning July 1, 2011, and ending June 30, 2012, the following
25 amounts, or so much thereof as is necessary, to be used for the
26 operation of adult correctional institutions, reimbursement
27 of counties for certain confinement costs, and federal prison
28 reimbursement, to be allocated as follows:
29 a. For the operation of the Fort Madison correctional
30 facility, including salaries, support, maintenance, and
31 miscellaneous purposes:
32 ..... $ 41,031,283
33 b. For the operation of the Anamosa correctional facility,
34 including salaries, support, maintenance, and miscellaneous
35 purposes:

1 ..... $ 31,985,974
2 c. For the operation of the Oakdale correctional facility,
3 including salaries, support, maintenance, and miscellaneous
4 purposes:
5 ..... $ 55,594,426
6 d. For the operation of the Newton correctional facility,
7 including salaries, support, maintenance, and miscellaneous
8 purposes:
9 ..... $ 25,958,757
10 e. For the operation of the Mt. Pleasant correctional
11 facility, including salaries, support, maintenance, and
12 miscellaneous purposes:
13 ..... $ 25,917,815
14 f. For the operation of the Rockwell City correctional
15 facility, including salaries, support, maintenance, and
16 miscellaneous purposes:
17 ..... $ 9,316,466
18 g. For the operation of the Clarinda correctional facility,
19 including salaries, support, maintenance, and miscellaneous
20 purposes:
21 ..... $ 24,639,518
22 Moneys received by the department of corrections as
23 reimbursement for services provided to the Clarinda youth
24 corporation are appropriated to the department and shall be
25 used for the purpose of operating the Clarinda correctional
26 facility.
27 h. For the operation of the Mitchellville correctional
28 facility, including salaries, support, maintenance, and
29 miscellaneous purposes:
30 ..... $ 15,615,374
31 i. For the operation of the Fort Dodge correctional
32 facility, including salaries, support, maintenance, and
33 miscellaneous purposes:
34 ..... $ 29,062,235
35 j. For reimbursement of counties for temporary confinement

1 of work release and parole violators, as provided in sections
2 901.7, 904.908, and 906.17, and for offenders confined pursuant
3 to section 904.513:
4 ..... $ 775,092
5 k. For federal prison reimbursement, reimbursements for
6 out-of-state placements, and miscellaneous contracts:
7 ..... $ 239,411
8 2. The department of corrections shall use moneys
9 appropriated in subsection 1 to continue to contract for the
10 services of a Muslim imam and a Native American spiritual
11 leader.
12 Sec. 369. DEPARTMENT OF CORRECTIONS —
13 ADMINISTRATION. There is appropriated from the general fund of
14 the state to the department of corrections for the fiscal year
15 beginning July 1, 2011, and ending June 30, 2012, the following
16 amounts, or so much thereof as is necessary, to be used for the
17 purposes designated:
18 1. For general administration, including salaries, support,
19 maintenance, employment of an education director to administer
20 a centralized education program for the correctional system,
21 and miscellaneous purposes:
22 ..... $ 4,835,542
23 a. It is the intent of the general assembly that as a
24 condition of receiving the appropriation provided in this
25 subsection the department of corrections shall not, except as
26 otherwise provided in paragraph "c", enter into a new contract,
27 unless the contract is a renewal of an existing contract, for
28 the expenditure of moneys in excess of $100,000 during the
29 fiscal year beginning July 1, 2011, for the privatization of
30 services performed by the department using state employees as
31 of July 1, 2011, or for the privatization of new services by
32 the department without prior consultation with any applicable
33 state employee organization affected by the proposed new
34 contract and prior notification of the co-chairpersons and
35 ranking members of the joint appropriations subcommittee on the

1 justice system.
2 b. It is the intent of the general assembly that each
3 lease negotiated by the department of corrections with a
4 private corporation for the purpose of providing private
5 industry employment of inmates in a correctional institution
6 shall prohibit the private corporation from utilizing inmate
7 labor for partisan political purposes for any person seeking
8 election to public office in this state and that a violation
9 of this requirement shall result in a termination of the lease
10 agreement.
11 c. It is the intent of the general assembly that as a
12 condition of receiving the appropriation provided in this
13 subsection the department of corrections shall not enter into
14 a lease or contractual agreement pursuant to section 904.809
15 with a private corporation for the use of building space for
16 the purpose of providing inmate employment without providing
17 that the terms of the lease or contract establish safeguards to
18 restrict, to the greatest extent feasible, access by inmates
19 working for the private corporation to personal identifying
20 information of citizens.
21 2. For educational programs for inmates at state penal
22 institutions:
23 ..... $ 2,308,109
24 a. As a condition of receiving the appropriation in this
25 subsection, the department of corrections shall transfer at
26 least $300,000 from the canteen operating funds established
27 pursuant to section 904.310 to be used for correctional
28 educational programs funded in this subsection.
29 b. It is the intent of the general assembly that moneys
30 appropriated in this subsection shall be used solely for the
31 purpose indicated and that the moneys shall not be transferred
32 for any other purpose. In addition, it is the intent of the
33 general assembly that the department shall consult with the
34 community colleges in the areas in which the institutions are
35 located to utilize moneys appropriated in this subsection

1 to fund the high school completion, high school equivalency
2 diploma, adult literacy, and adult basic education programs in
3 a manner so as to maintain these programs at the institutions.
4 c. To maximize the funding for educational programs,
5 the department shall establish guidelines and procedures to
6 prioritize the availability of educational and vocational
7 training for inmates based upon the goal of facilitating an
8 inmate's successful release from the correctional institution.
9 d. The director of the department of corrections may
10 transfer moneys from Iowa prison industries for use in
11 educational programs for inmates.
12 e. Notwithstanding section 8.33, moneys appropriated in
13 this subsection that remain unobligated or unexpended at the
14 close of the fiscal year shall not revert but shall remain
15 available to be used only for the purposes designated in this
16 subsection until the close of the succeeding fiscal year.
17 3. For the development of the Iowa corrections offender
18 network (ICON) data system:
19 ..... $ 424,364
20 4. For offender mental health and substance abuse
21 treatment:
22 ..... $ 22,319
23 5. For viral hepatitis prevention and treatment:
24 ..... $ 167,881
25 Sec. 370. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
26 SERVICES.
27 1. There is appropriated from the general fund of the state
28 to the department of corrections for the fiscal year beginning
29 July 1, 2011, and ending June 30, 2012, for salaries, support,
30 maintenance, and miscellaneous purposes, the following amounts,
31 or so much thereof as is necessary, to be allocated as follows:
32 a. For the first judicial district department of
33 correctional services:
34 ..... $ 12,020,098
35 b. For the second judicial district department of

correctional services:
..... $ 10,336,948
c. For the third judicial district department of correctional services:
..... $ 5,599,765
d. For the fourth judicial district department of correctional services:
..... $ 5,391,355
e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:
..... $ 18,742,129
f. For the sixth judicial district department of correctional services:
..... $ 13,112,563
g. For the seventh judicial district department of correctional services:
..... $ 6,492,814
h. For the eighth judicial district department of correctional services:
..... $ 6,731,055
2. Each judicial district department of correctional services, within the funding available, shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.
3. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.
4. The governor's office of drug control policy shall

1 consider federal grants made to the department of corrections
2 for the benefit of each of the eight judicial district
3 departments of correctional services as local government
4 grants, as defined pursuant to federal regulations.
5 5. The department of corrections shall continue to contract
6 with a judicial district department of correctional services to
7 provide for the rental of electronic monitoring equipment which
8 shall be available statewide.
9 6. A judicial district department of correctional services
10 shall accept into the facilities of the district department,
11 offenders assigned from other judicial district departments of
12 correctional services.
13 Sec. 371. DEPARTMENT OF CORRECTIONS —— REALLOCATION OF
14 APPROPRIATIONS. Notwithstanding section 8.39, within the
15 moneys appropriated in this division of this Act to the
16 department of corrections, the department may reallocate the
17 moneys appropriated and allocated as necessary to best fulfill
18 the needs of the correctional institutions, administration
19 of the department, and the judicial district departments of
20 correctional services. However, in addition to complying with
21 the requirements of sections 904.116 and 905.8 and providing
22 notice to the legislative services agency, the department
23 of corrections shall also provide notice to the department
24 of management, prior to the effective date of the revision
25 or reallocation of an appropriation made pursuant to this
26 section. The department of corrections shall not reallocate an
27 appropriation or allocation for the purpose of eliminating any
28 program.
29 Sec. 372. INTENT —— REPORTS.
30 1. The department of corrections in cooperation with
31 townships, the Iowa cemetery associations, and other nonprofit
32 or governmental entities may use inmate labor during the
33 fiscal year beginning July 1, 2011, to restore or preserve
34 rural cemeteries and historical landmarks. The department in
35 cooperation with the counties may also use inmate labor to

1 clean up roads, major water sources, and other water sources
2 around the state.
3 2. On a quarterly basis the department shall provide a
4 status report regarding private-sector employment to the
5 legislative services agency beginning on July 1, 2011. The
6 report shall include the number of offenders employed in the
7 private sector, the combined number of hours worked by the
8 offenders, the total amount of allowances, and the distribution
9 of allowances pursuant to section 904.702, including any moneys
10 deposited in the general fund of the state.
11 Sec. 373. ELECTRONIC MONITORING REPORT. The department of
12 corrections shall submit a report on electronic monitoring to
13 the general assembly, to the co-chairpersons and the ranking
14 members of the joint appropriations subcommittee on the justice
15 system, and to the legislative services agency by January
16 15, 2012. The report shall specifically address the number
17 of persons being electronically monitored and break down the
18 number of persons being electronically monitored by offense
19 committed. The report shall also include a comparison of any
20 data from the prior fiscal year with the current year.
21 Sec. 374. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.
22 1. As used in this section, unless the context otherwise
23 requires, "state agency" means the government of the state
24 of Iowa, including but not limited to all executive branch
25 departments, agencies, boards, bureaus, and commissions, the
26 judicial branch, the general assembly and all legislative
27 agencies, institutions within the purview of the state board of
28 regents, and any corporation whose primary function is to act
29 as an instrumentality of the state.
30 2. State agencies are hereby encouraged to purchase
31 products from Iowa state industries, as defined in section
32 904.802, when purchases are required and the products are
33 available from Iowa state industries. State agencies shall
34 obtain bids from Iowa state industries for purchases of
35 office furniture during the fiscal year beginning July 1,

2011, exceeding $5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 375. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

..... $ 868,698

..... FTEs 24.55

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public

safety, division of state patrol.

Sec. 376. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 25,083,182

..... FTEs 219.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

..... $ 30,680,929

Sec. 377. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,053,835

..... FTEs 12.50

Sec. 378. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent

1 positions:
2 ..... $ 5,527,042
3 ..... FTEs 313.00
4 The military division may temporarily exceed and draw more
5 than the amount appropriated in this subsection and incur a
6 negative cash balance as long as there are receivables of
7 federal funds equal to or greater than the negative balance and
8 the amount appropriated in this subsection is not exceeded at
9 the close of the fiscal year.
10 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
11 For salaries, support, maintenance, miscellaneous purposes,
12 and for not more than the following full-time equivalent
13 positions:
14 ..... $ 1,836,877
15 ..... FTEs 40.00
16 a. The homeland security and emergency management
17 division may temporarily exceed and draw more than the amount
18 appropriated in this subsection and incur a negative cash
19 balance as long as there are receivables of federal funds
20 equal to or greater than the negative balance and the amount
21 appropriated in this subsection is not exceeded at the close
22 of the fiscal year.
23 b. It is the intent of the general assembly that the
24 homeland security and emergency management division work in
25 conjunction with the department of public safety, to the extent
26 possible, when gathering and analyzing information related
27 to potential domestic or foreign security threats, and when
28 monitoring such threats.
29 Sec. 379. DEPARTMENT OF PUBLIC SAFETY. There is
30 appropriated from the general fund of the state to the
31 department of public safety for the fiscal year beginning July
32 1, 2011, and ending June 30, 2012, the following amounts, or
33 so much thereof as is necessary, to be used for the purposes
34 designated:
35 1. For the department's administrative functions, including

1 the criminal justice information system, and for not more than
2 the following full-time equivalent positions:
3 ..... $ 4,007,075
4 ..... FTEs 36.00
5 2. For the division of criminal investigation, including
6 the state's contribution to the peace officers' retirement,
7 accident, and disability system provided in chapter 97A in the
8 amount of the state's normal contribution rate, as defined in
9 section 97A.8, multiplied by the salaries for which the funds
10 are appropriated, to meet federal fund matching requirements,
11 and for not more than the following full-time equivalent
12 positions:
13 ..... $ 12,533,931
14 ..... FTEs 159.10
15 The department shall employ one additional special agent and
16 one additional criminalist for the purpose of investigating
17 cold cases. Prior to employing the additional special agent
18 and criminalist authorized in this paragraph, the department
19 shall provide a written statement to prospective employees that
20 states to the effect that the positions are being funded by a
21 temporary federal grant and there are no assurances that funds
22 from other sources will be available after the federal funding
23 expires. If the federal funding for the additional positions
24 expires during the fiscal year, the number of full-time
25 equivalent positions authorized in this subsection is reduced
26 by 2.00 FTEs.
27 3. For the criminalistics laboratory fund created in
28 section 691.9:
29 ..... $ 302,345
30 4. a. For the division of narcotics enforcement, including
31 the state's contribution to the peace officers' retirement,
32 accident, and disability system provided in chapter 97A in the
33 amount of the state's normal contribution rate, as defined in
34 section 97A.8, multiplied by the salaries for which the funds
35 are appropriated, to meet federal fund matching requirements,

1 and for not more than the following full-time equivalent
2 positions:
3 ..... $ 6,429,884
4 ..... FTEs 74.00
5 b. For the division of narcotics enforcement for undercover
6 purchases:
7 ..... $ 109,042
8 5. For the division of state fire marshal, for fire
9 protection services as provided through the state fire service
10 and emergency response council as created in the department,
11 and for the state's contribution to the peace officers'
12 retirement, accident, and disability system provided in chapter
13 97A in the amount of the state's normal contribution rate, as
14 defined in section 97A.8, multiplied by the salaries for which
15 the funds are appropriated, and for not more than the following
16 full-time equivalent positions:
17 ..... $ 4,298,707
18 ..... FTEs 55.00
19 6. For the division of state patrol, for salaries, support,
20 maintenance, workers' compensation costs, and miscellaneous
21 purposes, including the state's contribution to the peace
22 officers' retirement, accident, and disability system provided
23 in chapter 97A in the amount of the state's normal contribution
24 rate, as defined in section 97A.8, multiplied by the salaries
25 for which the funds are appropriated, and for not more than the
26 following full-time equivalent positions:
27 ..... $ 51,903,233
28 ..... FTEs 513.00
29 It is the intent of the general assembly that members of the
30 state patrol be assigned to patrol the highways and roads in
31 lieu of assignments for inspecting school buses for the school
32 districts.
33 7. For deposit in the sick leave benefits fund established
34 under section 80.42 for all departmental employees eligible to
35 receive benefits for accrued sick leave under the collective

1 bargaining agreement:
2 ..... $ 279,517
3 8. For costs associated with the training and equipment
4 needs of volunteer fire fighters:
5 ..... $ 725,520
6 a. Notwithstanding section 8.33, moneys appropriated in
7 this subsection that remain unencumbered or unobligated at the
8 close of the fiscal year shall not revert but shall remain
9 available for expenditure only for the purpose designated in
10 this subsection until the close of the succeeding fiscal year.
11 b. Notwithstanding section 8.39, within the moneys
12 appropriated in this section, the department of public safety
13 may reallocate moneys as necessary to best fulfill the needs
14 provided for in the appropriation. However, the department
15 shall not reallocate an appropriation made to the department
16 in this section unless notice of the reallocation is given
17 to the legislative services agency and the department of
18 management prior to the effective date of the reallocation.
19 The notice shall include information regarding the rationale
20 for reallocating the appropriation. The department shall
21 not reallocate an appropriation made in this section for the
22 purpose of eliminating any program.
23 Sec. 380. GAMING ENFORCEMENT.
24 1. There is appropriated from the gaming enforcement
25 revolving fund created in section 80.43 to the department of
26 public safety for the fiscal year beginning July 1, 2011, and
27 ending June 30, 2012, the following amount, or so much thereof
28 as is necessary, to be used for the purposes designated:
29 For any direct and indirect support costs for agents
30 and officers of the division of criminal investigation's
31 excursion gambling boat, gambling structure, and racetrack
32 enclosure enforcement activities, including salaries, support,
33 maintenance, miscellaneous purposes, and for not more than the
34 following full-time equivalent positions:
35 ..... $ 9,836,306

1 ..... FTEs 120.00
2 2. For each additional license to conduct gambling games on
3 an excursion gambling boat, gambling structure, or racetrack
4 enclosure issued during the fiscal year beginning July 1, 2011,
5 there is appropriated from the gaming enforcement fund to the
6 department of public safety for the fiscal year beginning July
7 1, 2011, and ending June 30, 2012, an additional amount of not
8 more than $521,000 to be used for not more than 6.00 additional
9 full-time equivalent positions.
10 3. The department of public safety, with the approval
11 of the department of management, may employ no more than two
12 special agents and four gaming enforcement officers for each
13 additional riverboat or gambling structure regulated after July
14 1, 2011, and one special agent for each racing facility which
15 becomes operational during the fiscal year which begins July 1,
16 2011. One additional gaming enforcement officer, up to a total
17 of four per riverboat or gambling structure, may be employed
18 for each riverboat or gambling structure that has extended
19 operations to 24 hours and has not previously operated with a
20 24-hour schedule. Positions authorized in this subsection are
21 in addition to the full-time equivalent positions otherwise
22 authorized in this section.
23 Sec. 381. CIVIL RIGHTS COMMISSION. There is appropriated
24 from the general fund of the state to the Iowa state civil
25 rights commission for the fiscal year beginning July 1,
26 2011, and ending June 30, 2012, the following amount, or so
27 much thereof as is necessary, to be used for the purposes
28 designated:
29 For salaries, support, maintenance, miscellaneous purposes,
30 and for not more than the following full-time equivalent
31 positions:
32 ..... $ 1,297,069
33 ..... FTEs 28.00
34 The Iowa state civil rights commission may enter into
35 a contract with a nonprofit organization to provide legal

1 assistance to resolve civil rights complaints.
2 Sec. 382. IOWA COMMUNICATIONS NETWORK. It is the
3 intent of the general assembly that the executive branch
4 agencies receiving an appropriation in this Act utilize
5 the Iowa communications network or secure other electronic
6 communications in lieu of traveling for the fiscal year
7 addressed by the appropriations.
8 Sec. 383. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
9 DIVISION. There is appropriated from the wireless E911
10 emergency communications fund created in section 34A.7A to the
11 administrator of the homeland security and emergency management
12 division of the department of public defense for the fiscal
13 year beginning July 1, 2011, and ending June 30, 2012, an
14 amount not exceeding $200,000 to be used for implementation,
15 support, and maintenance of the functions of the administrator
16 and program manager under chapter 34A and to employ the auditor
17 of the state to perform an annual audit of the wireless E911
18 emergency communications fund.
19 Sec. 384. SUPERVISORY EMPLOYEES TO OTHER EMPLOYEES ——
20 RATIO. Notwithstanding section 8A.402, subsection 2, paragraph
21 "g", for the fiscal year beginning July 1, 2011, the department
22 of corrections, department of public safety, and the judicial
23 district departments of correctional services shall be exempt
24 from the target ratio of supervisory employees to other
25 employees otherwise applicable for that fiscal year under
26 section 8A.402, subsection 2, paragraph "g".
27 Sec. 385. GERIATRIC AND PSYCHIATRIC TREATMENT REPORT. The
28 departments of corrections, human services, inspections and
29 appeals, and public health, and the board of parole, shall
30 jointly study the development and establishment of treatment
31 options for geriatric and psychiatric patients currently under
32 the care, custody, and control of the state to provide maximum
33 treatment opportunities for such persons while achieving fiscal
34 efficiencies. The department of corrections in consultation
35 with the other departments and the board of parole, shall

1 provide a report detailing the results of the study to
2 the co-chairpersons and the ranking members of the joint
3 appropriations subcommittee on health and human services, the
4 co-chairpersons and ranking members of the joint appropriations
5 subcommittee on justice system, and the legislative services
6 agency by November 15, 2011.
7 Sec. 386. Section 80.43, Code 2011, is amended to read as
8 follows:
9 **80.43 Gaming enforcement — revolving fund.**
10 1. A gaming enforcement revolving fund is created in the
11 state treasury under the control of the department. The fund
12 shall consist of fees collected and deposited into the fund
13 paid by licensees pursuant to section 99D.14, subsection 2,
14 paragraph *"b"*, and fees paid by licensees pursuant to section
15 99F.10, subsection 4, paragraph *"b"*. All costs for agents and
16 officers plus any direct and indirect support costs for such
17 agents and officers of the division of criminal investigation's
18 racetrack, excursion boat, or gambling structure enforcement
19 activities shall be paid from the fund as provided in
20 appropriations made for this purpose by the general assembly.
21 The department shall submit quarterly reports to the department
22 of management and the legislative services agency relating to
23 revenues billed and collected and expenditures from the fund
24 in a format determined by the department of management after
25 consultation with the legislative services agency.
26 2. To meet the department's cash flow needs, the department
27 may temporarily use funds from the general fund of the state
28 to pay expenses in excess of moneys available in the revolving
29 fund if those additional expenditures are fully reimbursable
30 and the department reimburses the general fund of the state
31 and ensures all moneys are repaid in full by the close of the
32 fiscal year. Notwithstanding any provision of the law to the
33 contrary, in order to minimize the use of moneys from the
34 general fund of the state, the department shall estimate the
35 temporary use of funds from the general fund of the state for

the cash flow needs of the revolving fund as early as possible in each fiscal year. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.

3. Section 8.33 does not apply to any moneys credited or appropriated to the revolving fund from any other fund ~~and, notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the revolving fund shall be credited to the revolving fund~~.

4. The establishment of the revolving fund pursuant to this section shall not be interpreted in any manner to compromise or impact the accountability of, and the limitation of authority with respect to, an agency or entity under state law. Any provision applicable to, or responsibility of, a division or office collecting moneys for deposit into the fund created in this section shall not be altered or impacted by the existence of the fund and shall remain applicable to the same extent as if the division or office were receiving moneys pursuant to an appropriation from the general fund of the state. The department shall comply with directions issued by the governor to executive branch departments regarding restrictions on out-of-state travel, hiring justifications, association memberships, equipment purchases, consulting contracts, and any other expenditure efficiencies the governor deems appropriate.

Sec. 387. 2009 Iowa Acts, chapter 178, section 20, is amended to read as follows:

SEC. 20. CONSUMER EDUCATION AND LITIGATION FUND. Notwithstanding section 714.16C, for each fiscal year of the period beginning July 1, 2008, and ending June 30, ~~2011~~ 2013, the annual appropriations in section 714.16C, are increased from $1,125,000 to $1,875,000, and $75,000 to $125,000 respectively. Moneys appropriated from the consumer education and litigation fund may be allocated for cash flow

1 purposes to the victim compensation fund established in section
2 915.94 during each of the fiscal years enumerated, provided
3 that any moneys so allocated are returned to the consumer
4 education and litigation fund by the end of each fiscal year an
5 allocation occurs.

6 DIVISION XLII
7 JUSTICE SYSTEM
8 FY 2012-2013

9 Sec. 388. DEPARTMENT OF JUSTICE.
10 1. There is appropriated from the general fund of the state
11 to the department of justice for the fiscal year beginning July
12 1, 2012, and ending June 30, 2013, the following amounts, or
13 so much thereof as is necessary, to be used for the purposes
14 designated:
15 a. For the general office of attorney general for salaries,
16 support, maintenance, and miscellaneous purposes, including
17 the prosecuting attorneys training program, matching funds
18 for federal violence against women grant programs, victim
19 assistance grants, office of drug control policy prosecuting
20 attorney program, and odometer fraud enforcement, and for not
21 more than the following full-time equivalent positions:
22 ..... $ 6,538,991
23 ..... FTEs 212.00
24 It is the intent of the general assembly that as a condition
25 of receiving the appropriation provided in this lettered
26 paragraph, the department of justice shall maintain a record
27 of the estimated time incurred representing each agency or
28 department.
29 b. For victim assistance grants:
30 ..... $ 2,444,940
31 The funds appropriated in this lettered paragraph shall be
32 used to provide grants to care providers providing services to
33 crime victims of domestic abuse or to crime victims of rape and
34 sexual assault.
35 The balance of the victim compensation fund established in

1 section 915.94 may be used to provide salary and support of not
2 more than 24 FTEs and to provide maintenance for the victim
3 compensation functions of the department of justice.
4 The department of justice may transfer moneys from the
5 victim compensation fund established in section 915.94 to the
6 victim assistance grant program.
7 c. For legal services for persons in poverty grants as
8 provided in section 13.34:
9 ..... $ 1,530,000
10 2. a. The department of justice, in submitting budget
11 estimates for the fiscal year commencing July 1, 2013, pursuant
12 to section 8.23, shall include a report of funding from sources
13 other than amounts appropriated directly from the general fund
14 of the state to the department of justice or to the office of
15 consumer advocate. These funding sources shall include but
16 are not limited to reimbursements from other state agencies,
17 commissions, boards, or similar entities, and reimbursements
18 from special funds or internal accounts within the department
19 of justice. The department of justice shall also report actual
20 reimbursements for the fiscal year commencing July 1, 2011,
21 and actual and expected reimbursements for the fiscal year
22 commencing July 1, 2012.
23 b. The department of justice shall include the report
24 required under paragraph "a", as well as information regarding
25 any revisions occurring as a result of reimbursements actually
26 received or expected at a later date, in a report to the
27 co-chairpersons and ranking members of the joint appropriations
28 subcommittee on the justice system and the legislative services
29 agency. The department of justice shall submit the report on
30 or before January 15, 2013.
31 Sec. 389. OFFICE OF CONSUMER ADVOCATE. There is
32 appropriated from the department of commerce revolving fund
33 created in section 546.12 to the office of consumer advocate of
34 the department of justice for the fiscal year beginning July
35 1, 2012, and ending June 30, 2013, the following amount, or

1 so much thereof as is necessary, to be used for the purposes
2 designated:
3 For salaries, support, maintenance, miscellaneous purposes,
4 and for not more than the following full-time equivalent
5 positions:
6 ..... $ 2,665,739
7 ..... FTEs 22.00
8 Sec. 390. DEPARTMENT OF CORRECTIONS —— FACILITIES.
9 1. There is appropriated from the general fund of the
10 state to the department of corrections for the fiscal year
11 beginning July 1, 2012, and ending June 30, 2013, the following
12 amounts, or so much thereof as is necessary, to be used for the
13 operation of adult correctional institutions, reimbursement
14 of counties for certain confinement costs, and federal prison
15 reimbursement, to be allocated as follows:
16 a. For the operation of the Fort Madison correctional
17 facility, including salaries, support, maintenance, and
18 miscellaneous purposes:
19 ..... $ 34,876,591
20 b. For the operation of the Anamosa correctional facility,
21 including salaries, support, maintenance, and miscellaneous
22 purposes:
23 ..... $ 27,188,078
24 c. For the operation of the Oakdale correctional facility,
25 including salaries, support, maintenance, and miscellaneous
26 purposes:
27 ..... $ 47,255,262
28 d. For the operation of the Newton correctional facility,
29 including salaries, support, maintenance, and miscellaneous
30 purposes:
31 ..... $ 22,064,943
32 e. For the operation of the Mt. Pleasant correctional
33 facility, including salaries, support, maintenance, and
34 miscellaneous purposes:
35 ..... $ 22,030,143

1 f. For the operation of the Rockwell City correctional
2 facility, including salaries, support, maintenance, and
3 miscellaneous purposes:
4 ..... $ 7,918,996
5 g. For the operation of the Clarinda correctional facility,
6 including salaries, support, maintenance, and miscellaneous
7 purposes:
8 ..... $ 20,943,590
9 Moneys received by the department of corrections as
10 reimbursement for services provided to the Clarinda youth
11 corporation are appropriated to the department and shall be
12 used for the purpose of operating the Clarinda correctional
13 facility.
14 h. For the operation of the Mitchellville correctional
15 facility, including salaries, support, maintenance, and
16 miscellaneous purposes:
17 ..... $ 13,273,068
18 i. For the operation of the Fort Dodge correctional
19 facility, including salaries, support, maintenance, and
20 miscellaneous purposes:
21 ..... $ 24,702,900
22 j. For reimbursement of counties for temporary confinement
23 of work release and parole violators, as provided in sections
24 901.7, 904.908, and 906.17, and for offenders confined pursuant
25 to section 904.513:
26 ..... $ 658,828
27 k. For federal prison reimbursement, reimbursements for
28 out-of-state placements, and miscellaneous contracts:
29 ..... $ 203,499
30 2. The department of corrections shall use moneys
31 appropriated in subsection 1 to continue to contract for the
32 services of a Muslim imam and a Native American spiritual
33 leader.
34 Sec. 391. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.
35 There is appropriated from the general fund of the state to

1 the department of corrections for the fiscal year beginning
2 July 1, 2012, and ending June 30, 2013, the following amounts,
3 or so much thereof as is necessary, to be used for the purposes
4 designated:
5 1. For general administration, including salaries, support,
6 maintenance, employment of an education director to administer
7 a centralized education program for the correctional system,
8 and miscellaneous purposes:
9 ..... $ 4,110,211
10 a. It is the intent of the general assembly that as a
11 condition of receiving the appropriation provided in this
12 subsection the department of corrections shall not, except as
13 otherwise provided in paragraph "c", enter into a new contract,
14 unless the contract is a renewal of an existing contract, for
15 the expenditure of moneys in excess of $100,000 during the
16 fiscal year beginning July 1, 2012, for the privatization of
17 services performed by the department using state employees as
18 of July 1, 2012, or for the privatization of new services by
19 the department without prior consultation with any applicable
20 state employee organization affected by the proposed new
21 contract and prior notification of the co-chairpersons and
22 ranking members of the joint appropriations subcommittee on the
23 justice system.
24 b. It is the intent of the general assembly that each
25 lease negotiated by the department of corrections with a
26 private corporation for the purpose of providing private
27 industry employment of inmates in a correctional institution
28 shall prohibit the private corporation from utilizing inmate
29 labor for partisan political purposes for any person seeking
30 election to public office in this state and that a violation
31 of this requirement shall result in a termination of the lease
32 agreement.
33 c. It is the intent of the general assembly that as a
34 condition of receiving the appropriation provided in this
35 subsection the department of corrections shall not enter into

1 a lease or contractual agreement pursuant to section 904.809
2 with a private corporation for the use of building space for
3 the purpose of providing inmate employment without providing
4 that the terms of the lease or contract establish safeguards to
5 restrict, to the greatest extent feasible, access by inmates
6 working for the private corporation to personal identifying
7 information of citizens.
8 2. For educational programs for inmates at state penal
9 institutions:
10 ..... $ 1,961,893
11 a. As a condition of receiving the appropriation in this
12 subsection, the department of corrections shall transfer at
13 least $300,000 from the canteen operating funds established
14 pursuant to section 904.310 to be used for correctional
15 educational programs funded in this subsection.
16 b. It is the intent of the general assembly that moneys
17 appropriated in this subsection shall be used solely for the
18 purpose indicated and that the moneys shall not be transferred
19 for any other purpose. In addition, it is the intent of the
20 general assembly that the department shall consult with the
21 community colleges in the areas in which the institutions are
22 located to utilize moneys appropriated in this subsection
23 to fund the high school completion, high school equivalency
24 diploma, adult literacy, and adult basic education programs in
25 a manner so as to maintain these programs at the institutions.
26 c. To maximize the funding for educational programs,
27 the department shall establish guidelines and procedures to
28 prioritize the availability of educational and vocational
29 training for inmates based upon the goal of facilitating an
30 inmate's successful release from the correctional institution.
31 d. The director of the department of corrections may
32 transfer moneys from Iowa prison industries for use in
33 educational programs for inmates.
34 e. Notwithstanding section 8.33, moneys appropriated in
35 this subsection that remain unobligated or unexpended at the

1 close of the fiscal year shall not revert but shall remain
2 available to be used only for the purposes designated in this
3 subsection until the close of the succeeding fiscal year.
4 3. For the development of the Iowa corrections offender
5 network (ICON) data system:
6 ..... $ 360,709
7 4. For offender mental health and substance abuse
8 treatment:
9 ..... $ 18,971
10 5. For viral hepatitis prevention and treatment:
11 ..... $ 142,699
12 Sec. 392. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
13 SERVICES.
14 1. There is appropriated from the general fund of the state
15 to the department of corrections for the fiscal year beginning
16 July 1, 2012, and ending June 30, 2013, for salaries, support,
17 maintenance, and miscellaneous purposes, the following amounts,
18 or so much thereof as is necessary, to be allocated as follows:
19 a. For the first judicial district department of
20 correctional services:
21 ..... $ 10,217,083
22 b. For the second judicial district department of
23 correctional services:
24 ..... $ 8,786,406
25 c. For the third judicial district department of
26 correctional services:
27 ..... $ 4,759,800
28 d. For the fourth judicial district department of
29 correctional services:
30 ..... $ 4,582,652
31 e. For the fifth judicial district department of
32 correctional services, including funding for electronic
33 monitoring devices for use on a statewide basis:
34 ..... $ 15,930,810
35 f. For the sixth judicial district department of

1 correctional services:
2 ..... $ 11,145,679
3 g. For the seventh judicial district department of
4 correctional services:
5 ..... $ 5,518,892
6 h. For the eighth judicial district department of
7 correctional services:
8 ..... $ 5,721,397
9 2. Each judicial district department of correctional
10 services, within the funding available, shall continue programs
11 and plans established within that district to provide for
12 intensive supervision, sex offender treatment, diversion of
13 low-risk offenders to the least restrictive sanction available,
14 job development, and expanded use of intermediate criminal
15 sanctions.
16 3. Each judicial district department of correctional
17 services shall provide alternatives to prison consistent with
18 chapter 901B. The alternatives to prison shall ensure public
19 safety while providing maximum rehabilitation to the offender.
20 A judicial district department of correctional services may
21 also establish a day program.
22 4. The governor's office of drug control policy shall
23 consider federal grants made to the department of corrections
24 for the benefit of each of the eight judicial district
25 departments of correctional services as local government
26 grants, as defined pursuant to federal regulations.
27 5. The department of corrections shall continue to contract
28 with a judicial district department of correctional services to
29 provide for the rental of electronic monitoring equipment which
30 shall be available statewide.
31 6. A judicial district department of correctional services
32 shall accept into the facilities of the district department,
33 offenders assigned from other judicial district departments of
34 correctional services.
35 Sec. 393. DEPARTMENT OF CORRECTIONS — REALLOCATION OF

1 APPROPRIATIONS. Notwithstanding section 8.39, within the
2 moneys appropriated in this division of this Act to the
3 department of corrections, the department may reallocate the
4 moneys appropriated and allocated as necessary to best fulfill
5 the needs of the correctional institutions, administration
6 of the department, and the judicial district departments of
7 correctional services. However, in addition to complying with
8 the requirements of sections 904.116 and 905.8 and providing
9 notice to the legislative services agency, the department
10 of corrections shall also provide notice to the department
11 of management, prior to the effective date of the revision
12 or reallocation of an appropriation made pursuant to this
13 section. The department of corrections shall not reallocate an
14 appropriation or allocation for the purpose of eliminating any
15 program.
16 Sec. 394. INTENT —— REPORTS.
17 1. The department of corrections in cooperation with
18 townships, the Iowa cemetery associations, and other nonprofit
19 or governmental entities may use inmate labor during the
20 fiscal year beginning July 1, 2012, to restore or preserve
21 rural cemeteries and historical landmarks. The department in
22 cooperation with the counties may also use inmate labor to
23 clean up roads, major water sources, and other water sources
24 around the state.
25 2. On a quarterly basis the department shall provide a
26 status report regarding private-sector employment to the
27 legislative services agency beginning on July 1, 2012. The
28 report shall include the number of offenders employed in the
29 private sector, the combined number of hours worked by the
30 offenders, the total amount of allowances, and the distribution
31 of allowances pursuant to section 904.702, including any moneys
32 deposited in the general fund of the state.
33 Sec. 395. ELECTRONIC MONITORING REPORT. The department of
34 corrections shall submit a report on electronic monitoring to
35 the general assembly, to the co-chairpersons and the ranking

1 members of the joint appropriations subcommittee on the justice
2 system, and to the legislative services agency by January
3 15, 2013. The report shall specifically address the number
4 of persons being electronically monitored and break down the
5 number of persons being electronically monitored by offense
6 committed. The report shall also include a comparison of any
7 data from the prior fiscal year with the current year.
8 Sec. 396. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.
9 1. As used in this section, unless the context otherwise
10 requires, "state agency" means the government of the state
11 of Iowa, including but not limited to all executive branch
12 departments, agencies, boards, bureaus, and commissions, the
13 judicial branch, the general assembly and all legislative
14 agencies, institutions within the purview of the state board of
15 regents, and any corporation whose primary function is to act
16 as an instrumentality of the state.
17 2. State agencies are hereby encouraged to purchase
18 products from Iowa state industries, as defined in section
19 904.802, when purchases are required and the products are
20 available from Iowa state industries. State agencies shall
21 obtain bids from Iowa state industries for purchases of
22 office furniture during the fiscal year beginning July 1,
23 2012, exceeding $5,000 or in accordance with applicable
24 administrative rules related to purchases for the agency.
25 Sec. 397. IOWA LAW ENFORCEMENT ACADEMY.
26 1. There is appropriated from the general fund of the
27 state to the Iowa law enforcement academy for the fiscal year
28 beginning July 1, 2012, and ending June 30, 2013, the following
29 amount, or so much thereof as is necessary, to be used for the
30 purposes designated:
31 For salaries, support, maintenance, miscellaneous purposes,
32 including jailer training and technical assistance, and for not
33 more than the following full-time equivalent positions:
34 ..... $ 738,393
35 ..... FTEs 24.55

1 It is the intent of the general assembly that the Iowa law
2 enforcement academy may provide training of state and local
3 law enforcement personnel concerning the recognition of and
4 response to persons with Alzheimer's disease.
5 The Iowa law enforcement academy may temporarily exceed and
6 draw more than the amount appropriated in this subsection and
7 incur a negative cash balance as long as there are receivables
8 equal to or greater than the negative balance and the amount
9 appropriated in this subsection is not exceeded at the close
10 of the fiscal year.
11 2. The Iowa law enforcement academy may select at least
12 five automobiles of the department of public safety, division
13 of state patrol, prior to turning over the automobiles to
14 the department of administrative services to be disposed
15 of by public auction, and the Iowa law enforcement academy
16 may exchange any automobile owned by the academy for each
17 automobile selected if the selected automobile is used in
18 training law enforcement officers at the academy. However, any
19 automobile exchanged by the academy shall be substituted for
20 the selected vehicle of the department of public safety and
21 sold by public auction with the receipts being deposited in the
22 depreciation fund to the credit of the department of public
23 safety, division of state patrol.
24 Sec. 398. STATE PUBLIC DEFENDER. There is appropriated from
25 the general fund of the state to the office of the state public
26 defender of the department of inspections and appeals for the
27 fiscal year beginning July 1, 2012, and ending June 30, 2013,
28 the following amounts, or so much thereof as is necessary, to
29 be allocated as follows for the purposes designated:
30 1. For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-time
32 equivalent positions:
33 ..... $ 25,083,182
34 ..... FTEs 219.00
35 2. For the fees of court-appointed attorneys for indigent

1 adults and juveniles, in accordance with section 232.141 and
2 chapter 815:
3 ..... $ 30,680,929
4 Sec. 399. BOARD OF PAROLE. There is appropriated from
5 the general fund of the state to the board of parole for the
6 fiscal year beginning July 1, 2012, and ending June 30, 2013,
7 the following amount, or so much thereof as is necessary, to be
8 used for the purposes designated:
9 For salaries, support, maintenance, miscellaneous purposes,
10 and for not more than the following full-time equivalent
11 positions:
12 ..... $ 895,760
13 ..... FTEs 12.50
14 Sec. 400. DEPARTMENT OF PUBLIC DEFENSE. There is
15 appropriated from the general fund of the state to the
16 department of public defense for the fiscal year beginning July
17 1, 2012, and ending June 30, 2013, the following amounts, or
18 so much thereof as is necessary, to be used for the purposes
19 designated:
20 1. MILITARY DIVISION
21 For salaries, support, maintenance, miscellaneous purposes,
22 and for not more than the following full-time equivalent
23 positions:
24 ..... $ 4,697,986
25 ..... FTEs 313.00
26 The military division may temporarily exceed and draw more
27 than the amount appropriated in this subsection and incur a
28 negative cash balance as long as there are receivables of
29 federal funds equal to or greater than the negative balance and
30 the amount appropriated in this subsection is not exceeded at
31 the close of the fiscal year.
32 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
33 For salaries, support, maintenance, miscellaneous purposes,
34 and for not more than the following full-time equivalent
35 positions:

1 ..... $ 1,561,345
2 ..... FTEs 40.00
3 a. The homeland security and emergency management
4 division may temporarily exceed and draw more than the amount
5 appropriated in this subsection and incur a negative cash
6 balance as long as there are receivables of federal funds
7 equal to or greater than the negative balance and the amount
8 appropriated in this subsection is not exceeded at the close
9 of the fiscal year.
10 b. It is the intent of the general assembly that the
11 homeland security and emergency management division work in
12 conjunction with the department of public safety, to the extent
13 possible, when gathering and analyzing information related
14 to potential domestic or foreign security threats, and when
15 monitoring such threats.
16 Sec. 401. DEPARTMENT OF PUBLIC SAFETY. There is
17 appropriated from the general fund of the state to the
18 department of public safety for the fiscal year beginning July
19 1, 2012, and ending June 30, 2013, the following amounts, or
20 so much thereof as is necessary, to be used for the purposes
21 designated:
22 1. For the department's administrative functions, including
23 the criminal justice information system, and for not more than
24 the following full-time equivalent positions:
25 ..... $ 3,406,014
26 ..... FTEs 36.00
27 2. For the division of criminal investigation, including
28 the state's contribution to the peace officers' retirement,
29 accident, and disability system provided in chapter 97A in the
30 amount of the state's normal contribution rate, as defined in
31 section 97A.8, multiplied by the salaries for which the funds
32 are appropriated, to meet federal fund matching requirements,
33 and for not more than the following full-time equivalent
34 positions:
35 ..... $ 10,653,841

1 ..... FTEs 159.10
2 The department shall employ one additional special agent and
3 one additional criminalist for the purpose of investigating
4 cold cases. Prior to employing the additional special agent
5 and criminalist authorized in this paragraph, the department
6 shall provide a written statement to prospective employees that
7 states to the effect that the positions are being funded by a
8 temporary federal grant and there are no assurances that funds
9 from other sources will be available after the federal funding
10 expires. If the federal funding for the additional positions
11 expires during the fiscal year, the number of full-time
12 equivalent positions authorized in this subsection is reduced
13 by 2.00 FTEs.
14 3. For the criminalistics laboratory fund created in
15 section 691.9:
16 ..... $ 256,993
17 4. a. For the division of narcotics enforcement, including
18 the state's contribution to the peace officers' retirement,
19 accident, and disability system provided in chapter 97A in the
20 amount of the state's normal contribution rate, as defined in
21 section 97A.8, multiplied by the salaries for which the funds
22 are appropriated, to meet federal fund matching requirements,
23 and for not more than the following full-time equivalent
24 positions:
25 ..... $ 5,465,401
26 ..... FTEs 74.00
27 b. For the division of narcotics enforcement for undercover
28 purchases:
29 ..... $ 92,686
30 5. For the division of state fire marshal, for fire
31 protection services as provided through the state fire service
32 and emergency response council as created in the department,
33 and for the state's contribution to the peace officers'
34 retirement, accident, and disability system provided in chapter
35 97A in the amount of the state's normal contribution rate, as

1 defined in section 97A.8, multiplied by the salaries for which
2 the funds are appropriated, and for not more than the following
3 full-time equivalent positions:
4 ..... $ 3,653,901
5 ..... FTEs 55.00
6 6. For the division of state patrol, for salaries, support,
7 maintenance, workers' compensation costs, and miscellaneous
8 purposes, including the state's contribution to the peace
9 officers' retirement, accident, and disability system provided
10 in chapter 97A in the amount of the state's normal contribution
11 rate, as defined in section 97A.8, multiplied by the salaries
12 for which the funds are appropriated, and for not more than the
13 following full-time equivalent positions:
14 ..... $ 44,117,748
15 ..... FTEs 513.00
16 It is the intent of the general assembly that members of the
17 state patrol be assigned to patrol the highways and roads in
18 lieu of assignments for inspecting school buses for the school
19 districts.
20 7. For deposit in the sick leave benefits fund established
21 under section 80.42 for all departmental employees eligible to
22 receive benefits for accrued sick leave under the collective
23 bargaining agreement:
24 ..... $ 237,589
25 8. For costs associated with the training and equipment
26 needs of volunteer fire fighters:
27 ..... $ 616,692
28 a. Notwithstanding section 8.33, moneys appropriated in
29 this subsection that remain unencumbered or unobligated at the
30 close of the fiscal year shall not revert but shall remain
31 available for expenditure only for the purpose designated in
32 this subsection until the close of the succeeding fiscal year.
33 b. Notwithstanding section 8.39, within the moneys
34 appropriated in this section, the department of public safety
35 may reallocate moneys as necessary to best fulfill the needs

1 provided for in the appropriation. However, the department
2 shall not reallocate an appropriation made to the department
3 in this section unless notice of the reallocation is given
4 to the legislative services agency and the department of
5 management prior to the effective date of the reallocation.
6 The notice shall include information regarding the rationale
7 for reallocating the appropriation. The department shall
8 not reallocate an appropriation made in this section for the
9 purpose of eliminating any program.
10 Sec. 402. GAMING ENFORCEMENT.
11 1. There is appropriated from the gaming enforcement
12 revolving fund created in section 80.43 to the department of
13 public safety for the fiscal year beginning July 1, 2012, and
14 ending June 30, 2013, the following amount, or so much thereof
15 as is necessary, to be used for the purposes designated:
16 For any direct and indirect support costs for agents
17 and officers of the division of criminal investigation's
18 excursion gambling boat, gambling structure, and racetrack
19 enclosure enforcement activities, including salaries, support,
20 maintenance, miscellaneous purposes, and for not more than the
21 following full-time equivalent positions:
22 ..... $ 8,360,860
23 ..... FTEs 120.00
24 2. For each additional license to conduct gambling games on
25 an excursion gambling boat, gambling structure, or racetrack
26 enclosure issued during the fiscal year beginning July 1, 2012,
27 there is appropriated from the gaming enforcement fund to the
28 department of public safety for the fiscal year beginning July
29 1, 2012, and ending June 30, 2013, an additional amount of not
30 more than $521,000 to be used for not more than 6.00 additional
31 full-time equivalent positions.
32 3. The department of public safety, with the approval
33 of the department of management, may employ no more than two
34 special agents and four gaming enforcement officers for each
35 additional riverboat or gambling structure regulated after July

1 1, 2012, and one special agent for each racing facility which
2 becomes operational during the fiscal year which begins July 1,
3 2012. One additional gaming enforcement officer, up to a total
4 of four per riverboat or gambling structure, may be employed
5 for each riverboat or gambling structure that has extended
6 operations to 24 hours and has not previously operated with a
7 24-hour schedule. Positions authorized in this subsection are
8 in addition to the full-time equivalent positions otherwise
9 authorized in this section.
10 Sec. 403. CIVIL RIGHTS COMMISSION. There is appropriated
11 from the general fund of the state to the Iowa state civil
12 rights commission for the fiscal year beginning July 1,
13 2012, and ending June 30, 2013, the following amount, or so
14 much thereof as is necessary, to be used for the purposes
15 designated:
16 For salaries, support, maintenance, miscellaneous purposes,
17 and for not more than the following full-time equivalent
18 positions:
19 ..... $ 1,102,509
20 ..... FTEs 28.00
21 The Iowa state civil rights commission may enter into
22 a contract with a nonprofit organization to provide legal
23 assistance to resolve civil rights complaints.
24 Sec. 404. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
25 DIVISION. There is appropriated from the wireless E911
26 emergency communications fund created in section 34A.7A to the
27 administrator of the homeland security and emergency management
28 division of the department of public defense for the fiscal
29 year beginning July 1, 2012, and ending June 30, 2013, an
30 amount not exceeding $200,000 to be used for implementation,
31 support, and maintenance of the functions of the administrator
32 and program manager under chapter 34A and to employ the auditor
33 of the state to perform an annual audit of the wireless E911
34 emergency communications fund.
35 Sec. 405. SUPERVISORY EMPLOYEES TO OTHER EMPLOYEES —

1 RATIO. Notwithstanding section 8A.402, subsection 2, paragraph
2 "g", for the fiscal year beginning July 1, 2011, the department
3 of corrections, department of public safety, and the judicial
4 district departments of correctional services shall be exempt
5 from the target ratio of supervisory employees to other
6 employees otherwise applicable for that fiscal year under
7 section 8A.402, subsection 2, paragraph "g".
8 DIVISION XLIII
9 JUDICIAL BRANCH
10 FY 2011-2012
11 Sec. 406. JUDICIAL BRANCH — APPROPRIATIONS.
12 1. There is appropriated from the general fund of the state
13 to the judicial branch for the fiscal year beginning July 1,
14 2011, and ending June 30, 2012, the following amount, or so
15 much thereof as is necessary, to be used for the purposes
16 designated:
17 a. For salaries of supreme court justices, appellate court
18 judges, district court judges, district associate judges,
19 judicial magistrates and staff, state court administrator,
20 clerk of the supreme court, district court administrators,
21 clerks of the district court, juvenile court officers, board of
22 law examiners and board of examiners of shorthand reporters and
23 judicial qualifications commission; receipt and disbursement
24 of child support payments; reimbursement of the auditor
25 of state for expenses incurred in completing audits of the
26 offices of the clerks of the district court during the fiscal
27 year beginning July 1, 2011; and maintenance, equipment, and
28 miscellaneous purposes:
29 ..... $154,111,822
30 b. For deposit in the revolving fund created pursuant
31 to section 602.1302, subsection 3, for jury and witness
32 fees, mileage, costs related to summoning jurors, fees for
33 interpreters, and reimbursement of attorney fees paid by the
34 state public defender:
35 ..... $ 2,300,000

1 2. The judicial branch, except for purposes of internal
2 processing, shall use the current state budget system, the
3 state payroll system, and the Iowa finance and accounting
4 system in administration of programs and payments for services,
5 and shall not duplicate the state payroll, accounting, and
6 budgeting systems.
7 3. The judicial branch shall submit monthly financial
8 statements to the legislative services agency and the
9 department of management containing all appropriated accounts
10 in the same manner as provided in the monthly financial status
11 reports and personal services usage reports of the department
12 of administrative services. The monthly financial statements
13 shall include a comparison of the dollars and percentage
14 spent of budgeted versus actual revenues and expenditures on
15 a cumulative basis for full-time equivalent positions and
16 dollars.
17 4. The judicial branch shall focus efforts upon the
18 collection of delinquent fines, penalties, court costs, fees,
19 surcharges, or similar amounts.
20 5. It is the intent of the general assembly that the offices
21 of the clerk of the district court operate in all 99 counties
22 and be accessible to the public as much as reasonably possible
23 in order to address the relative needs of the citizens of each
24 county.
25 6. In addition to the requirements for transfers under
26 section 8.39, the judicial branch shall not change the
27 appropriations from the amounts appropriated to the judicial
28 branch in this division of this Act, unless notice of the
29 revisions is given prior to their effective date to the
30 legislative services agency. The notice shall include
31 information on the branch's rationale for making the changes
32 and details concerning the workload and performance measures
33 upon which the changes are based.
34 7. The judicial branch shall submit a semiannual update
35 to the legislative services agency specifying the amounts of

1 fines, surcharges, and court costs collected using the Iowa
2 court information system since the last report. The judicial
3 branch shall continue to facilitate the sharing of vital
4 sentencing and other information with other state departments
5 and governmental agencies involved in the criminal justice
6 system through the Iowa court information system.
7 8. The judicial branch shall provide a report to the general
8 assembly by January 1, 2012, concerning the amounts received
9 and expended from the enhanced court collections fund created
10 in section 602.1304 and the court technology and modernization
11 fund created in section 602.8108, subsection 7, during the
12 fiscal year beginning July 1, 2010, and ending June 30, 2011,
13 and the plans for expenditures from each fund during the fiscal
14 year beginning July 1, 2011, and ending June 30, 2012. A copy
15 of the report shall be provided to the legislative services
16 agency.
17 9. The judicial branch is encouraged to purchase products
18 from Iowa state industries, as defined in section 904.802, when
19 purchases are required and the products are available from Iowa
20 state industries. The judicial branch shall obtain bids from
21 Iowa state industries for purchases of office furniture during
22 the fiscal year beginning July 1, 2011, exceeding $5,000.
23 Sec. 407. CIVIL TRIALS —— LOCATION. Notwithstanding any
24 provision to the contrary, for the fiscal year beginning July
25 1, 2011, and ending June 30, 2012, if all parties in a case
26 agree, a civil trial including a jury trial may take place in a
27 county contiguous to the county with proper jurisdiction, even
28 if the contiguous county is located in an adjacent judicial
29 district or judicial election district. If the trial is moved
30 pursuant to this section, court personnel shall treat the case
31 as if a change of venue occurred. However, if a trial is moved
32 to an adjacent judicial district or judicial election district,
33 the judicial officers serving in the judicial district or
34 judicial election district receiving the case shall preside
35 over the case.

1 Sec. 408. TRAVEL REIMBURSEMENT. Notwithstanding section
2 602.1509, for the fiscal year beginning July 1, 2011, a
3 judicial officer may waive travel reimbursement for any travel
4 outside the judicial officer's county of residence to conduct
5 official judicial business.
6 Sec. 409. POSTING OF REPORTS IN ELECTRONIC FORMAT ——
7 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
8 required to be provided by the judicial branch for fiscal year
9 2011-2012 to the legislative services agency shall be provided
10 in an electronic format. The legislative services agency shall
11 post the reports on its internet website and shall notify by
12 electronic means all the members of the joint appropriations
13 subcommittee on the justice system when a report is posted.
14 Upon request, copies of the reports may be mailed to members of
15 the joint appropriations subcommittee on the justice system.
16 Sec. 410. JUDICIAL OFFICER —— UNPAID
17 LEAVE. Notwithstanding the annual salary rates for judicial
18 officers established by 2008 Iowa Acts, chapter 1191, section
19 11, for the fiscal year beginning July 1, 2011, and ending
20 June 30, 2012, the supreme court may by order place all
21 judicial officers on unpaid leave status on any day employees
22 of the judicial branch are placed on temporary layoff status.
23 The biweekly pay of the judicial officers shall be reduced
24 accordingly for the pay period in which the unpaid leave date
25 occurred in the same manner as for noncontract employees of the
26 judicial branch. Through the course of the fiscal year, the
27 judicial branch may use an amount equal to the aggregate amount
28 of salary reductions due to the judicial officer unpaid leave
29 days for any purpose other than for judicial salaries.
30 Sec. 411. IOWA COMMUNICATIONS NETWORK. It is the intent
31 of the general assembly that the judicial branch utilize
32 the Iowa communications network or other secure electronic
33 communications in lieu of traveling for the fiscal year
34 beginning July 1, 2011.
35 DIVISION XLIV

JUDICIAL BRANCH

FY 2012-2013

Sec. 412. JUDICIAL BRANCH — APPROPRIATIONS.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2012; and maintenance, equipment, and miscellaneous purposes:

..... $154,111,822

b. For deposit in the revolving fund created pursuant to section 602.1302, subsection 3, for jury and witness fees, mileage, costs related to summoning jurors, fees for interpreters, and reimbursement of attorney fees paid by the state public defender:

..... $ 2,300,000

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

3. The judicial branch shall submit monthly financial statements to the legislative services agency and the

1 department of management containing all appropriated accounts
2 in the same manner as provided in the monthly financial status
3 reports and personal services usage reports of the department
4 of administrative services. The monthly financial statements
5 shall include a comparison of the dollars and percentage
6 spent of budgeted versus actual revenues and expenditures on
7 a cumulative basis for full-time equivalent positions and
8 dollars.
9 4. The judicial branch shall focus efforts upon the
10 collection of delinquent fines, penalties, court costs, fees,
11 surcharges, or similar amounts.
12 5. It is the intent of the general assembly that the offices
13 of the clerk of the district court operate in all 99 counties
14 and be accessible to the public as much as reasonably possible
15 in order to address the relative needs of the citizens of each
16 county.
17 6. In addition to the requirements for transfers under
18 section 8.39, the judicial branch shall not change the
19 appropriations from the amounts appropriated to the judicial
20 branch in this division of this Act, unless notice of the
21 revisions is given prior to their effective date to the
22 legislative services agency. The notice shall include
23 information on the branch's rationale for making the changes
24 and details concerning the workload and performance measures
25 upon which the changes are based.
26 7. The judicial branch shall submit a semiannual update
27 to the legislative services agency specifying the amounts of
28 fines, surcharges, and court costs collected using the Iowa
29 court information system since the last report. The judicial
30 branch shall continue to facilitate the sharing of vital
31 sentencing and other information with other state departments
32 and governmental agencies involved in the criminal justice
33 system through the Iowa court information system.
34 8. The judicial branch shall provide a report to the general
35 assembly by January 1, 2013, concerning the amounts received

1 and expended from the enhanced court collections fund created
2 in section 602.1304 and the court technology and modernization
3 fund created in section 602.8108, subsection 7, during the
4 fiscal year beginning July 1, 2011, and ending June 30, 2012,
5 and the plans for expenditures from each fund during the fiscal
6 year beginning July 1, 2012, and ending June 30, 2013. A copy
7 of the report shall be provided to the legislative services
8 agency.
9 9. The judicial branch is encouraged to purchase products
10 from Iowa state industries, as defined in section 904.802, when
11 purchases are required and the products are available from Iowa
12 state industries. The judicial branch shall obtain bids from
13 Iowa state industries for purchases of office furniture during
14 the fiscal year beginning July 1, 2012, exceeding $5,000.
15 Sec. 413. CIVIL TRIALS —— LOCATION. Notwithstanding any
16 provision to the contrary, for the fiscal year beginning July
17 1, 2012, and ending June 30, 2013, if all parties in a case
18 agree, a civil trial including a jury trial may take place in a
19 county contiguous to the county with proper jurisdiction, even
20 if the contiguous county is located in an adjacent judicial
21 district or judicial election district. If the trial is moved
22 pursuant to this section, court personnel shall treat the case
23 as if a change of venue occurred. However, if a trial is moved
24 to an adjacent judicial district or judicial election district,
25 the judicial officers serving in the judicial district or
26 judicial election district receiving the case shall preside
27 over the case.
28 Sec. 414. TRAVEL REIMBURSEMENT. Notwithstanding section
29 602.1509, for the fiscal year beginning July 1, 2012, a
30 judicial officer may waive travel reimbursement for any travel
31 outside the judicial officer's county of residence to conduct
32 official judicial business.
33 Sec. 415. POSTING OF REPORTS IN ELECTRONIC FORMAT ——
34 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
35 required to be provided by the judicial branch for fiscal year

2012-2013 to the legislative services agency shall be provided in an electronic format. The legislative services agency shall post the reports on its internet website and shall notify by electronic means all the members of the joint appropriations subcommittee on the justice system when a report is posted. Upon request, copies of the reports may be mailed to members of the joint appropriations subcommittee on the justice system.

Sec. 416. JUDICIAL OFFICER —— UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 417. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the judicial branch utilize the Iowa communications network or other secure electronic communications in lieu of traveling for the fiscal year beginning July 1, 2012.

DIVISION XLV

TRANSPORTATION

FY 2011-2012

Sec. 418. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production

1 of driver's licenses, as defined in section 321.1, subsection
2 20A:
3 ..... $ 3,876,000
4 Notwithstanding section 8.33, moneys appropriated in this
5 subsection that remain unencumbered or unobligated at the close
6 of the fiscal year shall not revert but shall remain available
7 for expenditure for the purposes specified in this subsection
8 until the close of the succeeding fiscal year.
9 2. For salaries, support, maintenance, and miscellaneous
10 purposes:
11 a. Operations:
12 ..... $ 6,570,000
13 b. Planning:
14 ..... $ 458,000
15 c. Motor vehicles:
16 ..... $ 33,921,000
17 3. For payments to the department of administrative
18 services for utility services:
19 ..... $ 225,000
20 4. Unemployment compensation:
21 ..... $ 7,000
22 5. For payments to the department of administrative
23 services for paying workers' compensation claims under chapter
24 85 on behalf of employees of the department of transportation:
25 ..... $ 119,000
26 6. For payment to the general fund of the state for indirect
27 cost recoveries:
28 ..... $ 78,000
29 7. For reimbursement to the auditor of state for audit
30 expenses as provided in section 11.5B:
31 ..... $ 67,319
32 8. For automation, telecommunications, and related costs
33 associated with the county issuance of driver's licenses and
34 vehicle registrations and titles:
35 ..... $ 1,406,000

1 9. For transfer to the department of public safety for
2 operating a system providing toll-free telephone road and
3 weather conditions information:
4 ..... $ 100,000
5 10. For costs associated with the participation in the
6 Mississippi river parkway commission:
7 ..... $ 40,000
8 11. For motor vehicle division field facility maintenance
9 projects at various locations:
10 ..... $ 200,000
11 12. For scale replacement projects at various locations:
12 ..... $ 550,000
13 For purposes of section 8.33, unless specifically provided
14 otherwise, moneys appropriated in subsections 11 and 12 that
15 remain unencumbered or unobligated shall not revert but shall
16 remain available for expenditure for the purposes designated
17 until the close of the fiscal year that ends three years after
18 the end of the fiscal year for which the appropriation was
19 made. However, if the projects for which the appropriation
20 was made are completed in an earlier fiscal year, unencumbered
21 or unobligated moneys shall revert at the close of that same
22 fiscal year.
23 Sec. 419. PRIMARY ROAD FUND. There is appropriated from the
24 primary road fund created in section 313.3 to the department of
25 transportation for the fiscal year beginning July 1, 2011, and
26 ending June 30, 2012, the following amounts, or so much thereof
27 as is necessary, to be used for the purposes designated:
28 1. For salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:
31 a. Operations:
32 ..... $ 40,356,529
33 ..... FTEs 296.00
34 b. Planning:
35 ..... $ 8,697,095

1 ..... FTEs 121.00
2 c. Highways:
3 ..... $230,913,992
4 ..... FTEs 2,247.00
5 d. Motor vehicles:
6 ..... $ 1,413,540
7 ..... FTEs 445.00
8 2. For payments to the department of administrative
9 services for utility services:
10 ..... $ 1,388,000
11 3. Unemployment compensation:
12 ..... $ 138,000
13 4. For payments to the department of administrative
14 services for paying workers' compensation claims under
15 chapter 85 on behalf of the employees of the department of
16 transportation:
17 ..... $ 2,846,000
18 5. For disposal of hazardous wastes from field locations and
19 the central complex:
20 ..... $ 800,000
21 6. For payment to the general fund of the state for indirect
22 cost recoveries:
23 ..... $ 572,000
24 7. For reimbursement to the auditor of state for audit
25 expenses as provided in section 11.5B:
26 ..... $ 415,181
27 8. For costs associated with producing transportation maps:
28 ..... $ 242,000
29 9. For inventory and equipment replacement:
30 ..... $ 5,366,000
31 10. For utility improvements at various locations:
32 ..... $ 400,000
33 11. For roofing projects at various locations:
34 ..... $ 200,000
35 12. For heating, cooling, and exhaust system improvements

at various locations:
..... $ 400,000
13. For deferred maintenance projects at field facilities throughout the state:
..... $ 1,000,000
14. For elevator upgrades at the Ames complex:
..... $ 100,000
15. For wastewater treatment improvements at various locations:
..... $ 1,000,000
16. For replacement of the Swea City garage:
..... $ 2,100,000
For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 10 through 16 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION XLVI
TRANSPORTATION
FY 2012-2013

Sec. 420. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:
1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:
..... $ 3,876,000
Notwithstanding section 8.33, moneys appropriated in this

1 subsection that remain unencumbered or unobligated at the close
2 of the fiscal year shall not revert but shall remain available
3 for expenditure for the purposes specified in this subsection
4 until the close of the succeeding fiscal year.
5 2. For salaries, support, maintenance, and miscellaneous
6 purposes:
7 a. Operations:
8 ..... $ 5,584,500
9 b. Planning:
10 ..... $ 389,300
11 c. Motor vehicles:
12 ..... $ 28,832,850
13 3. For payments to the department of administrative
14 services for utility services:
15 ..... $ 191,250
16 4. Unemployment compensation:
17 ..... $ 5,950
18 5. For payments to the department of administrative
19 services for paying workers' compensation claims under chapter
20 85 on behalf of employees of the department of transportation:
21 ..... $ 101,150
22 6. For payment to the general fund of the state for indirect
23 cost recoveries:
24 ..... $ 66,300
25 7. For reimbursement to the auditor of state for audit
26 expenses as provided in section 11.5B:
27 ..... $ 57,221
28 8. For automation, telecommunications, and related costs
29 associated with the county issuance of driver's licenses and
30 vehicle registrations and titles:
31 ..... $ 1,195,100
32 9. For transfer to the department of public safety for
33 operating a system providing toll-free telephone road and
34 weather conditions information:
35 ..... $ 85,000

1 10. For costs associated with the participation in the
2 Mississippi river parkway commission:
3 ..... $ 34,000
4 11. For motor vehicle division field facility maintenance
5 projects at various locations:
6 ..... $ 200,000
7 12. For scale replacement projects at various locations:
8 ..... $ 550,000
9 For purposes of section 8.33, unless specifically provided
10 otherwise, moneys appropriated in subsections 11 and 12 that
11 remain unencumbered or unobligated shall not revert but shall
12 remain available for expenditure for the purposes designated
13 until the close of the fiscal year that ends three years after
14 the end of the fiscal year for which the appropriation was
15 made. However, if the projects for which the appropriation
16 was made are completed in an earlier fiscal year, unencumbered
17 or unobligated moneys shall revert at the close of that same
18 fiscal year.
19 Sec. 421. PRIMARY ROAD FUND. There is appropriated from the
20 primary road fund created in section 313.3 to the department of
21 transportation for the fiscal year beginning July 1, 2012, and
22 ending June 30, 2013, the following amounts, or so much thereof
23 as is necessary, to be used for the purposes designated:
24 1. For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-time
26 equivalent positions:
27 a. Operations:
28 ..... $ 34,303,050
29 ..... FTEs 296.00
30 b. Planning:
31 ..... $ 7,392,531
32 ..... FTEs 121.00
33 c. Highways:
34 ..... $196,276,893
35 ..... FTEs 2,247.00

1 d. Motor vehicles:
2 ..... $ 1,201,509
3 ..... FTEs 445.00
4 2. For payments to the department of administrative
5 services for utility services:
6 ..... $ 1,179,800
7 3. Unemployment compensation:
8 ..... $ 117,300
9 4. For payments to the department of administrative
10 services for paying workers' compensation claims under
11 chapter 85 on behalf of the employees of the department of
12 transportation:
13 ..... $ 2,419,100
14 5. For disposal of hazardous wastes from field locations and
15 the central complex:
16 ..... $ 680,000
17 6. For payment to the general fund of the state for indirect
18 cost recoveries:
19 ..... $ 486,200
20 7. For reimbursement to the auditor of state for audit
21 expenses as provided in section 11.5B:
22 ..... $ 352,904
23 8. For costs associated with producing transportation maps:
24 ..... $ 205,700
25 9. For inventory and equipment replacement:
26 ..... $ 4,561,100
27 10. For utility improvements at various locations:
28 ..... $ 400,000
29 11. For roofing projects at various locations:
30 ..... $ 200,000
31 12. For heating, cooling, and exhaust system improvements
32 at various locations:
33 ..... $ 200,000
34 13. For deferred maintenance projects at field facilities
35 throughout the state:

1 ..... $ 1,000,000
2 14. For wastewater treatment improvements at various
3 locations:
4 ..... $ 1,000,000
5 15. For replacement of the New Hampton combined facility:
6 ..... $ 5,200,000
7 For purposes of section 8.33, unless specifically provided
8 otherwise, moneys appropriated in subsections 10 through 15
9 that remain unencumbered or unobligated shall not revert
10 but shall remain available for expenditure for the purposes
11 designated until the close of the fiscal year that ends
12 three years after the end of the fiscal year for which the
13 appropriation was made. However, if the project or projects
14 for which such appropriation was made are completed in an
15 earlier fiscal year, unencumbered or unobligated moneys shall
16 revert at the close of that same fiscal year.
17 DIVISION XLVII
18 INFRASTRUCTURE AND CAPITALS
19 REBUILD IOWA INFRASTRUCTURE FUND
20 Sec. 422. There is appropriated from the rebuild Iowa
21 infrastructure fund to the following departments and agencies
22 for the following fiscal years, the following amounts, or so
23 much thereof as is necessary, to be used for the purposes
24 designated:
25 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
26 a. For projects related to major repairs and major
27 maintenance for state buildings and facilities:
28 FY 2012-2013..... $ 6,000,000
29 b. For exterior repairs and related improvements to the
30 state historical building:
31 FY 2011-2012..... $ 1,200,000
32 c. For infrastructure improvements, including fire safety
33 and security systems, in the secretary of state offices in the
34 Lucas state office building:
35 FY 2011-2012..... $ 45,000

1 d. For fire protection improvements at the facilities
2 management center and central energy plant on the capitol
3 complex:
4 FY 2012-2013..... $ 2,000,000
5 e. For renovation, repairs, replacement, and related
6 improvements to extend the useful life of buildings on
7 the capitol complex and to make improvements, including
8 improvements relating to safety and building code requirements,
9 to the capitol complex grounds:
10 FY 2012-2013..... $ 2,000,000
11 2. DEPARTMENT FOR THE BLIND
12 For replacement of air handlers and related improvements:
13 FY 2011-2012..... $ 1,065,674
14 3. DEPARTMENT OF CORRECTIONS
15 a. For the construction project and one-time furniture,
16 fixture, and equipment costs at Fort Madison:
17 FY 2011-2012..... $ 5,155,077
18 FY 2012-2013..... $ 18,269,124
19 FY 2013-2014..... $ 3,000,000
20 b. For the construction project and one-time equipment
21 costs at the Iowa correctional facility for women at
22 Mitchellville:
23 FY 2011-2012..... $ 3,061,556
24 FY 2012-2013..... $ 5,391,062
25 FY 2013-2014..... $ 26,769,040
26 4. DEPARTMENT OF CULTURAL AFFAIRS
27 For deposit into the Iowa great places program fund created
28 in section 303.3D for Iowa great places program projects that
29 meet the definition of the term "vertical infrastructure" in
30 section 8.57, subsection 6, paragraph "c":
31 FY 2011-2012..... $ 1,000,000
32 FY 2012-2013..... $ 2,000,000
33 Of the amounts appropriated in this subsection, up to
34 $45,000 may be used per fiscal year for administration of the
35 Iowa great places grant program, notwithstanding section 8.57,

1 subsection 6, paragraph "c".
2 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
3 For accelerated career education program capital projects at
4 community colleges that are authorized under chapter 260G and
5 that meet the definition of the term "vertical infrastructure"
6 in section 8.57, subsection 6, paragraph "c":
7 FY 2011-2012..... $ 5,000,000
8 FY 2012-2013..... $ 5,500,000
9 6. DEPARTMENT OF EDUCATION
10 a. To the public broadcasting division for the purchase of a
11 building in the city of Johnston:
12 FY 2011-2012..... $ 1,255,550
13 b. For major renovation and major repair needs, including
14 health, life, and fire safety needs and for compliance with the
15 federal Americans with Disabilities Act, for state buildings
16 and facilities under the purview of the community colleges:
17 FY 2011-2012..... $ 1,000,000
18 FY 2012-2013..... $ 1,000,000
19 7. DEPARTMENT OF HUMAN SERVICES
20 For the renovation and construction of certain nursing
21 facilities, consistent with the provisions of chapter 249K:
22 FY 2011-2012..... $ 285,000
23 8. DEPARTMENT OF NATURAL RESOURCES
24 a. For floodplain management and dam safety,
25 notwithstanding section 8.57, subsection 6, paragraph "c":
26 FY 2011-2012..... $ 2,000,000
27 Of the amounts appropriated in this lettered paragraph,
28 up to $400,000 is authorized for stream gages to be used
29 for tracking and predicting flood events and for compiling
30 necessary data relating to flood frequency analysis.
31 b. For implementation of lake projects that have
32 established watershed improvement initiatives and community
33 support in accordance with the department's annual lake
34 restoration plan and report, notwithstanding section 8.57,
35 subsection 6, paragraph "c":

1 FY 2011-2012..... $ 8,600,000
2 Of the amount appropriated in this lettered paragraph,
3 $350,000 shall be allocated for a lake with public access
4 that has the support of a benefited lake district located in
5 a county with a population between seventeen thousand seven
6 hundred and seventeen thousand eight hundred as determined
7 by the 2010 federal decennial census. The allocated moneys
8 shall be used for purposes of completing a preconstruction
9 dam restoration study that would include a geotechnical
10 evaluation, hydrological studies, restoration alternatives, and
11 construction specifications.
12 9. DEPARTMENT OF PUBLIC DEFENSE
13 a. For major maintenance projects at national guard
14 armories and facilities:
15 FY 2011-2012..... $ 2,000,000
16 FY 2012-2013..... $ 2,000,000
17 b. For renovation and facility improvements at the
18 Muscatine readiness center:
19 FY 2011-2012..... $ 100,000
20 c. For construction improvement projects at statewide
21 readiness centers:
22 FY 2011-2012..... $ 1,800,000
23 FY 2012-2013..... $ 1,800,000
24 d. For construction upgrades at Camp Dodge including
25 sanitary system and sewer system improvements:
26 FY 2011-2012..... $ 1,000,000
27 FY 2012-2013..... $ 1,000,000
28 e. For renovation, repair, and related improvements at the
29 joint forces headquarters building:
30 FY 2011-2012..... $ 1,000,000
31 f. For renovation and facility improvements at the Dubuque
32 readiness center:
33 FY 2012-2013..... $ 500,000
34 10. BOARD OF REGENTS
35 a. For allocation by the state board of regents to the

1 state university of Iowa, Iowa state university of science
2 and technology, and the university of northern Iowa to
3 reimburse the institutions for deficiencies in the operating
4 funds resulting from the pledging of tuition, student fees
5 and charges, and institutional income to finance the cost of
6 providing academic and administrative buildings and facilities
7 and utility services at the institutions:
8 FY 2011-2012..... $ 24,305,412
9 b. For the Iowa flood center at the state university of Iowa
10 for use by the university's college of engineering, pursuant
11 to section 466C.1, notwithstanding section 8.57, subsection 6,
12 paragraph "c":
13 FY 2011-2012..... $ 1,300,000
14 c. For fire, safety and other major maintenance projects at
15 the regents institutions:
16 FY 2011-2012..... $ 2,000,000
17 FY 2012-2013..... $ 4,000,000
18 d. For construction, renovation, and related improvements
19 for phase II of the agricultural and biosystems engineering
20 complex, including classrooms, laboratories, and offices at
21 Iowa state university of science and technology:
22 FY 2011-2012..... $ 1,000,000
23 FY 2012-2013..... $ 20,800,000
24 FY 2013-2014..... $ 20,000,000
25 FY 2014-2015..... $ 18,600,000
26 e. For the renovation and related improvements to the dental
27 science building at the state university of Iowa including but
28 not limited to renovation of clinical spaces and development of
29 a multidisciplinary clinical area:
30 FY 2011-2012..... $ 1,000,000
31 FY 2012-2013..... $ 12,000,000
32 FY 2013-2014..... $ 8,000,000
33 FY 2014-2015..... $ 8,000,000
34 f. For renovation and related improvements for Bartlett
35 hall at the university of northern Iowa including providing

1 faculty offices, seminar rooms, and laboratories in the
2 building and the associated demolition of Baker hall:
3 FY 2011-2012..... $ 1,000,000
4 FY 2012-2013..... $ 8,286,000
5 FY 2013-2014..... $ 9,767,000
6 FY 2014-2015..... $ 1,947,000
7 11. DEPARTMENT OF TRANSPORTATION
8 a. For acquiring, constructing, and improving recreational
9 trails within the state:
10 FY 2011-2012..... $ 2,000,000
11 FY 2012-2013..... $ 2,000,000
12 b. For deposit into the public transit infrastructure
13 grant fund created in section 324A.6A, for projects that meet
14 the definition of "vertical infrastructure" in section 8.57,
15 subsection 6, paragraph "c":
16 FY 2011-2012..... $ 1,500,000
17 FY 2012-2013..... $ 1,500,000
18 c. For infrastructure improvements at the commercial
19 service airports within the state:
20 FY 2011-2012..... $ 1,500,000
21 FY 2012-2013..... $ 1,500,000
22 d. For infrastructure improvements at general aviation
23 airports within the state:
24 FY 2011-2012..... $ 750,000
25 FY 2012-2013..... $ 750,000
26 12. TREASURER OF STATE
27 For distribution in accordance with chapter 174 to qualified
28 fairs which belong to the association of Iowa fairs for county
29 fair infrastructure improvements:
30 FY 2011-2012..... $ 1,060,000
31 FY 2012-2013..... $ 1,060,000
32 13. DEPARTMENT OF VETERANS AFFAIRS
33 a. For transfer to the Iowa finance authority for the
34 continuation of the home ownership assistance program for
35 persons who are or were eligible members of the armed forces of

1 the United States, pursuant to section 16.54, notwithstanding
2 section 8.57, subsection 6, paragraph "c":
3 FY 2011-2012..... $ 1,000,000
4 b. For the Iowa veterans home to upgrade generator emissions
5 controls to meet required stack emissions for four generators
6 and related improvements:
7 FY 2011-2012..... $ 250,000
8 Sec. 423. REVERSION. For purposes of section 8.33, unless
9 specifically provided otherwise, unencumbered or unobligated
10 moneys made from an appropriation in this division of this Act
11 shall not revert but shall remain available for expenditure for
12 the purposes designated until the close of the fiscal year that
13 ends three years after the end of the fiscal year for which the
14 appropriation is made. However, if the project or projects for
15 which such appropriation was made are completed in an earlier
16 fiscal year, unencumbered or unobligated moneys shall revert at
17 the close of that same fiscal year.
18 DIVISION XLVIII
19 INFRASTRUCTURE AND CAPITALS
20 TECHNOLOGY REINVESTMENT FUND
21 Sec. 424. There is appropriated from the technology
22 reinvestment fund created in section 8.57C to the following
23 departments and agencies for the following fiscal years, the
24 following amounts, or so much thereof as is necessary, to be
25 used for the purposes designated:
26 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
27 For technology improvement projects:
28 FY 2011-2012..... $ 1,643,728
29 FY 2012-2013..... $ 2,500,000
30 2. DEPARTMENT OF CORRECTIONS
31 For costs associated with the Iowa corrections offender
32 network data system:
33 FY 2011-2012..... $ 500,000
34 FY 2012-2013..... $ 500,000
35 3. DEPARTMENT OF EDUCATION

1 a. For maintenance and lease costs associated with
2 connections for part III of the Iowa communications network:
3 FY 2011-2012..... $ 2,727,000
4 FY 2012-2013..... $ 2,727,000
5 b. For the implementation of an educational data warehouse
6 that will be utilized by teachers, parents, school district
7 administrators, area education agency staff, department of
8 education staff, and policymakers:
9 FY 2011-2012..... $ 600,000
10 FY 2012-2013..... $ 600,000
11 The department may use a portion of the moneys appropriated
12 in this lettered paragraph for an e-transcript data system
13 capable of tracking students throughout their education via
14 interconnectivity with multiple schools.
15 4. DEPARTMENT OF HUMAN RIGHTS
16 For the cost of equipment and computer software for the
17 implementation of Iowa's criminal justice information system:
18 FY 2011-2012..... $ 1,689,307
19 FY 2012-2013..... $ 1,756,747
20 5. DEPARTMENT OF HUMAN SERVICES
21 To be used for medical contracts under the medical
22 assistance program for technology upgrades necessary to support
23 Medicaid claims and other health operations, worldwide HIPAA
24 claims transactions and coding requirements, and the Iowa
25 automated benefits calculation system:
26 FY 2011-2012..... $ 3,494,176
27 FY 2012-2013..... $ 4,667,600
28 FY 2013-2014..... $ 4,267,600
29 FY 2014-2015..... $ 1,945,684
30 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION
31 For replacement of equipment for the Iowa communications
32 network:
33 FY 2011-2012..... $ 2,248,653
34 FY 2012-2013..... $ 2,248,653
35 The commission may continue to enter into contracts pursuant

1 to section 8D.13 for the replacement of equipment and for
2 operation and maintenance costs of the network.
3 In addition to funds appropriated in this subsection, the
4 commission may use a financing agreement entered into by the
5 treasurer of state in accordance with section 12.28 for the
6 replacement of equipment for the network. For purposes of
7 this subsection, the treasurer of state is not subject to
8 the maximum principal limitation contained in section 12.28,
9 subsection 6. Repayment of any amounts financed shall be made
10 from receipts associated with fees charged for use of the
11 network.
12 7. DEPARTMENT OF MANAGEMENT
13 To develop a searchable database that can be placed on the
14 internet for budget and financial information:
15 FY 2011-2012..... $ 600,000
16 8. DEPARTMENT OF PUBLIC SAFETY
17 For the provision of a statewide public safety radio network
18 and the purchase of compatible radio communications equipment
19 with the goal of achieving compliance with the federal
20 communications commission's narrowbanding mandate deadline, and
21 for achieving "interoperability", as defined in section 80.28:
22 FY 2011-2012..... $ 2,500,000
23 FY 2012-2013..... $ 2,500,000
24 FY 2013-2014..... $ 2,500,000
25 Of the amounts appropriated in this subsection, the
26 department of public safety may enter into a public-private
27 partnership, through a competitive bidding process, for
28 the provision of the statewide network and the purchase of
29 compatible equipment.
30 On or before January 13, 2012, the department of public
31 safety shall provide a report to the legislative services
32 agency and the department of management. The report shall
33 detail the status of the funds appropriated in this subsection
34 and shall include the estimated needs of the departments of
35 public safety, corrections, and natural resources to achieve

1 interoperability and to meet the federal narrowbanding mandate,
2 any changes in estimated costs to meet those needs, and the
3 status of requests for proposals to develop a public-private
4 partnership.
5 Sec. 425. REVERSION. For purposes of section 8.33, unless
6 specifically provided otherwise, unencumbered or unobligated
7 moneys made from an appropriation in this division of this Act
8 shall not revert but shall remain available for expenditure for
9 the purposes designated until the close of the fiscal year that
10 ends three years after the end of the fiscal year for which the
11 appropriation is made. However, if the project or projects for
12 which such appropriation was made are completed in an earlier
13 fiscal year, unencumbered or unobligated moneys shall revert at
14 the close of that same fiscal year.
15 DIVISION XLIX
16 INFRASTRUCTURE AND CAPITALS
17 REVENUE BONDS CAPITALS
18 FUND — APPROPRIATIONS
19 Sec. 426. There is appropriated from the revenue bonds
20 capitals fund created in section 12.88, to the following
21 departments for the fiscal year beginning July 1, 2011, and
22 ending June 30, 2012, the following amount, or so much thereof
23 as is necessary, to be used for the purposes designated:
24 a. DEPARTMENT OF CORRECTIONS
25 For the construction project and one-time equipment costs at
26 the Iowa correctional facility for women at Mitchellville:
27 ..... $ 4,430,952
28 b. DEPARTMENT OF ADMINISTRATIVE SERVICES
29 For projects related to major repairs and major maintenance
30 for state buildings and facilities:
31 ..... $ 500,000
32 For purposes of section 8.33, unless specifically provided
33 otherwise, unencumbered or unobligated moneys made from an
34 appropriation in this section shall not revert but shall remain
35 available for expenditure for the purposes designated until the

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

DIVISION L

INFRASTRUCTURE AND CAPITALS

REVENUE BONDS CAPITALS II FUND —— APPROPRIATIONS

Sec. 427. There is appropriated from the revenue bonds capitals II fund created in section 12.88A, to the department of administrative services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For projects related to major repairs and major maintenance for state buildings and facilities:

FY 2011-2012..... $ 4,040,000

For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this section shall not revert but shall remain available for expenditures for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION LI

INFRASTRUCTURE AND CAPITALS

GENERAL FUND —— APPROPRIATION

Sec. 428. There is appropriated from the general fund of the state to the department of transportation for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the

1 purposes designated:
2 For deposit into the railroad revolving loan and grant fund
3 created in section 327H.20A:
4 ..... $ 2,000,000
5 DIVISION LII
6 PUBLIC BIDDING AND CONTRACTING
7 Sec. 429. NEW SECTION. **72.6 Public works — contractor**
8 **qualifications.**
9 1. *Definitions.* As used in this section, unless the context
10 otherwise provides:
11 *a. "Public owner"* means a public body including the state
12 or a political subdivision of the state, an officer, official,
13 agency, authority, board, or commission of the state or of a
14 political subdivision of the state, or an institution supported
15 in whole or in part by public funds.
16 *b. "Public road project"* means a project under the control
17 of a public owner for the construction, maintenance, or repair
18 of a road or street that is funded, in whole or in part, by
19 moneys from the road use tax fund.
20 *c. "Public works"* means a building or other construction
21 project which is constructed under the control of a public
22 owner and is paid for in whole or in part with funds of a public
23 owner, including funds directed to the public owner from any
24 federal government source, including grants. *"Public works"*
25 does not include any work done by or on behalf of a drainage
26 or levee district or any work financed by federal funds where
27 federal procurement policy applicable to the use of the federal
28 funds is inconsistent with the requirements of this section.
29 *d. "Public works project"* means the construction,
30 maintenance, or repair of public works. *"Public works project"*
31 does not mean a public road project.
32 2. *Prohibited criteria.* In determining which bidder is the
33 lowest responsible bidder for purposes of awarding a contract
34 to perform a public works project or public road project, a
35 public owner shall not do any of the following:

1 *a.* Select a bidder based in whole or in part on a
2 consideration of whether the bidder's employees belong to or
3 are represented by a labor union or labor organization.
4 *b.* Require that the bidder selected enter into an agreement
5 that directly or indirectly requires the bidder to recruit,
6 train, or hire employees from a particular source to perform
7 work on the public works project or public road project.
8 *c.* Require the bidder or the bidder's subcontractors
9 or their agents to enter into any agreement or arrangement
10 relating to the public works project or public road project
11 which imposes requirements, controls, or limitations on
12 staffing; sources of employee referrals; assignment of work;
13 sources of insurance and benefits including health, life, and
14 disability insurance and retirement pensions; training; or
15 wages. This paragraph does not apply to requirements imposed
16 by federal law.
17 3. *Bidding documents.* Criteria described in this section
18 that cannot be considered by a public owner in determining
19 who is the lowest responsible bidder shall be included in any
20 document requesting or inviting bids on public works projects
21 or public road projects subject to this section.
22 Sec. 430. Section 73A.21, Code 2011, is amended to read as
23 follows:
24 **73A.21 Reciprocal resident bidder and resident labor force**
25 **preference by state, its agencies, and political subdivisions —**
26 **penalties.**
27 1. For purposes of this section:
28 *a. "Commissioner"* means the labor commissioner appointed
29 pursuant to section 91.2, or the labor commissioner's designee.
30 *b. "Division"* means the division of labor of the department
31 of workforce development.
32 *c. "Nonresident bidder"* means a person or entity who does
33 not meet the definition of a resident bidder.
34 *d. "Public body"* means the state and any of its political
35 subdivisions, including a school district, public utility, or

the state board of regents.

~~a.~~ *e.* *"Public improvement"* means ~~public improvements as defined in section 73A.1~~ a building or other construction work to be paid for in whole or in part by the use of funds of the state, its agencies, and any of its political subdivisions and includes road construction, reconstruction, and maintenance projects.

f. *"Public utility"* includes municipally owned utilities and municipally owned waterworks.

~~b.~~ *g.* *"Resident bidder"* means a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting and has conducted business for at least ~~six months~~ three years prior to the date of the first advertisement for the public improvement ~~and in the case of a corporation, having at least fifty percent of its common stock owned by residents of this state~~. If another state or foreign country has a more stringent definition of a resident bidder, the more stringent definition is applicable as to bidders from that state or foreign country.

h. *"Resident labor force preference"* means a requirement in which all or a portion of a labor force working on a public improvement is a resident of a particular state or country.

2. Notwithstanding this chapter, chapter 73, chapter 309, chapter 310, chapter 331, or chapter 384, when a contract for a public improvement is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country ~~which~~ if that state or foreign country gives or requires ~~a~~ any preference to bidders from that state or foreign country, including but not limited to any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference ~~is~~ allowed shall be equal to the preference given or required by the state or

foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident.

~~3. This section applies to the state, its agencies, and any political subdivisions of the state.~~

~~4.~~ 3. If it is determined that this may cause denial of federal funds which would otherwise be available, or would otherwise be inconsistent with requirements of any federal law or regulation, this section shall be suspended, but only to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

4. The public body involved in a public improvement shall require a nonresident bidder to specify on all project bid specifications and contract documents whether any preference as described in subsection 2 is in effect in the nonresident bidder's state or country of domicile at the time of a bid submittal.

5. The commissioner and the division shall administer and enforce this section, and the commissioner shall adopt rules for the administration and enforcement of this section as provided in section 91.6.

6. The commissioner shall have the following powers and duties for the purposes of this section:

a. The commissioner may hold hearings and investigate charges of violations of this section.

b. The commissioner may, consistent with due process of law, enter any place of employment to inspect records concerning labor force residency, to question an employer or employee, and to investigate such facts, conditions, or matters as are deemed appropriate in determining whether any person has violated the provisions of this section. The commissioner shall only make

1 such an entry in response to a written complaint.
2 *c.* The commissioner shall develop a written complaint form
3 applicable to this section and make it available in division
4 offices and on the department of workforce development's
5 internet site.
6 *d.* The commissioner may sue for injunctive relief against
7 the awarding of a contract, the undertaking of a public
8 improvement, or the continuation of a public improvement in
9 response to a violation of this section.
10 *e.* The commissioner may investigate and ascertain the
11 residency of a worker engaged in any public improvement in this
12 state.
13 *f.* The commissioner may administer oaths, take or cause to
14 be taken deposition of witnesses, and require by subpoena the
15 attendance and testimony of witnesses and the production of all
16 books, registers, payrolls, and other evidence relevant to a
17 matter under investigation or hearing.
18 *g.* The commissioner may employ qualified personnel as are
19 necessary for the enforcement of this section. Such personnel
20 shall be employed pursuant to the merit system provisions of
21 chapter 8A, subchapter IV.
22 *h.* The commissioner shall require a contractor or
23 subcontractor to file, within ten days of receipt of a request,
24 any records enumerated in subsection 7. If the contractor or
25 subcontractor fails to provide the requested records within ten
26 days, the commissioner may direct, within fifteen days after
27 the end of the ten-day period, that the fiscal or financial
28 office charged with the custody and disbursement of funds of
29 the public body that contracted for construction of the public
30 improvement or undertook the public improvement, to immediately
31 withhold from payment to the contractor or subcontractor
32 up to twenty-five percent of the amount to be paid to the
33 contractor or subcontractor under the terms of the contract
34 or written instrument under which the public improvement is
35 being performed. The amount withheld shall be immediately

1 released upon receipt by the public body of a notice from
2 the commissioner indicating that the request for records as
3 required by this section has been satisfied.
4 7. While participating in a public improvement, a
5 nonresident bidder domiciled in a state or country that
6 has established a resident labor force preference shall
7 make and keep, for a period of not less than three years,
8 accurate records of all workers employed by the contractor or
9 subcontractor on the public improvement. The records shall
10 include each worker's name, address, telephone number when
11 available, social security number, trade classification, and
12 the starting and ending time of employment.
13 8. Any person or entity that violates the provisions of
14 this section is subject to a civil penalty in an amount not to
15 exceed one thousand dollars for each violation found in a first
16 investigation by the division, not to exceed five thousand
17 dollars for each violation found in a second investigation
18 by the division, and not to exceed fifteen thousand dollars
19 for a third or subsequent violation found in any subsequent
20 investigation by the division. Each violation of this section
21 for each worker and for each day the violation continues
22 constitutes a separate and distinct violation. In determining
23 the amount of the penalty, the division shall consider the
24 appropriateness of the penalty to the person or entity charged,
25 upon determination of the gravity of the violations. The
26 collection of these penalties shall be enforced in a civil
27 action brought by the attorney general on behalf of the
28 division.
29 9. A party seeking review of the division's determination
30 pursuant to this section may file a written request for an
31 informal conference. The request must be received by the
32 division within fifteen days after the date of issuance of
33 the division's determination. During the conference, the
34 party seeking review may present written or oral information
35 and arguments as to why the division's determination should

be amended or vacated. The division shall consider the information and arguments presented and issue a written decision advising all parties of the outcome of the conference.

Sec. 431. Section 331.341, subsection 2, Code 2011, is amended to read as follows:

2. The board shall give preference to Iowa products ~~and labor~~ in accordance with chapter 73 and shall comply with bid and contract requirements in chapter 26.

Sec. 432. REPEAL. Sections 73.3 and 73.4, Code 2011, are repealed.

Sec. 433. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 434. APPLICABILITY. This division of this Act applies to all public improvement, public works, and public road projects, and to public improvement, public works, and public road contracts entered into on or after July 1, 2011.

DIVISION LIII

BUSINESS DEVELOPMENT ASSISTANCE — APPROPRIATION

Sec. 435. BUSINESS DEVELOPMENT ASSISTANCE — USE OF EXISTING FUNDS.

1. a. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For marketing and promotional activities; for information technology development; for laborshed studies conducted for the department by the department of workforce development; for administrative purposes, including salaries, support, maintenance, and miscellaneous purposes; and for providing financial assistance to businesses expanding or locating in the state, notwithstanding section 8.57, subsection 6, paragraph "c":

..... $ 15,000,000

1 b. Of the moneys appropriated pursuant to paragraph "a"
2 for purposes of marketing and promotional activities, the
3 department shall not use more than $2,300,000.
4 c. Of the moneys appropriated pursuant to paragraph "a" for
5 purposes of information technology development, the department
6 shall not use more than $350,000.
7 d. Of the moneys appropriated pursuant to paragraph "a" for
8 purposes of laborshed studies conducted by the department of
9 workforce development, the department shall not use more than
10 $145,000.
11 e. Of the moneys appropriated pursuant to paragraph "a" for
12 administrative purposes, the department shall not use more than
13 5 percent.
14 f. (1) The department may use the remainder of the moneys
15 appropriated pursuant to paragraph "a" that are not expended
16 for the purposes described in paragraphs "b" through "e"
17 to provide financial assistance to businesses expanding or
18 locating in the state.
19 (2) An award of financial assistance pursuant to this
20 paragraph "f" shall be approved by the economic development
21 board which shall review with due diligence the merits of each
22 application for assistance.
23 (3) For each award of financial assistance made pursuant
24 to this paragraph "f", the department shall enter into an
25 agreement with the recipient of the financial assistance,
26 and each agreement shall meet the requirements for financial
27 assistance agreements described in section 15G.112, subsections
28 1 through 3, Code 2011.
29 (4) In providing financial assistance pursuant to this
30 paragraph "f", the department shall allocate the available
31 moneys to a diverse range of projects that create or retain
32 jobs including projects that pay better than average wages,
33 projects that represent early-stage business development,
34 projects that build the physical infrastructure necessary for
35 business growth and expansion, projects that enhance the growth

1 of value-added agriculture in the state, and projects that
2 involve recovery from significant natural disasters.
3 (5) The department shall adopt rules for the implementation
4 of this paragraph "f". Such rules may be adopted as emergency
5 rules under section 17A.4, subsection 3, and section 17A.5,
6 subsection 2, paragraph "b". Such rules shall be effective
7 immediately upon filing unless a later date is specified in the
8 rules. Any rules adopted in accordance with this section shall
9 also be published as a notice of intended action as provided
10 in section 17A.4.
11 (6) For purposes of this paragraph "f", "financial
12 assistance" means assistance provided only from the funds,
13 rights, and assets legally available to the department pursuant
14 to this chapter and includes but is not limited to assistance
15 in the form of grants, loans, forgivable loans, and royalty
16 payments.
17 2. There is appropriated to the department of economic
18 development for the fiscal year beginning July 1, 2011, and
19 ending June 30, 2012, the following amounts, or so much thereof
20 as is necessary, to be used for the purposes described in
21 subsection 1:
22 a. Payments of interest, repayments of moneys loaned, and
23 recaptures of grants and loans made pursuant to chapter 15G,
24 Code 2011.
25 b. All moneys accruing to the department, including
26 payments of interest, repayments of moneys loaned, royalty
27 payments received, and recaptures of grants, loans, or other
28 forms of financial assistance provided to recipients, from
29 the department's administration of the following preexisting
30 programs:
31 (1) The community economic betterment program established
32 pursuant to section 15.317, Code 2009.
33 (2) The entrepreneurial ventures assistance program
34 established pursuant to section 15.339, Code 2009.
35 (3) The value-added agricultural products and processes

1 financial assistance program established pursuant to section
2 15E.111, Code 2009.
3 (4) The physical infrastructure assistance program
4 established pursuant to section 15E.175, Code 2009.
5 (5) The loan and credit guarantee program established
6 pursuant to section 15E.224, Code 2009.
7 c. The moneys transferred to the grow Iowa values fund
8 pursuant to 2009 Iowa Acts, chapter 123, section 9, subsections
9 1 and 2.
10 3. The moneys appropriated pursuant to this section are
11 not subject to section 8.33. Notwithstanding section 12C.7,
12 interest or earnings on the appropriated moneys shall be
13 credited to the department and may be used in subsequent fiscal
14 years for the purposes described in subsection 1.
15 DIVISION LIV
16 INFRASTRUCTURE AND CAPITALS
17 MISCELLANEOUS CODE CHANGES
18 Sec. 436. Section 8.57, subsection 6, paragraph c, Code
19 2011, is amended to read as follows:
20 *c.* Moneys in the fund in a fiscal year shall be used
21 as directed by the general assembly for public vertical
22 infrastructure projects. For the purposes of this subsection,
23 *"vertical infrastructure"* includes only land acquisition and
24 construction~~,~~; major renovation and major repair of buildings~~,~~;
25 all appurtenant structures~~,~~; utilities~~,~~; site development~~, and~~;
26 recreational trails; and debt service payments on academic
27 revenue bonds issued in accordance with chapter 262A for
28 capital projects at board of regents institutions. *"Vertical*
29 *infrastructure"* does not include routine, recurring maintenance
30 or operational expenses or leasing of a building, appurtenant
31 structure, or utility without a lease-purchase agreement.
32 Sec. 437. Section 8.57, subsection 6, paragraph f, Code
33 2011, is amended to read as follows:
34 *f.* There is appropriated from the rebuild Iowa
35 infrastructure fund to the secure an advanced vision for

education fund created in section 423F.2, for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, 2010, ~~and for each fiscal year of the fiscal period beginning July 1, 2011, and ending June 30, 2014,~~ the amount of the moneys in excess of the first forty-seven million dollars credited to the rebuild Iowa infrastructure fund during the fiscal year, not to exceed ten million dollars.

Sec. 438. Section 8.57A, subsection 4, Code 2011, is amended to read as follows:

4. *a.* There is appropriated from the rebuild Iowa infrastructure fund for the fiscal ~~years~~ year beginning July ~~1, 2008, July 1, 2009, and July~~ 1, ~~2011~~ 2012, and for each fiscal year thereafter, the sum of ~~forty-two~~ thirty-five million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph *"c"*.

b. There is appropriated from the rebuild Iowa infrastructure fund each fiscal year for the ~~fiscal year~~ period beginning July 1, 2010, and ending June 30, ~~2011~~ 2012, the sum of thirty-three million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph *"c"*.

Sec. 439. Section 8.57C, subsection 3, paragraphs a and c, Code 2011, are amended to read as follows:

a. There is appropriated from the general fund of the state for the fiscal ~~years~~ year beginning ~~July 1, 2006, July 1, 2007,~~ July 1, ~~2011~~ 2012, and for each subsequent fiscal year thereafter, the sum of seventeen million five hundred thousand dollars to the technology reinvestment fund.

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the sum of ten million dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph *"c"*.

Sec. 440. Section 8.57C, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* There is appropriated from the rebuild

Iowa infrastructure fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of sixteen million dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 6, paragraph *"c"*.

Sec. 441. Section 8A.321, subsection 6, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* The department shall issue a request for proposals for leasing privately owned office space for state employees in the downtown area of the city of Des Moines prior to replacing or renovating publicly owned buildings or relocating any state agencies to any space in publicly owned buildings. The department shall locate state employees in office space in the most cost-efficient manner possible. In determining cost efficiency, the department shall consider all costs of the publicly owned space, the costs of the original acquisition of the publicly owned space, the costs of tenant improvements to the publicly owned space, and the anticipated economic and useful life of the publicly owned building space.

Sec. 442. Section 12.82, subsection 1, Code 2011, is amended to read as follows:

1. A school infrastructure fund is created and established as a separate and distinct fund in the state treasury under the control of the department of education. ~~The~~ Notwithstanding any other provision of this chapter, the fund shall be used for purposes of the school infrastructure program established in section 292.2.

Sec. 443. Section 12.82, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Any amounts remaining in the school infrastructure fund at the end of the fiscal year beginning July 1, 2010, and for each fiscal year thereafter, which are determined by the treasurer of state to be unencumbered and unobligated and otherwise unnecessary to make the payments for such fiscal year, shall be transferred to the rebuild Iowa infrastructure fund.

Sec. 444. Section 15F.204, subsection 8, paragraph a, subparagraph (6), Code 2011, is amended to read as follows:

(6) For the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of five million one hundred thousand dollars.

Sec. 445. Section 15F.204, subsection 8, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 446. Section 16.181A, subsection 1, Code 2011, is amended to read as follows:

1. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2009, and beginning July 1, ~~2011~~ 2012, and for each succeeding fiscal year, the sum of three million dollars.

Sec. 447. Section 16.181A, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of two million dollars.

Sec. 448. Section 16.193, subsection 2, Code 2011, is amended to read as follows:

2. ~~During the term of the Iowa jobs program established in section 16.194 and the Iowa jobs II program established in section 16.194A~~ For the period beginning July 1, 2009, and ending June 30, 2011, two hundred thousand dollars of the moneys deposited in the rebuild Iowa infrastructure fund shall be allocated each fiscal year to the Iowa finance authority for purposes of administering the Iowa jobs program, notwithstanding section 8.57, subsection 6, paragraph *"c"*.

Sec. 449. EFFECTIVE AND APPLICABILITY DATES. The sections of this division amending section 12.82, being deemed of immediate importance, take effect upon enactment and, if

1 approved by the governor on or after July 1, 2011, shall apply
2 retroactively to June 30, 2011.
3 DIVISION LV
4 INFRASTRUCTURE AND CAPITALS
5 CHANGES TO PRIOR APPROPRIATIONS
6 Sec. 450. 2006 Iowa Acts, chapter 1179, section 18, is
7 amended by adding the following new subsection:
8 NEW SUBSECTION. 5. Except for the allocation to Des Moines
9 area community college and notwithstanding section 8.33, moneys
10 appropriated from the endowment for Iowa's health restricted
11 capitals fund for the fiscal year beginning July 1, 2006, and
12 ending June 30, 2007, in this division of this Act to the
13 department of public safety for allocation to the division of
14 fire protection that remain unencumbered or unobligated at the
15 close of the fiscal year shall not revert but shall remain
16 available for expenditure for the purposes designated until
17 the close of the fiscal year beginning July 1, 2011, or until
18 the project for which the appropriation was made is completed,
19 whichever is earlier. This subsection shall apply in lieu of
20 subsection 1 of this section.
21 Sec. 451. 2007 Iowa Acts, chapter 219, section 2, is amended
22 to read as follows:
23 SEC. 2. REVERSION.
24 1. ~~Notwithstanding~~ Except as provided in subsection 2 and
25 notwithstanding section 8.33, moneys appropriated for the
26 fiscal year beginning July 1, 2007, in this division of this
27 Act that remain unencumbered or unobligated at the close of
28 the fiscal year shall not revert but shall remain available
29 for the purposes designated until the close of the fiscal year
30 that begins July 1, 2010, or until the project for which the
31 appropriation was made is completed, whichever is earlier.
32 2. a. Notwithstanding section 8.33, moneys appropriated
33 in section 1, subsection 1, paragraphs "a" and "f" of this
34 division of this Act that remain unencumbered or unobligated at
35 the close of the fiscal year for which they were appropriated

1 shall not revert but shall remain available for the purposes
2 designated until the close of the fiscal year that begins July
3 1, 2011, or until the project for which the appropriation was
4 made is completed, whichever is earlier.
5 b. The department of administrative services is authorized
6 to provide for the disposition and relocation of structures
7 located at 707 east locust and 709 east locust, Des Moines,
8 Iowa, in a manner as deemed appropriate by the department.
9 The disposition of the structures, if possible, shall be
10 completed in a manner that reduces or eliminates the costs
11 of the state associated with the removal of the structures
12 from their current locations. Any amount received from the
13 disposition of the structures as permitted under this section
14 shall be retained by the department to pay for improvement
15 costs associated with the restoration of the west capitol
16 terrace. The department, if unable to otherwise dispose of
17 the structures, is authorized to demolish the structures using
18 other appropriate funding available to the department.
19 Sec. 452. 2008 Iowa Acts, chapter 1179, section 1,
20 subsection 13, paragraph c, as amended by 2009 Iowa Acts,
21 chapter 184, section 22, is amended to read as follows:
22 c. For the construction of a depot and platform to
23 accommodate the future Amtrak service from Dubuque to Chicago,
24 notwithstanding section 8.57, subsection 6, paragraph "c":
25 ..... $ ~~300,000~~
26 60,000
27 Sec. 453. 2008 Iowa Acts, chapter 1179, section 7, as
28 amended by 2009 Iowa Acts, chapter 173, section 21, and 2010
29 Iowa Acts, chapter 1184, section 58, is amended to read as
30 follows:
31 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
32 appropriated from the rebuild Iowa infrastructure fund to
33 the department of economic development for the designated
34 fiscal years the following amounts, or so much thereof as is
35 necessary, to be used for the purposes designated:

For deposit into the river enhancement community attraction and tourism fund created in 2008 Iowa Acts, Senate File 2430, if enacted:

FY 2009-2010..... $ 0

FY 2010-2011..... $ 0

FY 2011-2012..... $ ~~10,000,000~~ 0

FY 2012-2013..... $ ~~10,000,000~~ 0

~~Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2011, and ending June 30, 2012, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2014, or until the project for which the appropriation was made is completed, whichever is earlier.~~

~~Notwithstanding section 8.33, moneys appropriated in this section for the fiscal year beginning July 1, 2012, and ending June 30, 2013, shall not revert at the close of the fiscal year for which they are appropriated but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2015, or until the project for which the appropriation was made is completed, whichever is earlier.~~

Sec. 454. 2008 Iowa Acts, chapter 1179, section 18, as amended by 2009 Iowa Acts, chapter 173, section 24, subsection 4, paragraph b, unnumbered paragraph 1, is amended to read as follows:

For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:

..... $ ~~10,000,000~~ 9,200,000

Sec. 455. 2009 Iowa Acts, chapter 184, section 1, subsection 12, paragraph a, as amended by 2010 Iowa Acts, chapter 1184, section 71, is amended to read as follows:

a. For deposit in the passenger rail service revolving

fund created in section 327J.2, notwithstanding section 8.57, subsection 6, paragraph "c":

..... $ ~~3,000,000~~ 500,000

Sec. 456. 2010 Iowa Acts, chapter 1184, section 2, subsection 3, is amended to read as follows:

3. DEPARTMENT OF TRANSPORTATION

For deposit into the passenger rail service revolving fund created in section 327J.2 for matching federal funding available through the federal Passenger Rail Investment and Improvement Act of 2008 for passenger rail service, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011-2012..... $ ~~6,500,000~~ 0

~~It is the intent of the general assembly to fund up to $20 million over a four-year period to fully fund the state commitment for matching federal funding available through the federal Passenger Rail Investment and Improvement Act of 2008.~~

Sec. 457. 2010 Iowa Acts, chapter 1184, section 10, subsection 2, paragraph b, is amended to read as follows:

b. For deposit into the river enhancement community attraction and tourism fund created in section 15F.205:

..... $ ~~4,000,000~~ 0

Sec. 458. 2010 Iowa Acts, chapter 1184, section 10, subsection 2, paragraph b, unnumbered paragraph 2, is amended to read as follows:

Moneys appropriated for grants awarded in ~~paragraphs~~ paragraph "a" ~~and "b"~~ shall be used to assist communities in the development and creation of multiple purpose attractions or community service facilities for public use.

Sec. 459. 2010 Iowa Acts, chapter 1184, section 10, subsection 8, is amended to read as follows:

8. TREASURER OF STATE

For transfer to the watershed improvement review board

1 created in section 466A.3 for grants associated with ~~the~~
2 ~~construction and restoration of wetland easements and flood~~
3 ~~prevention~~ watershed improvement projects:
4 ..... $ 2,000,000
5 Notwithstanding section 466A.5, moneys from the
6 appropriation in this subsection shall not be used for
7 administrative purposes.
8 Sec. 460. 2010 Iowa Acts, chapter 1184, section 14, is
9 amended to read as follows:
10 SEC. 14. There is appropriated from the ~~FY 2009 prison~~
11 ~~bonding fund created pursuant to section 12.79~~ rebuild Iowa
12 infrastructure fund to the department of corrections for the
13 fiscal year beginning July 1, 2010, and ending June 30, 2011,
14 the following amount, or so much thereof as is necessary, to be
15 used for the purpose designated, notwithstanding section 8.57,
16 subsection 6, paragraph "c":
17 For ~~costs associated with the building of a new Iowa State~~
18 ~~penitentiary at Fort Madison~~ project management costs at Fort
19 Madison and Mitchellville prisons, associated with construction
20 projects at the department:
21 ..... $ 322,500
22 ~~The appropriation made in this section constitutes approval~~
23 ~~by the general assembly for the issuance of bonds by the~~
24 ~~treasurer of state pursuant to section 12.80.~~
25 Sec. 461. 2010 Iowa Acts, chapter 1184, section 16, is
26 amended to read as follows:
27 SEC. 16. There is appropriated from the Iowa comprehensive
28 petroleum underground storage tank fund to the department of
29 transportation for the fiscal year beginning July 1, 2010, and
30 ending June 30, 2011, the following amount, or so much thereof
31 as is necessary, to be used for the purposes designated:
32 Notwithstanding section 455G.3, subsection 1, for deposit in
33 the passenger rail service revolving fund created in section
34 327J.2:
35 ..... $ ~~2,000,000~~

500,000

~~Such funds shall be coupled with the remaining unobligated balance of up to one million five hundred thousand dollars from the appropriation made in 2009 Iowa Acts, chapter 184, section 1, subsection 12, paragraph "a", for a total commitment of three million five hundred thousand dollars for the fiscal year beginning July 1, 2010, and ending June 30, 2011, for matching federal funding available through the Passenger Rail Investment and Improvement Act of 2008.~~

Sec. 462. 2010 Iowa Acts, chapter 1184, section 37, is amended to read as follows:

SEC. 37. SITE DEVELOPMENT CONSULTATIONS APPROPRIATION. There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For providing site development consultations pursuant to section 15E.18, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, notwithstanding section 12.82, subsection 1:

..... $ 175,000

..... FTEs 1.00

Of the moneys appropriated to the department pursuant to this section, the department may allocate up to $75,000 for purposes of contracting with third parties to provide site development consultations.

Sec. 463. 2010 Iowa Acts, chapter 1184, section 39, is amended to read as follows:

SEC. 39. BUSINESS ASSISTANCE INTERNET SITE APPROPRIATION. There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for the fiscal year beginning July 1, 2010, and

ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of creating a business assistance internet site, notwithstanding section 12.82, subsection 1:

..... $ 20,000

Sec. 464. 2010 Iowa Acts, chapter 1184, section 43, is amended to read as follows:

SEC. 43. SAVE OUR SMALL BUSINESSES FUND APPROPRIATION. There is appropriated from the school infrastructure fund created in section 12.82 to the department of economic development for deposit in the save our small businesses fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated, notwithstanding section 12.82, subsection 1:

For purposes of providing financial assistance under the save our small businesses program under section 15.301:

..... $ 5,000,000

Of the moneys appropriated pursuant to this section, the department may allocate an amount not to exceed two percent of the moneys appropriated for purposes of retaining the services of an organization designated pursuant to section 15.301, subsection 2, paragraph "b".

Sec. 465. 2010 Iowa Acts, chapter 1193, section 6, is amended to read as follows:

SEC. 6. INSTRUCTIONAL SUPPORT STATE AID — APPROPRIATION. In lieu of the appropriation provided in section 257.20, there is appropriated from the school infrastructure fund created in section 12.82, subsection 1, to the department of education for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For paying instructional support state aid for fiscal year 2010-2011, notwithstanding section 12.82, subsection 1:

1 ..... $ 7,500,000
2 Notwithstanding section 257.20, subsection 3, the
3 appropriation made in this lettered paragraph shall be
4 allocated in the same manner as the allocation of the
5 appropriation was made for the same purpose in the previous
6 fiscal year.
7 Sec. 466. 2011 Iowa Acts, House File 45, section 2,
8 subsection 2, is amended by adding the following new paragraph:
9 NEW PARAGRAPH. c. This subsection shall not apply to any
10 appropriations for the fiscal year beginning July 1, 2010,
11 receiving a supplemental appropriation under 2011 Iowa Acts,
12 Senate File 209, or any multiyear appropriation that includes
13 the fiscal year beginning July 1, 2009, for equipment as
14 determined by the department of management.
15 Sec. 467. EFFECTIVE AND APPLICABILITY DATES. This division
16 of this Act, being deemed of immediate importance, takes
17 effect upon enactment and, unless otherwise provided, if
18 approved by the governor on or after July 1, 2011, shall apply
19 retroactively to June 30, 2011.
20 Sec. 468. RETROACTIVE APPLICABILITY. The provision of this
21 division of this Act amending 2011 Iowa Acts, House File 45,
22 section 2, subsection 2, applies retroactively to March 7,
23 2011.
24 DIVISION LVI
25 BLOCK GRANTS
26 FY 2011-2012
27 Sec. 469. SUBSTANCE ABUSE APPROPRIATION.
28 1. There is appropriated from the fund created by section
29 8.41 to the department of public health for the federal fiscal
30 year beginning October 1, 2011, and ending September 30, 2012,
31 the following amount:
32 ..... $ 13,571,229
33 a. Funds appropriated in this subsection are the
34 anticipated funds to be received from the federal government
35 for the designated federal fiscal year under 42 U.S.C., ch.

1 6A, subch. XVII, part B, subpart ii, which provides for the
2 prevention and treatment of substance abuse block grant.
3 The department shall expend the funds appropriated in this
4 subsection as provided in the federal law making the funds
5 available and in conformance with chapter 17A.
6 b. Of the funds appropriated in this subsection, an amount
7 not exceeding 5 percent shall be used by the department for
8 administrative expenses.
9 c. The department shall expend no less than an amount equal
10 to the amount expended for treatment services in the state
11 fiscal year beginning July 1, 2010, for pregnant women and
12 women with dependent children.
13 d. Of the funds appropriated in this subsection, an amount
14 not exceeding $24,585 shall be used for audits.
15 2. At least 20 percent of the funds remaining from the
16 appropriation made in subsection 1 shall be allocated for
17 prevention programs.
18 3. In implementing the federal prevention and treatment of
19 substance abuse block grant under 42 U.S.C., ch. 6A, subch.
20 XVII, and any other applicable provisions of the federal Public
21 Health Service Act under 42 U.S.C., ch. 6A, the department
22 shall apply the provisions of Pub. L. No. 106-310, § 3305,
23 as codified in 42 U.S.C. § 300x-65, relating to services
24 under such federal law being provided by religious and other
25 nongovernmental organizations.
26 Sec. 470. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.
27 1. a. There is appropriated from the fund created by
28 section 8.41 to the department of human services for the
29 federal fiscal year beginning October 1, 2011, and ending
30 September 30, 2012, the following amount:
31 ..... $ 3,370,840
32 b. Funds appropriated in this subsection are the
33 anticipated funds to be received from the federal government
34 for the designated federal fiscal year under 42 U.S.C., ch.
35 6A, subch. XVII, part B, subpart i, which provides for the

1 community mental health services block grant. The department
2 shall expend the funds appropriated in this subsection as
3 provided in the federal law making the funds available and in
4 conformance with chapter 17A.
5 c. The department shall allocate not less than 95 percent
6 of the amount of the block grant to eligible community mental
7 health services providers for carrying out the plan submitted
8 to and approved by the federal substance abuse and mental
9 health services administration for the fiscal year involved.
10 d. Of the amount allocated to eligible services providers
11 under paragraph "c", 70 percent shall be distributed to
12 the state's accredited community mental health centers
13 established or designated by counties in accordance with law
14 or administrative rule. If a county has not established or
15 designated a community mental health center and has received
16 a waiver from the mental health and disability services
17 commission, the mental health services provider designated
18 by that county is eligible to receive funding distributed
19 pursuant to this paragraph in lieu of a community mental health
20 center. The funding distributed shall be used by recipients
21 of the funding for the purpose of developing and providing
22 evidence-based practices and emergency services to adults with
23 a serious mental illness and children with a serious emotional
24 disturbance. The distribution amounts shall be announced at
25 the beginning of the federal fiscal year and distributed on
26 a quarterly basis according to the formulas used in previous
27 fiscal years. Recipients shall submit quarterly reports
28 containing data consistent with the performance measures
29 approved by the federal substance abuse and mental health
30 services administration.
31 2. An amount not exceeding 5 percent of the funds
32 appropriated in subsection 1 shall be used by the department
33 of human services for administrative expenses. From the
34 funds set aside by this subsection for administrative
35 expenses, the department shall pay to the auditor of state

1 an amount sufficient to pay the cost of auditing the use
2 and administration of the state's portion of the funds
3 appropriated in subsection 1. The auditor of state shall bill
4 the department for the costs of the audits.
5 Sec. 471. MATERNAL AND CHILD HEALTH SERVICES
6 APPROPRIATIONS.
7 1. There is appropriated from the fund created by section
8 8.41 to the department of public health for the federal fiscal
9 year beginning October 1, 2011, and ending September 30, 2012,
10 the following amount:
11 ..... $ 6,529,540
12 a. The funds appropriated in this subsection are the funds
13 anticipated to be received from the federal government for
14 the designated federal fiscal year under 42 U.S.C., ch. 7,
15 subch. V, which provides for the maternal and child health
16 services block grant. The department shall expend the funds
17 appropriated in this subsection as provided in the federal law
18 making the funds available and in conformance with chapter 17A.
19 b. Funds appropriated in this subsection shall not be used
20 by the university of Iowa hospitals and clinics for indirect
21 costs.
22 2. An amount not exceeding 10 percent of the funds
23 appropriated in subsection 1 shall be used by the department of
24 public health for administrative expenses.
25 3. The departments of public health, human services, and
26 education and the university of Iowa's mobile and regional
27 child health specialty clinics shall continue to pursue to the
28 maximum extent feasible the coordination and integration of
29 services to women and children.
30 4. a. Sixty-three percent of the remaining funds
31 appropriated in subsection 1 shall be allocated to supplement
32 appropriations for maternal and child health programs within
33 the department of public health. Of these funds, $300,291
34 shall be set aside for the statewide perinatal care program.
35 b. Thirty-seven percent of the remaining funds appropriated

1 in subsection 1 shall be allocated to the university of Iowa
2 hospitals and clinics under the control of the state board
3 of regents for mobile and regional child health specialty
4 clinics. The university of Iowa hospitals and clinics shall
5 not receive an allocation for indirect costs from the funds for
6 this program. Priority shall be given to establishment and
7 maintenance of a statewide system of mobile and regional child
8 health specialty clinics.
9 5. The department of public health shall administer the
10 statewide maternal and child health program and the disabled
11 children's program by conducting mobile and regional child
12 health specialty clinics and conducting other activities to
13 improve the health of low-income women and children and to
14 promote the welfare of children with actual or potential
15 handicapping conditions and chronic illnesses in accordance
16 with the requirements of Tit. V of the federal Social Security
17 Act.
18 Sec. 472. PREVENTIVE HEALTH AND HEALTH SERVICES
19 APPROPRIATIONS.
20 1. There is appropriated from the fund created by section
21 8.41 to the department of public health for the federal fiscal
22 year beginning October 1, 2011, and ending September 30, 2012,
23 the following amount:
24 ..... $ 1,102,464
25 Funds appropriated in this subsection are the funds
26 anticipated to be received from the federal government for
27 the designated federal fiscal year under 42 U.S.C., ch. 6A,
28 subch. XVII, part A, which provides for the preventive health
29 and health services block grant. The department shall expend
30 the funds appropriated in this subsection as provided in the
31 federal law making the funds available and in conformance with
32 chapter 17A.
33 2. Of the funds appropriated in subsection 1, an amount
34 not exceeding 10 percent shall be used by the department for
35 administrative expenses.

1 3. Of the funds appropriated in subsection 1, the specific
2 amount of funds stipulated by the notice of the block grant
3 award shall be allocated for services to victims of sex
4 offenses and for rape prevention education.
5 4. After deducting the funds allocated in subsections 2 and
6 3, the remaining funds appropriated in subsection 1 may be used
7 by the department for healthy people 2011/healthy Iowans 2011
8 program objectives, preventive health advisory committee, and
9 risk reduction services, including nutrition programs, health
10 incentive programs, chronic disease services, emergency medical
11 services, monitoring of the fluoridation program and start-up
12 fluoridation grants, and acquired immune deficiency syndrome
13 services. The moneys specified in this subsection shall not be
14 used by the university of Iowa hospitals and clinics or by the
15 state hygienic laboratory for the funding of indirect costs.
16 Sec. 473. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM
17 APPROPRIATION.
18 1. There is appropriated from the fund created by section
19 8.41 to the department of justice for the federal fiscal year
20 beginning October 1, 2011, and ending September 30, 2012, the
21 following amount:
22 ..... $ 1,588,692
23 Funds appropriated in this subsection are the anticipated
24 funds to be received from the federal government for the
25 designated fiscal year under 42 U.S.C., ch. 46, § 3796gg-1,
26 which provides for grants to combat violent crimes against
27 women. The department of justice shall expend the funds
28 appropriated in this subsection as provided in the federal law
29 making the funds available and in conformance with chapter 17A.
30 2. An amount not exceeding 10 percent of the funds
31 appropriated in subsection 1 shall be used by the department of
32 justice for administrative expenses. From the funds set aside
33 by this subsection for administrative expenses, the department
34 shall pay to the auditor of state an amount sufficient to pay
35 the cost of auditing the use and administration of the state's

1 portion of the funds appropriated in subsection 1.
2 Sec. 474. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE
3 PRISONERS FORMULA GRANT PROGRAM. There is appropriated from
4 the fund created by section 8.41 to the governor's office of
5 drug control policy for the federal fiscal year beginning
6 October 1, 2011, and ending September 30, 2012, the following
7 amount:
8 ..... $ 246,826
9 Funds appropriated in this section are the funds anticipated
10 to be received from the federal government for the designated
11 fiscal year under 42 U.S.C., ch. 46, subch. XII-G, which
12 provides grants for substance abuse treatment programs in state
13 and local correctional facilities. The drug policy coordinator
14 shall expend the funds appropriated in this section as provided
15 in federal law making the funds available and in conformance
16 with chapter 17A.
17 Sec. 475. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
18 PROGRAM APPROPRIATION.
19 1. There is appropriated from the fund created by section
20 8.41 to the governor's office of drug control policy for the
21 federal fiscal year beginning October 1, 2011, and ending
22 September 30, 2012, the following amount:
23 ..... $ 2,974,695
24 Funds appropriated in this subsection are the anticipated
25 funds to be received from the federal government for the
26 designated fiscal year under 42 U.S.C., ch. 46, subch. V, which
27 provides for the Edward Byrne memorial justice assistance grant
28 program. The drug policy coordinator shall expend the funds
29 appropriated in this subsection as provided in the federal law
30 making the funds available and in conformance with chapter 17A.
31 2. An amount not exceeding 10 percent of the funds
32 appropriated in subsection 1 shall be used by the drug policy
33 coordinator for administrative expenses. From the funds set
34 aside by this subsection for administrative expenses, the
35 drug policy coordinator shall pay to the auditor of state an

1 amount sufficient to pay the cost of auditing the use and
2 administration of the state's portion of the funds appropriated
3 in subsection 1.
4 Sec. 476. COMMUNITY SERVICES APPROPRIATIONS.
5 1. a. There is appropriated from the fund created by
6 section 8.41 to the division of community action agencies of
7 the department of human rights for the federal fiscal year
8 beginning October 1, 2011, and ending September 30, 2012, the
9 following amount:
10 ..... $ 7,540,877
11 Funds appropriated in this subsection are the funds
12 anticipated to be received from the federal government for the
13 designated federal fiscal year under 42 U.S.C., ch. 106, which
14 provides for the community services block grant. The division
15 of community action agencies of the department of human rights
16 shall expend the funds appropriated in this subsection as
17 provided in the federal law making the funds available and in
18 conformance with chapter 17A.
19 b. The administrator of the division of community action
20 agencies of the department of human rights shall allocate
21 not less than 96 percent of the amount of the block grant to
22 eligible community action agencies for programs benefiting
23 low-income persons. Each eligible agency shall receive a
24 minimum allocation of not less than $100,000. The minimum
25 allocation shall be achieved by redistributing increased
26 funds from agencies experiencing a greater share of available
27 funds. The funds shall be distributed on the basis of
28 the poverty-level population in the area represented by
29 the community action areas compared to the size of the
30 poverty-level population in the state.
31 2. An amount not exceeding 4 percent of the funds
32 appropriated in subsection 1 shall be used by the division of
33 community action agencies of the department of human rights
34 for administrative expenses. From the funds set aside by
35 this subsection for administrative expenses, the division of

1 community action agencies of the department of human rights
2 shall pay to the auditor of state an amount sufficient to pay
3 the cost of auditing the use and administration of the state's
4 portion of the funds appropriated in subsection 1. The auditor
5 of state shall bill the division of community action agencies
6 for the costs of the audits.
7 Sec. 477. COMMUNITY DEVELOPMENT APPROPRIATIONS.
8 1. There is appropriated from the fund created by section
9 8.41 to the department of economic development for the federal
10 fiscal year beginning October 1, 2011, and ending September 30,
11 2012, the following amount:
12 ..... $ 28,514,788
13 Funds appropriated in this subsection are the funds
14 anticipated to be received from the federal government for
15 the designated federal fiscal year under 42 U.S.C., ch. 69,
16 which provides for community development block grants. The
17 department of economic development shall expend the funds
18 appropriated in this subsection as provided in the federal law
19 making the funds available and in conformance with chapter 17A.
20 2. An amount not exceeding $1,240,000 for the federal fiscal
21 year beginning October 1, 2011, shall be used by the department
22 of economic development for administrative expenses for the
23 community development block grant. The total amount used for
24 administrative expenses includes $670,000 for the federal
25 fiscal year beginning October 1, 2011, of funds appropriated
26 in subsection 1 and a matching contribution from the state
27 equal to $570,000 from the appropriation of state funds for the
28 community development block grant and state appropriations for
29 related activities of the department of economic development.
30 From the funds set aside for administrative expenses by this
31 subsection, the department of economic development shall pay
32 to the auditor of state an amount sufficient to pay the cost of
33 auditing the use and administration of the state's portion of
34 the funds appropriated in subsection 1. The auditor of state
35 shall bill the department for the costs of the audit.

1 Sec. 478. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.
2 1. There is appropriated from the fund created by section
3 8.41 to the division of community action agencies of the
4 department of human rights for the federal fiscal year
5 beginning October 1, 2011, and ending September 30, 2012, the
6 following amount:
7 ..... $ 70,527,851
8 The funds appropriated in this subsection are the funds
9 anticipated to be received from the federal government for the
10 designated federal fiscal year under 42 U.S.C., ch. 94, subch.
11 II, which provides for the low-income home energy assistance
12 block grants. The division of community action agencies of the
13 department of human rights shall expend the funds appropriated
14 in this subsection as provided in the federal law making the
15 funds available and in conformance with chapter 17A.
16 2. Up to 15 percent of the amount appropriated in this
17 section that is actually received shall be used for residential
18 weatherization or other related home repairs for low-income
19 households. Of this allocation amount, not more than 10
20 percent may be used for administrative expenses.
21 3. After subtracting the allocation in subsection 2,
22 up to 10 percent of the remaining moneys are allocated
23 for administrative expenses of the low-income home energy
24 assistance program of which $377,000 is allocated for
25 administrative expenses of the division. The costs of auditing
26 the use and administration of the portion of the appropriation
27 in this section that is retained by the state shall be paid
28 from the amount allocated in this subsection to the division.
29 The auditor of state shall bill the division for the audit
30 costs.
31 4. The remaining moneys of the appropriation in this section
32 following the allocations made in subsections 2 and 3, shall be
33 used to help eligible households as defined in 42 U.S.C., ch.
34 94, subch. II, to meet home energy costs.
35 5. Not more than 10 percent of the amount appropriated in

1 this section that is actually received may be carried forward
2 for use in the succeeding federal fiscal year.
3 6. Expenditures for assessment and resolution of energy
4 problems shall be limited to not more than 5 percent of the
5 amount appropriated in this section that is actually received.
6 Sec. 479. SOCIAL SERVICES APPROPRIATIONS.
7 1. There is appropriated from the fund created by section
8 8.41 to the department of human services for the federal fiscal
9 year beginning October 1, 2011, and ending September 30, 2012,
10 the following amount:
11 ..... $ 16,562,583
12 Funds appropriated in this subsection are the funds
13 anticipated to be received from the federal government for
14 the designated federal fiscal year under 42 U.S.C., ch.
15 7, subch. XX, which provides for the social services block
16 grant. The department of human services shall expend the funds
17 appropriated in this subsection as provided in the federal law
18 making the funds available and in conformance with chapter 17A.
19 2. Not more than $1,065,917 of the funds appropriated in
20 subsection 1 shall be used by the department of human services
21 for general administration. From the funds set aside in this
22 subsection for general administration, the department of human
23 services shall pay to the auditor of state an amount sufficient
24 to pay the cost of auditing the use and administration of the
25 state's portion of the funds appropriated in subsection 1.
26 3. In addition to the allocation for general administration
27 in subsection 2, the remaining funds appropriated in subsection
28 1 shall be allocated in the following amounts to supplement
29 appropriations for the federal fiscal year beginning October
30 1, 2011, for the following programs within the department of
31 human services:
32 a. Field operations:
33 ..... $ 6,375,369
34 b. Child and family services:
35 ..... $ 824,195

1 c. Local administrative costs and other local services:
2 ..... $ 676,125
3 d. Volunteers:
4 ..... $ 74,023
5 e. MH/MR/DD/BI community services (local purchase):
6 ..... $ 7,546,954
7 Sec. 480. SOCIAL SERVICES BLOCK GRANT PLAN. The department
8 of human services during each state fiscal year shall develop a
9 plan for the use of federal social services block grant funds
10 for the subsequent state fiscal year.
11 The proposed plan shall include all programs and services
12 at the state level which the department proposes to fund with
13 federal social services block grant funds, and shall identify
14 state and other funds which the department proposes to use to
15 fund the state programs and services.
16 The proposed plan shall also include all local programs and
17 services which are eligible to be funded with federal social
18 services block grant funds, the total amount of federal social
19 services block grant funds available for the local programs and
20 services, and the manner of distribution of the federal social
21 services block grant funds to the counties. The proposed plan
22 shall identify state and local funds which will be used to fund
23 the local programs and services.
24 The proposed plan shall be submitted with the department's
25 budget requests to the governor and the general assembly.
26 Sec. 481. PROJECTS FOR ASSISTANCE IN TRANSITION FROM
27 HOMELESSNESS.
28 1. Upon receipt of the minimum formula grant from
29 the federal substance abuse and mental health services
30 administration to provide mental health services for the
31 homeless, for the federal fiscal year beginning October 1,
32 2011, and ending September 30, 2012, the department of human
33 services shall assure that a project which receives funds under
34 the formula grant shall do all of the following:
35 a. Provide outreach and engagement to homeless individuals

1 and individuals at risk of homelessness and assesses those
2 individuals for serious mental illness.
3 b. Enroll those individuals with serious mental illness who
4 are willing to accept services through the project.
5 c. Provide case management to homeless persons.
6 d. Provide appropriate training to persons who provide
7 services to persons targeted by the grant.
8 e. Assure a local match share of 25 percent.
9 f. Refer homeless individuals and individuals at risk of
10 homelessness to primary health care, job training, educational
11 services, and relevant housing services.
12 2. A project may expend funds for community mental health
13 services, diagnostic services, crisis intervention services,
14 habilitation and rehabilitation services, substance abuse
15 services, supportive and supervisory services to homeless
16 persons living in residential settings that are not otherwise
17 supported, and housing services including minor renovation,
18 expansion, and repair of housing, security deposits, planning
19 of housing, technical assistance in applying for housing,
20 improving the coordination of housing services, the costs
21 associated with matching eligible homeless individuals with
22 appropriate housing, and one-time rental payments to prevent
23 eviction.
24 Sec. 482. CHILD CARE AND DEVELOPMENT APPROPRIATION. There
25 is appropriated from the fund created by section 8.41 to the
26 department of human services for the federal fiscal year
27 beginning October 1, 2011, and ending September 30, 2012, the
28 following amount:
29 ..... $ 43,792,517
30 Funds appropriated in this section are the funds anticipated
31 to be received from the federal government under 42 U.S.C.,
32 ch. 105, subch. II-B, which provides for the child care and
33 development block grant. The department shall expend the funds
34 appropriated in this section as provided in the federal law
35 making the funds available and in conformance with chapter 17A.

1 Moneys appropriated in this section that remain unencumbered
2 or unobligated at the close of the fiscal year shall revert to
3 be available for appropriation for purposes of the child care
4 and development block grant in the succeeding fiscal year.
5 Sec. 483. PROCEDURE FOR REDUCED FEDERAL FUNDS.
6 1. If the funds received from the federal government for the
7 block grants specified in this Act are less than the amounts
8 appropriated, the funds actually received shall be prorated
9 by the governor for the various programs, other than for the
10 services to victims of sex offenses and for rape prevention
11 education under section 4, subsection 3, of this Act, for which
12 each block grant is available according to the percentages that
13 each program is to receive as specified in this Act. However,
14 if the governor determines that the funds allocated by the
15 percentages will not be sufficient to accomplish the purposes
16 of a particular program, or if the appropriation is not
17 allocated by percentage, the governor may allocate the funds in
18 a manner which will accomplish to the greatest extent possible
19 the purposes of the various programs for which the block grants
20 are available.
21 2. Before the governor implements the actions provided for
22 in subsection 1, the following procedures shall be taken:
23 a. The chairpersons and ranking members of the senate and
24 house standing committees on appropriations, the appropriate
25 chairpersons and ranking members of subcommittees of those
26 committees, and the director of the legislative services agency
27 shall be notified of the proposed action.
28 b. The notice shall include the proposed allocations,
29 and information on the reasons why particular percentages or
30 amounts of funds are allocated to the individual programs,
31 the departments and programs affected, and other information
32 deemed useful. Chairpersons and ranking members notified shall
33 be allowed at least two weeks to review and comment on the
34 proposed action before the action is taken.
35 Sec. 484. PROCEDURE FOR INCREASED FEDERAL FUNDS.

1 1. If funds received from the federal government in the form
2 of block grants exceed the amounts appropriated in sections 1,
3 2, 3, 4, 7, 9, and 11 of this Act, the excess shall be prorated
4 to the appropriate programs according to the percentages
5 specified in those sections, except additional funds shall not
6 be prorated for administrative expenses.
7 2. If actual funds received from the federal government
8 from block grants exceed the amount appropriated in section 10
9 of this Act for the low-income home energy assistance program,
10 not more than 10 percent of the excess may be allocated to the
11 low-income residential weatherization program and not more than
12 15 percent of the excess may be used for administrative costs.
13 3. If funds received from the federal government from
14 community services block grants exceed the amount appropriated
15 in section 8 of this Act, 100 percent of the excess is
16 allocated to the community services block grant program.
17 Sec. 485. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL
18 FUNDS. If other federal grants, receipts, and funds and other
19 nonstate grants, receipts, and funds become available or are
20 awarded which are not available or awarded during the period
21 in which the general assembly is in session, but which require
22 expenditure by the applicable department or agency prior
23 to March 15 of the fiscal year beginning July 1, 2011, and
24 ending June 30, 2012, these grants, receipts, and funds are
25 appropriated to the extent necessary, provided that the fiscal
26 committee of the legislative council is notified within 30 days
27 of receipt of the grants, receipts, or funds and the fiscal
28 committee of the legislative council has an opportunity to
29 comment on the expenditure of the grants, receipts, or funds.
30 Sec. 486. OTHER GRANTS, RECEIPTS, AND FUNDS. Federal
31 grants, receipts, and funds and other nonstate grants,
32 receipts, and funds, available in whole or in part of the
33 fiscal year beginning July 1, 2011, and ending June 30, 2012,
34 are appropriated to the following departments and agencies that
35 are designated by and for the purposes set forth in the grants,

1 receipts, or conditions accompanying the receipt of the funds,
2 unless otherwise provided by law:
3 1. Department of administrative services.
4 2. Department on aging.
5 3. Department of agriculture and land stewardship.
6 4. Office of auditor of state.
7 5. Department for the blind.
8 6. Iowa state civil rights commission.
9 7. College student aid commission.
10 8. Department of commerce.
11 9. Department of corrections.
12 10. Department of cultural affairs.
13 11. Department of economic development.
14 12. Department of education.
15 13. Office of energy independence.
16 14. Iowa ethics and campaign disclosure board.
17 15. Iowa finance authority.
18 16. Offices of the governor and lieutenant governor.
19 17. Governor's office of drug control policy.
20 18. Department of human rights.
21 19. Department of human services.
22 20. Department of inspections and appeals.
23 21. Judicial branch.
24 22. Department of justice.
25 23. Iowa law enforcement academy.
26 24. Department of management.
27 25. Department of natural resources.
28 26. Board of parole.
29 27. Department of public defense.
30 28. Public employment relations board.
31 29. Department of public health.
32 30. Department of public safety.
33 31. State board of regents.
34 32. Department of revenue.
35 33. Office of secretary of state.

34. Iowa state fair authority.
35. Office for state-federal relations.
36. Iowa telecommunications and technology commission.
37. Office of treasurer of state.
38. Department of transportation.
39. Department of veterans affairs.
40. Department of workforce development.

DIVISION LVII
BLOCK GRANTS
FY 2012-2013

Sec. 487. SUBSTANCE ABUSE APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of public health for the federal fiscal year beginning October 1, 2012, and ending September 30, 2013, the following amount:

..... $ 11,535,545

a. Funds appropriated in this subsection are the anticipated funds to be received from the federal government for the designated federal fiscal year under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart ii, which provides for the prevention and treatment of substance abuse block grant. The department shall expend the funds appropriated in this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

b. Of the funds appropriated in this subsection, an amount not exceeding 5 percent shall be used by the department for administrative expenses.

c. The department shall expend no less than an amount equal to the amount expended for treatment services in the state fiscal year beginning July 1, 2011, for pregnant women and women with dependent children.

d. Of the funds appropriated in this subsection, an amount not exceeding $20,897 shall be used for audits.

2. At least 20 percent of the funds remaining from the appropriation made in subsection 1 shall be allocated for

1 prevention programs.
2 3. In implementing the federal prevention and treatment of
3 substance abuse block grant under 42 U.S.C., ch. 6A, subch.
4 XVII, and any other applicable provisions of the federal Public
5 Health Service Act under 42 U.S.C., ch. 6A, the department
6 shall apply the provisions of Pub. L. No. 106-310, § 3305,
7 as codified in 42 U.S.C. § 300x-65, relating to services
8 under such federal law being provided by religious and other
9 nongovernmental organizations.
10 Sec. 488. COMMUNITY MENTAL HEALTH SERVICES APPROPRIATION.
11 1. a. There is appropriated from the fund created by
12 section 8.41 to the department of human services for the
13 federal fiscal year beginning October 1, 2012, and ending
14 September 30, 2013, the following amount:
15 ..... $ 2,865,214
16 b. Funds appropriated in this subsection are the
17 anticipated funds to be received from the federal government
18 for the designated federal fiscal year under 42 U.S.C., ch.
19 6A, subch. XVII, part B, subpart i, which provides for the
20 community mental health services block grant. The department
21 shall expend the funds appropriated in this subsection as
22 provided in the federal law making the funds available and in
23 conformance with chapter 17A.
24 c. The department shall allocate not less than 95 percent
25 of the amount of the block grant to eligible community mental
26 health services providers for carrying out the plan submitted
27 to and approved by the federal substance abuse and mental
28 health services administration for the fiscal year involved.
29 d. Of the amount allocated to eligible services providers
30 under paragraph "c", 70 percent shall be distributed to
31 the state's accredited community mental health centers
32 established or designated by counties in accordance with law
33 or administrative rule. If a county has not established or
34 designated a community mental health center and has received
35 a waiver from the mental health and disability services

1 commission, the mental health services provider designated
2 by that county is eligible to receive funding distributed
3 pursuant to this paragraph in lieu of a community mental health
4 center. The funding distributed shall be used by recipients
5 of the funding for the purpose of developing and providing
6 evidence-based practices and emergency services to adults with
7 a serious mental illness and children with a serious emotional
8 disturbance. The distribution amounts shall be announced at
9 the beginning of the federal fiscal year and distributed on
10 a quarterly basis according to the formulas used in previous
11 fiscal years. Recipients shall submit quarterly reports
12 containing data consistent with the performance measures
13 approved by the federal substance abuse and mental health
14 services administration.
15 2. An amount not exceeding 5 percent of the funds
16 appropriated in subsection 1 shall be used by the department
17 of human services for administrative expenses. From the
18 funds set aside by this subsection for administrative
19 expenses, the department shall pay to the auditor of state
20 an amount sufficient to pay the cost of auditing the use
21 and administration of the state's portion of the funds
22 appropriated in subsection 1. The auditor of state shall bill
23 the department for the costs of the audits.
24 Sec. 489. MATERNAL AND CHILD HEALTH SERVICES
25 APPROPRIATIONS.
26 1. There is appropriated from the fund created by section
27 8.41 to the department of public health for the federal fiscal
28 year beginning October 1, 2012, and ending September 30, 2013,
29 the following amount:
30 ..... $ 5,550,109
31 a. The funds appropriated in this subsection are the funds
32 anticipated to be received from the federal government for
33 the designated federal fiscal year under 42 U.S.C., ch. 7,
34 subch. V, which provides for the maternal and child health
35 services block grant. The department shall expend the funds

1 appropriated in this subsection as provided in the federal law
2 making the funds available and in conformance with chapter 17A.
3 b. Funds appropriated in this subsection shall not be used
4 by the university of Iowa hospitals and clinics for indirect
5 costs.
6 2. An amount not exceeding 10 percent of the funds
7 appropriated in subsection 1 shall be used by the department of
8 public health for administrative expenses.
9 3. The departments of public health, human services, and
10 education and the university of Iowa's mobile and regional
11 child health specialty clinics shall continue to pursue to the
12 maximum extent feasible the coordination and integration of
13 services to women and children.
14 4. a. Sixty-three percent of the remaining funds
15 appropriated in subsection 1 shall be allocated to supplement
16 appropriations for maternal and child health programs within
17 the department of public health. Of these funds, $255,247
18 shall be set aside for the statewide perinatal care program.
19 b. Thirty-seven percent of the remaining funds appropriated
20 in subsection 1 shall be allocated to the university of Iowa
21 hospitals and clinics under the control of the state board
22 of regents for mobile and regional child health specialty
23 clinics. The university of Iowa hospitals and clinics shall
24 not receive an allocation for indirect costs from the funds for
25 this program. Priority shall be given to establishment and
26 maintenance of a statewide system of mobile and regional child
27 health specialty clinics.
28 5. The department of public health shall administer the
29 statewide maternal and child health program and the disabled
30 children's program by conducting mobile and regional child
31 health specialty clinics and conducting other activities to
32 improve the health of low-income women and children and to
33 promote the welfare of children with actual or potential
34 handicapping conditions and chronic illnesses in accordance
35 with the requirements of Tit. V of the federal Social Security

1 Act.
2 Sec. 490. PREVENTIVE HEALTH AND HEALTH SERVICES
3 APPROPRIATIONS.
4 1. There is appropriated from the fund created by section
5 8.41 to the department of public health for the federal fiscal
6 year beginning October 1, 2012, and ending September 30, 2013,
7 the following amount:
8 ..... $ 937,094
9 Funds appropriated in this subsection are the funds
10 anticipated to be received from the federal government for
11 the designated federal fiscal year under 42 U.S.C., ch. 6A,
12 subch. XVII, part A, which provides for the preventive health
13 and health services block grant. The department shall expend
14 the funds appropriated in this subsection as provided in the
15 federal law making the funds available and in conformance with
16 chapter 17A.
17 2. Of the funds appropriated in subsection 1, an amount
18 not exceeding 10 percent shall be used by the department for
19 administrative expenses.
20 3. Of the funds appropriated in subsection 1, the specific
21 amount of funds stipulated by the notice of the block grant
22 award shall be allocated for services to victims of sex
23 offenses and for rape prevention education.
24 4. After deducting the funds allocated in subsections 2 and
25 3, the remaining funds appropriated in subsection 1 may be used
26 by the department for healthy people 2011/healthy Iowans 2011
27 program objectives, preventive health advisory committee, and
28 risk reduction services, including nutrition programs, health
29 incentive programs, chronic disease services, emergency medical
30 services, monitoring of the fluoridation program and start-up
31 fluoridation grants, and acquired immune deficiency syndrome
32 services. The moneys specified in this subsection shall not be
33 used by the university of Iowa hospitals and clinics or by the
34 state hygienic laboratory for the funding of indirect costs.
35 Sec. 491. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM

1 APPROPRIATION.
2 1. There is appropriated from the fund created by section
3 8.41 to the department of justice for the federal fiscal year
4 beginning October 1, 2012, and ending September 30, 2013, the
5 following amount:
6 ..... $ 1,350,388
7 Funds appropriated in this subsection are the anticipated
8 funds to be received from the federal government for the
9 designated fiscal year under 42 U.S.C., ch. 46, § 3796gg-1,
10 which provides for grants to combat violent crimes against
11 women. The department of justice shall expend the funds
12 appropriated in this subsection as provided in the federal law
13 making the funds available and in conformance with chapter 17A.
14 2. An amount not exceeding 10 percent of the funds
15 appropriated in subsection 1 shall be used by the department of
16 justice for administrative expenses. From the funds set aside
17 by this subsection for administrative expenses, the department
18 shall pay to the auditor of state an amount sufficient to pay
19 the cost of auditing the use and administration of the state's
20 portion of the funds appropriated in subsection 1.
21 Sec. 492. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE
22 PRISONERS FORMULA GRANT PROGRAM. There is appropriated from
23 the fund created by section 8.41 to the governor's office of
24 drug control policy for the federal fiscal year beginning
25 October 1, 2012, and ending September 30, 2013, the following
26 amount:
27 ..... $ 209,802
28 Funds appropriated in this section are the funds anticipated
29 to be received from the federal government for the designated
30 fiscal year under 42 U.S.C., ch. 46, subch. XII-G, which
31 provides grants for substance abuse treatment programs in state
32 and local correctional facilities. The drug policy coordinator
33 shall expend the funds appropriated in this section as provided
34 in federal law making the funds available and in conformance
35 with chapter 17A.

1 Sec. 493. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
2 PROGRAM APPROPRIATION.
3 1. There is appropriated from the fund created by section
4 8.41 to the governor's office of drug control policy for the
5 federal fiscal year beginning October 1, 2012, and ending
6 September 30, 2013, the following amount:
7 ..... $ 2,528,491
8 Funds appropriated in this subsection are the anticipated
9 funds to be received from the federal government for the
10 designated fiscal year under 42 U.S.C., ch. 46, subch. V, which
11 provides for the Edward Byrne memorial justice assistance grant
12 program. The drug policy coordinator shall expend the funds
13 appropriated in this subsection as provided in the federal law
14 making the funds available and in conformance with chapter 17A.
15 2. An amount not exceeding 10 percent of the funds
16 appropriated in subsection 1 shall be used by the drug policy
17 coordinator for administrative expenses. From the funds set
18 aside by this subsection for administrative expenses, the
19 drug policy coordinator shall pay to the auditor of state an
20 amount sufficient to pay the cost of auditing the use and
21 administration of the state's portion of the funds appropriated
22 in subsection 1.
23 Sec. 494. COMMUNITY SERVICES APPROPRIATIONS.
24 1. a. There is appropriated from the fund created by
25 section 8.41 to the division of community action agencies of
26 the department of human rights for the federal fiscal year
27 beginning October 1, 2012, and ending September 30, 2013, the
28 following amount:
29 ..... $ 6,409,745
30 Funds appropriated in this subsection are the funds
31 anticipated to be received from the federal government for the
32 designated federal fiscal year under 42 U.S.C., ch. 106, which
33 provides for the community services block grant. The division
34 of community action agencies of the department of human rights
35 shall expend the funds appropriated in this subsection as

1 provided in the federal law making the funds available and in
2 conformance with chapter 17A.
3 b. The administrator of the division of community action
4 agencies of the department of human rights shall allocate
5 not less than 96 percent of the amount of the block grant to
6 eligible community action agencies for programs benefiting
7 low-income persons. Each eligible agency shall receive a
8 minimum allocation of not less than $85,000. The minimum
9 allocation shall be achieved by redistributing increased
10 funds from agencies experiencing a greater share of available
11 funds. The funds shall be distributed on the basis of
12 the poverty-level population in the area represented by
13 the community action areas compared to the size of the
14 poverty-level population in the state.
15 2. An amount not exceeding 4 percent of the funds
16 appropriated in subsection 1 shall be used by the division of
17 community action agencies of the department of human rights
18 for administrative expenses. From the funds set aside by
19 this subsection for administrative expenses, the division of
20 community action agencies of the department of human rights
21 shall pay to the auditor of state an amount sufficient to pay
22 the cost of auditing the use and administration of the state's
23 portion of the funds appropriated in subsection 1. The auditor
24 of state shall bill the division of community action agencies
25 for the costs of the audits.
26 Sec. 495. COMMUNITY DEVELOPMENT APPROPRIATIONS.
27 1. There is appropriated from the fund created by section
28 8.41 to the department of economic development for the federal
29 fiscal year beginning October 1, 2012, and ending September 30,
30 2013, the following amount:
31 ..... $ 24,237,570
32 Funds appropriated in this subsection are the funds
33 anticipated to be received from the federal government for
34 the designated federal fiscal year under 42 U.S.C., ch. 69,
35 which provides for community development block grants. The

1 department of economic development shall expend the funds
2 appropriated in this subsection as provided in the federal law
3 making the funds available and in conformance with chapter 17A.
4 2. An amount not exceeding $1,054,000 for the federal fiscal
5 year beginning October 1, 2012, shall be used by the department
6 of economic development for administrative expenses for the
7 community development block grant. The total amount used for
8 administrative expenses includes $569,500 for the federal
9 fiscal year beginning October 1, 2012, of funds appropriated
10 in subsection 1 and a matching contribution from the state
11 equal to $484,500 from the appropriation of state funds for the
12 community development block grant and state appropriations for
13 related activities of the department of economic development.
14 From the funds set aside for administrative expenses by this
15 subsection, the department of economic development shall pay
16 to the auditor of state an amount sufficient to pay the cost of
17 auditing the use and administration of the state's portion of
18 the funds appropriated in subsection 1. The auditor of state
19 shall bill the department for the costs of the audit.
20 Sec. 496. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.
21 1. There is appropriated from the fund created by section
22 8.41 to the division of community action agencies of the
23 department of human rights for the federal fiscal year
24 beginning October 1, 2012, and ending September 30, 2013, the
25 following amount:
26 ..... $ 59,948,673
27 The funds appropriated in this subsection are the funds
28 anticipated to be received from the federal government for the
29 designated federal fiscal year under 42 U.S.C., ch. 94, subch.
30 II, which provides for the low-income home energy assistance
31 block grants. The division of community action agencies of the
32 department of human rights shall expend the funds appropriated
33 in this subsection as provided in the federal law making the
34 funds available and in conformance with chapter 17A.
35 2. Up to 15 percent of the amount appropriated in this

1 section that is actually received shall be used for residential
2 weatherization or other related home repairs for low-income
3 households. Of this allocation amount, not more than 10
4 percent may be used for administrative expenses.
5 3. After subtracting the allocation in subsection 2,
6 up to 10 percent of the remaining moneys are allocated
7 for administrative expenses of the low-income home energy
8 assistance program of which $320,450 is allocated for
9 administrative expenses of the division. The costs of auditing
10 the use and administration of the portion of the appropriation
11 in this section that is retained by the state shall be paid
12 from the amount allocated in this subsection to the division.
13 The auditor of state shall bill the division for the audit
14 costs.
15 4. The remaining moneys of the appropriation in this section
16 following the allocations made in subsections 2 and 3, shall be
17 used to help eligible households as defined in 42 U.S.C., ch.
18 94, subch. II, to meet home energy costs.
19 5. Not more than 10 percent of the amount appropriated in
20 this section that is actually received may be carried forward
21 for use in the succeeding federal fiscal year.
22 6. Expenditures for assessment and resolution of energy
23 problems shall be limited to not more than 5 percent of the
24 amount appropriated in this section that is actually received.
25 Sec. 497. SOCIAL SERVICES APPROPRIATIONS.
26 1. There is appropriated from the fund created by section
27 8.41 to the department of human services for the federal fiscal
28 year beginning October 1, 2012, and ending September 30, 2013,
29 the following amount:
30 ..... $ 14,078,196
31 Funds appropriated in this subsection are the funds
32 anticipated to be received from the federal government for
33 the designated federal fiscal year under 42 U.S.C., ch.
34 7, subch. XX, which provides for the social services block
35 grant. The department of human services shall expend the funds

1 appropriated in this subsection as provided in the federal law
2 making the funds available and in conformance with chapter 17A.
3 2. Not more than $906,029 of the funds appropriated in
4 subsection 1 shall be used by the department of human services
5 for general administration. From the funds set aside in this
6 subsection for general administration, the department of human
7 services shall pay to the auditor of state an amount sufficient
8 to pay the cost of auditing the use and administration of the
9 state's portion of the funds appropriated in subsection 1.
10 3. In addition to the allocation for general administration
11 in subsection 2, the remaining funds appropriated in subsection
12 1 shall be allocated in the following amounts to supplement
13 appropriations for the federal fiscal year beginning October
14 1, 2012, for the following programs within the department of
15 human services:
16 a. Field operations:
17 ..... $ 5,419,064
18 b. Child and family services:
19 ..... $ 700,566
20 c. Local administrative costs and other local services:
21 ..... $ 574,706
22 d. Volunteers:
23 ..... $ 62,920
24 e. MH/MR/DD/BI community services (local purchase):
25 ..... $ 6,414,911
26 Sec. 498. SOCIAL SERVICES BLOCK GRANT PLAN. The department
27 of human services during each state fiscal year shall develop a
28 plan for the use of federal social services block grant funds
29 for the subsequent state fiscal year.
30 The proposed plan shall include all programs and services
31 at the state level which the department proposes to fund with
32 federal social services block grant funds, and shall identify
33 state and other funds which the department proposes to use to
34 fund the state programs and services.
35 The proposed plan shall also include all local programs and

1 services which are eligible to be funded with federal social
2 services block grant funds, the total amount of federal social
3 services block grant funds available for the local programs and
4 services, and the manner of distribution of the federal social
5 services block grant funds to the counties. The proposed plan
6 shall identify state and local funds which will be used to fund
7 the local programs and services.
8 The proposed plan shall be submitted with the department's
9 budget requests to the governor and the general assembly.
10 Sec. 499. PROJECTS FOR ASSISTANCE IN TRANSITION FROM
11 HOMELESSNESS.
12 1. Upon receipt of the minimum formula grant from
13 the federal substance abuse and mental health services
14 administration to provide mental health services for the
15 homeless, for the federal fiscal year beginning October 1,
16 2012, and ending September 30, 2013, the department of human
17 services shall assure that a project which receives funds under
18 the formula grant shall do all of the following:
19 a. Provide outreach and engagement to homeless individuals
20 and individuals at risk of homelessness and assesses those
21 individuals for serious mental illness.
22 b. Enroll those individuals with serious mental illness who
23 are willing to accept services through the project.
24 c. Provide case management to homeless persons.
25 d. Provide appropriate training to persons who provide
26 services to persons targeted by the grant.
27 e. Assure a local match share of 25 percent.
28 f. Refer homeless individuals and individuals at risk of
29 homelessness to primary health care, job training, educational
30 services, and relevant housing services.
31 2. A project may expend funds for community mental health
32 services, diagnostic services, crisis intervention services,
33 habilitation and rehabilitation services, substance abuse
34 services, supportive and supervisory services to homeless
35 persons living in residential settings that are not otherwise

1 supported, and housing services including minor renovation,
2 expansion, and repair of housing, security deposits, planning
3 of housing, technical assistance in applying for housing,
4 improving the coordination of housing services, the costs
5 associated with matching eligible homeless individuals with
6 appropriate housing, and one-time rental payments to prevent
7 eviction.
8 Sec. 500. CHILD CARE AND DEVELOPMENT APPROPRIATION. There
9 is appropriated from the fund created by section 8.41 to the
10 department of human services for the federal fiscal year
11 beginning October 1, 2012, and ending September 30, 2013, the
12 following amount:
13 ..... $ 37,223,639
14 Funds appropriated in this section are the funds anticipated
15 to be received from the federal government under 42 U.S.C.,
16 ch. 105, subch. II-B, which provides for the child care and
17 development block grant. The department shall expend the funds
18 appropriated in this section as provided in the federal law
19 making the funds available and in conformance with chapter 17A.
20 Moneys appropriated in this section that remain unencumbered
21 or unobligated at the close of the fiscal year shall revert to
22 be available for appropriation for purposes of the child care
23 and development block grant in the succeeding fiscal year.
24 Sec. 501. PROCEDURE FOR REDUCED FEDERAL FUNDS.
25 1. If the funds received from the federal government for the
26 block grants specified in this Act are less than the amounts
27 appropriated, the funds actually received shall be prorated
28 by the governor for the various programs, other than for the
29 services to victims of sex offenses and for rape prevention
30 education under section 22, subsection 3, of this division of
31 this Act, for which each block grant is available according to
32 the percentages that each program is to receive as specified in
33 this division of this Act. However, if the governor determines
34 that the funds allocated by the percentages will not be
35 sufficient to accomplish the purposes of a particular program,

1 or if the appropriation is not allocated by percentage,
2 the governor may allocate the funds in a manner which will
3 accomplish to the greatest extent possible the purposes of the
4 various programs for which the block grants are available.
5 2. Before the governor implements the actions provided for
6 in subsection 1, the following procedures shall be taken:
7 a. The chairpersons and ranking members of the senate and
8 house standing committees on appropriations, the appropriate
9 chairpersons and ranking members of subcommittees of those
10 committees, and the director of the legislative services agency
11 shall be notified of the proposed action.
12 b. The notice shall include the proposed allocations,
13 and information on the reasons why particular percentages or
14 amounts of funds are allocated to the individual programs,
15 the departments and programs affected, and other information
16 deemed useful. Chairpersons and ranking members notified shall
17 be allowed at least two weeks to review and comment on the
18 proposed action before the action is taken.
19 Sec. 502. PROCEDURE FOR INCREASED FEDERAL FUNDS.
20 1. If funds received from the federal government in the form
21 of block grants exceed the amounts appropriated in sections 19,
22 20, 21, 22, 25, 27, and 29 of this division of this Act, the
23 excess shall be prorated to the appropriate programs according
24 to the percentages specified in those sections, except
25 additional funds shall not be prorated for administrative
26 expenses.
27 2. If actual funds received from the federal government
28 from block grants exceed the amount appropriated in section 28
29 of this division of this Act for the low-income home energy
30 assistance program, not more than 10 percent of the excess
31 may be allocated to the low-income residential weatherization
32 program and not more than 15 percent of the excess may be used
33 for administrative costs.
34 3. If funds received from the federal government from
35 community services block grants exceed the amount appropriated

1 in section 26 of this division of this Act, 100 percent of
2 the excess is allocated to the community services block grant
3 program.
4 Sec. 503. PROCEDURE FOR EXPENDITURE OF ADDITIONAL FEDERAL
5 FUNDS. If other federal grants, receipts, and funds and other
6 nonstate grants, receipts, and funds become available or are
7 awarded which are not available or awarded during the period
8 in which the general assembly is in session, but which require
9 expenditure by the applicable department or agency prior
10 to March 15 of the fiscal year beginning July 1, 2012, and
11 ending June 30, 2013, these grants, receipts, and funds are
12 appropriated to the extent necessary, provided that the fiscal
13 committee of the legislative council is notified within 30 days
14 of receipt of the grants, receipts, or funds and the fiscal
15 committee of the legislative council has an opportunity to
16 comment on the expenditure of the grants, receipts, or funds.
17 Sec. 504. EXPENDITURE REPORT. Each department, agency,
18 or authority receiving an appropriation of federal funds
19 pursuant to this Act for the federal fiscal year beginning
20 October 1, 2011, or October 1, 2012, shall submit a detailed
21 plan for the expenditure of the federal funds designated for
22 departmental administrative expenses to the members of the
23 joint appropriations subcommittee with jurisdiction over the
24 state appropriations for the department, agency, or authority.
25 The plan shall be submitted at least 60 calendar days prior to
26 the commencement of the federal fiscal year to which the plan
27 applies and shall be accompanied by a detailed report on the
28 actual department administrative expenditures for the federal
29 fiscal year in progress and the most recently completed federal
30 fiscal year, both in a form acceptable to the legislative
31 services agency.
32 Sec. 505. OTHER GRANTS, RECEIPTS, AND FUNDS. Federal
33 grants, receipts, and funds and other nonstate grants,
34 receipts, and funds, available in whole or in part of the
35 fiscal year beginning July 1, 2012, and ending June 30, 2013,

1 are appropriated to the following departments and agencies that
2 are designated by and for the purposes set forth in the grants,
3 receipts, or conditions accompanying the receipt of the funds,
4 unless otherwise provided by law:
5 1. Department of administrative services.
6 2. Department on aging.
7 3. Department of agriculture and land stewardship.
8 4. Office of auditor of state.
9 5. Department for the blind.
10 6. Iowa state civil rights commission.
11 7. College student aid commission.
12 8. Department of commerce.
13 9. Department of corrections.
14 10. Department of cultural affairs.
15 11. Department of economic development.
16 12. Department of education.
17 13. Office of energy independence.
18 14. Iowa ethics and campaign disclosure board.
19 15. Iowa finance authority.
20 16. Offices of the governor and lieutenant governor.
21 17. Governor's office of drug control policy.
22 18. Department of human rights.
23 19. Department of human services.
24 20. Department of inspections and appeals.
25 21. Judicial branch.
26 22. Department of justice.
27 23. Iowa law enforcement academy.
28 24. Department of management.
29 25. Department of natural resources.
30 26. Board of parole.
31 27. Department of public defense.
32 28. Public employment relations board.
33 29. Department of public health.
34 30. Department of public safety.
35 31. State board of regents.

1 32. Department of revenue.
2 33. Office of secretary of state.
3 34. Iowa state fair authority.
4 35. Office for state-federal relations.
5 36. Iowa telecommunications and technology commission.
6 37. Office of treasurer of state.
7 38. Department of transportation.
8 39. Department of veterans affairs.
9 40. Department of workforce development.
10 DIVISION LVIII
11 STANDINGS
12 STANDING APPROPRIATIONS AND RELATED MATTERS —— FY 2011-2012
13 Sec. 506. BUDGET PROCESS FOR FISCAL YEAR 2012-2013.
14 1. For the budget process applicable to the fiscal year
15 beginning July 1, 2012, on or before October 1, 2011, in lieu
16 of the information specified in section 8.23, subsection 1,
17 unnumbered paragraph 1, and paragraph "a", all departments and
18 establishments of the government shall transmit to the director
19 of the department of management, on blanks to be furnished by
20 the director, estimates of their expenditure requirements,
21 including every proposed expenditure, for the ensuing fiscal
22 year, together with supporting data and explanations as called
23 for by the director of the department of management after
24 consultation with the legislative services agency.
25 2. The estimates of expenditure requirements shall be
26 in a form specified by the director of the department of
27 management, and the expenditure requirements shall include all
28 proposed expenditures and shall be prioritized by program or
29 the results to be achieved. The estimates shall be accompanied
30 by performance measures for evaluating the effectiveness of the
31 programs or results.
32 Sec. 507. LIMITATION OF STANDING APPROPRIATIONS.
33 Notwithstanding the standing appropriations in the following
34 designated sections for the fiscal year beginning July 1, 2011,
35 and ending June 30, 2012, the amounts appropriated from the

1 general fund of the state pursuant to these sections for the
2 following designated purposes shall not exceed the following
3 amounts:
4 1. For performance of duty by the executive council in
5 sections 7D.29, 8A.321, and 29C.20:
6 ..... $ 38,000,000
7 2. For operational support grants and community cultural
8 grants under section 99F.11, subsection 3, paragraph "d",
9 subparagraph (1):
10 ..... $ 416,702
11 3. For regional tourism marketing under section 99F.11,
12 subsection 3, paragraph "d", subparagraph (2):
13 ..... $ 810,306
14 4. For the center for congenital and inherited disorders
15 central registry under section 144.13A, subsection 4, paragraph
16 "a":
17 ..... $ 171,121
18 5. For primary and secondary child abuse prevention
19 programs under section 144.13A, subsection 4, paragraph "a":
20 ..... $ 217,772
21 6. For programs for at-risk children under section 279.51:
22 ..... $ 8,504,258
23 The amount of any reduction in this subsection shall be
24 prorated among the programs specified in section 279.51,
25 subsection 1, paragraphs "a", "b", and "c".
26 7. For payment for nonpublic school transportation under
27 section 285.2:
28 ..... $ 7,060,931
29 If total approved claims for reimbursement for nonpublic
30 school pupil transportation exceed the amount appropriated in
31 accordance with this subsection, the department of education
32 shall prorate the amount of each approved claim.
33 8. For reimbursement for the homestead property tax credit
34 under section 425.1:
35 ..... $ 86,188,387

1 9. For reimbursement for the family farm and agricultural
2 land tax credits under sections 425A.1 and 426.1:
3 ..... $ 32,395,131
4 10. For the enforcement of chapter 453D relating to tobacco
5 product manufacturers under section 453D.8:
6 ..... $ 18,416
7 Sec. 508. INSTRUCTIONAL SUPPORT STATE AID —— FY
8 2011-2012. In lieu of the appropriation provided in section
9 257.20, subsection 2, the appropriation for the fiscal year
10 beginning July 1, 2011, and ending June 30, 2012, for paying
11 instructional support state aid under section 257.20 for fiscal
12 year 2011-2012 is zero.
13 Sec. 509. APPROPRIATION —— FARMERS WITH
14 DISABILITIES. There is appropriated from the general fund of
15 the state to the department of agriculture and land stewardship
16 for the fiscal year beginning July 1, 2011, and ending June 30,
17 2012, the following amount, or so much thereof as is necessary,
18 for a program for farmers with disabilities:
19 ..... $ 97,000
20 The moneys appropriated in this section shall be used
21 for the public purpose of providing a grant to a national
22 nonprofit organization with over 80 years of experience in
23 assisting children and adults with disabilities and special
24 needs. The moneys shall be used to support a nationally
25 recognized program that began in 1986 and has been replicated
26 in at least 30 other states, but which is not available through
27 any other entity in this state, and that provides assistance
28 to farmers with disabilities in all 99 counties to allow the
29 farmers to remain in their own homes and be gainfully engaged
30 in farming through provision of agricultural worksite and home
31 modification consultations, peer support services, services
32 to families, information and referral, and equipment loan
33 services. Notwithstanding section 8.33, moneys appropriated
34 in this section that remain unencumbered or unobligated at the
35 close of the fiscal year shall not revert but shall remain

1 available for expenditure for the purposes designated until the
2 close of the succeeding fiscal year.
3 Sec. 510. Section 256.30, unnumbered paragraph 1, Code
4 2011, is amended by striking the unnumbered paragraph and
5 inserting in lieu thereof the following:
6 For the fiscal year beginning July 1, 2011, and ending
7 June 30, 2012, there is appropriated from the general fund of
8 the state to the department the sum of one hundred thousand
9 dollars. For the fiscal year beginning July 1, 2012, and
10 ending June 30, 2013, and for each succeeding fiscal year,
11 there is appropriated from the general fund of the state to
12 the department the sum of eighty-five thousand dollars. The
13 department shall distribute the appropriation to the tribal
14 council of the Sac and Fox Indian settlement for expenses of
15 educating American Indian children residing in the Sac and Fox
16 Indian settlement on land held in trust by the secretary of
17 the interior of the United States in excess of federal moneys
18 paid to the tribal council for educating the American Indian
19 children when moneys are appropriated for that purpose. The
20 tribal council shall administer the moneys distributed pursuant
21 to this section and shall submit an annual report and other
22 reports as required by the department to the department on the
23 expenditure of the moneys.
24 Sec. 511. Section 257.35, Code 2011, is amended by adding
25 the following new subsection:
26 NEW SUBSECTION. 5A. Notwithstanding subsection 1, and in
27 addition to the reduction applicable pursuant to subsection
28 2, the state aid for area education agencies and the portion
29 of the combined district cost calculated for these agencies
30 for the fiscal year beginning July 1, 2011, and ending June
31 30, 2012, shall be reduced by the department of management by
32 twenty million dollars. The reduction for each area education
33 agency shall be prorated based on the reduction that the agency
34 received in the fiscal year beginning July 1, 2003.
35 Sec. 512. Section 453A.35, subsection 1, Code 2011, is

amended to read as follows:

1. *a.* ~~The~~ With the exception of revenues credited to the health care trust fund pursuant to paragraph "*b*", the proceeds derived from the sale of stamps and the payment of taxes, fees, and penalties provided for under this chapter, and the permit fees received from all permits issued by the department, shall be credited to the general fund of the state. ~~However, of~~

b. Of the revenues generated from the tax on cigarettes pursuant to section 453A.6, subsection 1, and from the tax on tobacco products as specified in section 453A.43, subsections 1, 2, 3, and 4, ~~and credited to the general fund of the state under this subsection, there is appropriated, annually, to the health care trust fund created in section 453A.35A,~~ the first one hundred six million sixteen thousand four hundred dollars shall be credited to the health care trust fund created in section 453A.35A.

Sec. 513. Section 453A.35A, subsection 1, Code 2011, is amended to read as follows:

1. A health care trust fund is created in the office of the treasurer of state. The fund consists of the revenues generated from the tax on cigarettes pursuant to section 453A.6, subsection 1, and from the tax on tobacco products as specified in section 453A.43, subsections 1, 2, 3, and 4, that are credited to the ~~general fund of the state and appropriated to the~~ health care trust fund, annually, pursuant to section 453A.35. Moneys in the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. However, the fund shall be considered a special account for the purposes of section 8.53 relating to generally accepted accounting principles. Moneys in the fund shall be used only as specified in this section and shall be appropriated only for the uses specified. Moneys in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in this section.

1 Notwithstanding section 12C.7, subsection 2, interest or
2 earnings on moneys deposited in the fund shall be credited to
3 the fund.
4 DIVISION LIX
5 STANDINGS
6 SALARIES, COMPENSATION, AND RELATED MATTERS —— FY 2011-2012
7 Sec. 514. BONUS PAY. For the fiscal year beginning July
8 1, 2011, employees of the executive branch, judicial branch,
9 and legislative branch shall not receive bonus pay unless
10 otherwise authorized by law, required pursuant to a contract
11 of employment entered into before July 1, 2011, or required
12 pursuant to a collective bargaining agreement. This section
13 does not apply to employees of the state board of regents who
14 receive bonuses funded by nonpublic moneys. For purposes of
15 this section, "bonus pay" means any additional remuneration
16 provided an employee in the form of a bonus, including but not
17 limited to a retention bonus, recruitment bonus, exceptional
18 job performance pay, extraordinary job performance pay,
19 exceptional performance pay, extraordinary duty pay, or
20 extraordinary or special duty pay, and any extra benefit not
21 otherwise provided to other similarly situated employees.
22 Sec. 515. SALARY INCREASES —— CERTAIN REVOLVING FUNDS.
23 1. For the fiscal years beginning July 1, 2011, and July
24 1, 2012, there is appropriated from the gaming enforcement
25 revolving fund an amount necessary for funding annual pay
26 adjustments and related benefits for agents and officers of
27 the division of criminal investigation's racetrack, excursion
28 boat, or gambling structure enforcement activities. Moneys
29 appropriated pursuant to this subsection shall be in addition
30 to and supplement other appropriations from the fund.
31 2. For the fiscal years beginning July 1, 2011, and July
32 1, 2012, there is appropriated from the gaming regulatory
33 revolving fund, if enacted by the Eighty-fourth General
34 Assembly, 2011 session, an amount necessary for funding annual
35 pay adjustments and related benefits for positions in the

1 racing and gaming commission of the department of inspections
2 and appeals who are assigned to administration and enforcement
3 of the excursion boat and gambling structure laws. Moneys
4 appropriated pursuant to this subsection shall be in addition
5 to and supplement other appropriations from the fund.
6 Sec. 516. STATE TROOPER MEAL ALLOWANCE. For the fiscal
7 years beginning July 1, 2011, and July 1, 2012, the sworn peace
8 officers in the department of public safety who are not covered
9 by a collective bargaining agreement negotiated pursuant to
10 chapter 20 shall receive the same per diem meal allowance as
11 the sworn peace officers in the department of public safety who
12 are covered by a collective bargaining agreement negotiated
13 pursuant to chapter 20.
14 Sec. 517. SALARY MODEL ADMINISTRATOR. The salary model
15 administrator shall work in conjunction with the legislative
16 services agency to maintain the state's salary model used for
17 analyzing, comparing, and projecting state employee salary
18 and benefit information, including information relating to
19 employees of the state board of regents. The department of
20 revenue, the department of administrative services, the five
21 institutions under the jurisdiction of the state board of
22 regents, the judicial district departments of correctional
23 services, and the state department of transportation shall
24 provide salary data to the department of management and the
25 legislative services agency to operate the state's salary
26 model. The format and frequency of provision of the salary
27 data shall be determined by the department of management and
28 the legislative services agency. The information shall be
29 used in collective bargaining processes under chapter 20 and
30 in calculating the funding needs contained within the annual
31 salary adjustment legislation. A state employee organization
32 as defined in section 20.3, subsection 4, may request
33 information produced by the model, but the information provided
34 shall not contain information attributable to individual
35 employees.

1 Sec. 518. GROUP HEALTH INSURANCE PREMIUM COSTS FOR STATE
2 EMPLOYEES.
3 1. The state's executive and judicial branch authorities
4 responsible for negotiating the collective bargaining
5 agreements entered into under chapter 20 shall engage in
6 discussions with the applicable state employee organizations
7 to renegotiate provisions involving health insurance coverage
8 of state employees and their families in order to achieve cost
9 savings for the state. The discussions shall include but
10 are not limited to a requirement for a state employee who is
11 covered by a collective bargaining agreement and is a member of
12 state group health insurance plan for employees of the state
13 established under chapter 509A to pay at least one hundred
14 dollars per month of the total premium for such health plan
15 coverage for single persons or increase the amount paid per
16 month for family coverage by the same amount that would be paid
17 for the single person's coverage.
18 2. If collective bargaining agreements are renegotiated
19 to achieve cost savings pursuant to subsection 1, the cost
20 savings provisions shall also apply to state employees who are
21 not covered by collective bargaining as provided in chapter
22 20 and are members of a state group health insurance plan for
23 employees of the state established under chapter 509A.
24 3. Beginning on the effective date of this section, a state
25 legislator or legislative staff member who is a member of a
26 state group health insurance plan for employees of the state
27 established under chapter 509A shall pay at least one hundred
28 dollars per month of the total premium for such health care
29 coverage for single persons or increase the amount paid per
30 month for family coverage by the same amount that would be paid
31 for the single persons coverage. The payment amount shall be
32 determined by the legislative council, subject to the minimum
33 amount specified in this subsection.
34 Sec. 519. NEW SECTION. **8A.440 Group health insurance**
35 **premium costs.**

1 1. Collective bargaining agreements entered into pursuant
2 to chapter 20 for state employees shall provide that a state
3 employee covered by that agreement who is a member of a
4 state group health insurance plan for employees of the state
5 established under chapter 509A shall pay at least one hundred
6 dollars per month of the total premium for such insurance for
7 single persons or increase the amount paid per month for family
8 coverage by the same amount that would be paid for the single
9 person's coverage.
10 2. A state employee not covered by a collective bargaining
11 agreement as provided in chapter 20 who is a member of a
12 state group health insurance plan for employees of the state
13 established under chapter 509A shall pay the same amount per
14 month of the total premium for such insurance as is paid under
15 the collective bargaining agreement that covers the greatest
16 number of state employees in the state government entity
17 employing the state employee.
18 Sec. 520. APPLICABILITY. The section of this division
19 of this Act enacting section 8A.440, applies to collective
20 bargaining agreements entered into on or after the effective
21 date of that section of this division of this Act.
22 Sec. 521. EFFECTIVE UPON ENACTMENT. The following sections
23 of this division of this Act, being deemed of immediate
24 importance, take effect upon enactment:
25 1. The section of this division relating to group health
26 insurance premium costs for state employees.
27 2. The section of this division enacting section 8A.440.
28 3. The section of this division relating to applicability.
29 DIVISION LX
30 STANDINGS
31 CORRECTIVE PROVISIONS
32 Sec. 522. Section 8.6, subsection 9A, as enacted by 2011
33 Iowa Acts, House File 45, section 39, is amended to read as
34 follows:
35 9A. *Budget and tax rate databases.* To develop and make

available to the public a searchable budget database and internet site as required under chapter 8G, ~~division~~ subchapter I, and to develop and make available to the public a searchable tax rate database and internet site as required under chapter 8G, ~~division~~ subchapter II.

Sec. 523. Section 8.57E, subsection 3, paragraph a, as enacted by 2011 Iowa Acts, Senate File 209, section 30, is amended to read as follows:

a. Moneys in the ~~taxpayer's~~ taxpayers trust fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

Sec. 524. Section 8G.13, as enacted by 2011 Iowa Acts, House File 45, section 50, is amended to read as follows:

8G.13 Updating database.

To facilitate the department of management's efforts in creating and maintaining a searchable database of the taxes identified in section 8G.12, subsection ~~3~~ 1, for all taxing jurisdictions in the state, each taxing jurisdiction may annually be required to report its tax rates to the department of management or the department of revenue and shall report any changes to its tax rates within thirty days of the change.

Sec. 525. Section 16.193, subsection 3, paragraph a, Code 2011, as amended by 2011 Iowa Acts, Senate File 475, section 11, is amended to read as follows:

a. During the term of the Iowa jobs program and Iowa jobs II program, the Iowa finance authority shall collect data on all of the projects approved for the ~~program~~ programs. The department of management and the state agencies associated with the projects shall assist the authority with the data collection and in developing the report required by this subsection. The authority shall report quarterly to the governor and the general assembly concerning the data.

Sec. 526. Section 68A.401, subsection 4, Code 2011, as amended by 2011 Iowa Acts, Senate File 475, section 17, is

amended to read as follows:

4. Political committees expressly advocating the nomination, election, or defeat of candidates for both federal office and any elected office created by law or the Constitution of the State of Iowa shall file statements and reports with the board in addition to any federal reports required to be filed with the board. However, a political committee that is registered and filing full disclosure reports of all financial activities with the federal election commission may file verified statements as provided in section ~~68B.201A~~ 68A.201A.

Sec. 527. Section 139A.19, subsection 3, as enacted by 2011 Iowa Acts, House File 467, section 20, is amended to read as follows:

3. This section does not preclude a hospital, clinic, other health facility, or a health care provider from providing notification to a care provider under circumstances in which the hospital's, clinic's, other health facility's, or health care provider's policy provides for notification of the hospital's, ~~clinics~~ clinic's, other health facility's, or health care provider's own employees of exposure to a contagious or infectious disease that is not life-threatening if the notice does not reveal a patient's name, unless the patient consents.

Sec. 528. Section 175.3, subsection 1, paragraph a, Code 2011, as amended by 2011 Iowa Acts, Senate File 429, section 1, is amended to read as follows:

a. The agricultural development authority is established within the department of agriculture and land stewardship. The ~~agency~~ authority is constituted as a public instrumentality and agency of the state exercising public and essential governmental functions.

Sec. 529. Section 207.22, subsection 3, paragraph b, Code 2011, as amended by 2011 Iowa Acts, Senate File 475, section 47, is amended to read as follows:

b. Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of ~~Tit. IV of~~ Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV, or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effect of past coal mining practices.

Sec. 530. Section 232.71D, subsection 3, paragraph a, unnumbered paragraph 1, as enacted by 2011 Iowa Acts, House File 562, section 3, is amended to read as follows:

Unless any of the circumstances listed in paragraph *"b"* are applicable, cases to which any of the following circumstances apply shall not be placed ~~on~~ in the central registry:

Sec. 531. Section 256.7, subsection 26, paragraph a, subparagraph (1), as enacted by 2011 Iowa Acts, Senate File 453, section 1, is amended to read as follows:

(1) The rules establishing high school graduation requirements shall authorize a school district or accredited nonpublic school to consider that any student who satisfactorily completes a high school-level unit of English or language arts, mathematics, science, or social studies has satisfactorily completed a unit of the high school graduation requirements for that area as specified in this lettered paragraph, and ~~to~~ shall authorize the school district or accredited nonpublic school to issue high school credit for the unit to the student.

Sec. 532. Section 321.34, subsection 20C, paragraph a, if enacted by 2011 Iowa Acts, House File 651, section 2, is amended to read as follows:

a. The department, in consultation with the adjutant general, shall design combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge distinguishing processed emblems. Upon receipt of two hundred fifty orders for ~~special~~ combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge special

registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with the applicable distinguishing processed emblem as provided in paragraphs *"b"* and *"c"*. The minimum order requirement shall apply separately to each of the special registration plates created under this subsection.

Sec. 533. Section 321.34, subsection 25, paragraph a, if enacted by 2011 Iowa Acts, House File 651, section 2, is amended to read as follows:

a. The department, in consultation with the adjutant general, shall design a civil war sesquicentennial distinguishing processed emblem. Upon receipt of two hundred fifty orders for ~~special~~ civil war sesquicentennial special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with a civil war sesquicentennial processed emblem as provided in paragraph *"b"*.

Sec. 534. Section 327B.5, Code 2011, is amended to read as follows:

327B.5 Penalty.

Any person violating the provisions of this chapter shall, upon conviction, be subject to a scheduled fine as provided in section 805.8A, subsection 13, ~~paragraphs~~ paragraph *"f"* ~~and *"g"*~~.

Sec. 535. Section 422.11O, subsection 5, paragraph a, subparagraph (2), if enacted by 2011 Iowa Acts, Senate File 531, section 17, is amended to read as follows:

(2) The E-15 plus gasoline promotion tax credit pursuant to section 422.11Y.

Sec. 536. Section 422.11Y, subsection 1, paragraph d, if enacted by 2011 Iowa Acts, Senate File 531, section 35, is amended to read as follows:

d. *"Tax credit"* means the E-15 plus gasoline promotion tax credit as provided in this section.

Sec. 537. Section 422.11Y, subsection 3, unnumbered paragraph 1, if enacted by 2011 Iowa Acts, Senate File 531,

section 35, is amended to read as follows:

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by the amount of the E-15 plus gasoline promotion tax credit for each tax year that the taxpayer is eligible to claim a tax credit under this subsection.

Sec. 538. Section 422.11Y, subsection 6, paragraph b, subparagraph (2), if enacted by 2011 Iowa Acts, Senate File 531, section 35, is amended to read as follows:

(2) The retail dealer may claim the ethanol promotion tax credit as provided in paragraph *"a"* for the same ethanol gallonage used to calculate and claim the E-15 plus gasoline promotion tax credit.

Sec. 539. Section 423.4, subsection 9, unnumbered paragraph 1, if enacted by 2011 Iowa Acts, Senate File 531, section 59, is amended to read as follows:

A person who qualifies as a biodiesel producer as provided in this subsection may apply to the director for a refund of the amount of the sales or use tax imposed and paid upon purchases made by the person.

Sec. 540. Section 483A.24A, Code 2011, as amended by 2011 Iowa Acts, Senate File 194, section 10, is amended to read as follows:

483A.24A License refunds — military service.

Notwithstanding any provision of this chapter to the contrary, a service member deployed for military service, ~~both~~ as defined in section 29A.1, subsection 3, shall receive a refund of that portion of any license fee paid by the service member representing the service member's period of military service.

Sec. 541. Section 501.101, subsection 01, as enacted by 2011 Iowa Acts, House File 348, section 7, is amended to read as follows:

01. *"Alternative voting method"* means a method of voting other than a written ballot, including voting by electronic,

1 telephonic, internet, or other means that reasonably ~~allow~~
2 allows members the opportunity to vote.
3 Sec. 542. Section 501A.703, subsection 5, paragraph d, Code
4 2011, as amended by 2011 Iowa Acts, House File 348, section 19,
5 is amended to read as follows:
6 *d.* If the ballot of the member is received by the
7 cooperative on or before the date of the regular members'
8 meeting or as otherwise prescribed for an alternative~~,~~ voting
9 method, the ballot or alternative voting method shall be
10 accepted and counted as the vote of the absent member.
11 Sec. 543. Section 511.8, subsection 22, paragraph i,
12 unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate
13 File 406, section 25, is amended to read as follows:
14 Securities held in the legal reserve of a life insurance
15 company or association pledged as collateral for financial
16 instruments used in highly effective hedging transactions as
17 defined in the national association of insurance commissioners'
18 ~~Statement~~ statement of ~~Statutory Accounting Principles No.~~
19 statutory accounting principles no. 86 shall continue to
20 be eligible for inclusion ~~on~~ in the legal reserve of the
21 life insurance company or association subject to all of the
22 following:
23 Sec. 544. Section 514J.109, subsection 3, paragraph f,
24 if enacted by 2011 Iowa Acts, House File 597, section 9, is
25 amended to read as follows:
26 *f.* The covered person or the covered person's authorized
27 representative has provided all the information and forms
28 required by the commissioner that are necessary to process an
29 external review request pursuant to this section.
30 Sec. 545. Section 521F.4, subsection 1, paragraph b, as
31 enacted by 2011 Iowa Acts, Senate File 406, section 44, is
32 amended to read as follows:
33 *b.* The filing of a risk-based capital report by a health
34 organization which indicates that the health organization has
35 total adjusted capital which is greater than or equal to its

company-action-level risk-based capital but less than the product of its authorized-control-level risk-based capital and three and triggers the trend test determined in accordance with the trend test ~~calculations~~ calculation included in the health risk-based capital instructions.

Sec. 546. Section 524.310, subsection 5, paragraph b, Code 2011, as amended by 2011 Iowa Acts, Senate File 475, section 120, is amended to read as follows:

b. A corporate or company name reserved, registered, or protected as provided in section 489.109, 490.402, 490.403, ~~490A.402,~~ 504.402, or 504.403.

Sec. 547. Section 717.3, subsection 5, paragraph b, Code 2011, as enacted by 2011 Iowa Acts, Senate File 478, section 6, is amended to read as follows:

b. That the department shall assume supervision of and provide for the sustenance of the livestock ~~and~~ as provided in section 717.4.

Sec. 548. Section 717.4, subsection 2, as enacted by 2011 Iowa Acts, Senate File 478, section 7, is amended to read as follows:

2. The court ordered lien shall be for the benefit of the department. The amount of the lien shall not be ~~not~~ more than for expenses incurred in providing sustenance to the livestock pursuant to section 717.3 and providing for the disposition of the livestock pursuant to section 717.5.

Sec. 549. Section 717.4A, as enacted by 2011 Iowa Acts, Senate File 478, section 8, is amended to read as follows:

717.4A Livestock in immediate need of sustenance — livestock remediation fund.

The department may utilize the moneys deposited into the livestock remediation fund pursuant to section 459.501 to pay for any expenses associated with providing sustenance to or the disposition of the livestock pursuant to a court order entered pursuant to section 717.3 or 717.5. The department shall utilize moneys from the fund only to the extent that

the department determines that expenses cannot be timely paid by utilizing the available provisions of sections 717.4 and 717.5. The department shall deposit any unexpended and unobligated moneys in the fund. The department shall pay to the fund the proceeds from the disposition of the livestock and associated products less expenses incurred by the department in providing for the sustenance and disposition of the livestock, as provided in section 717.5.

Sec. 550. Section 903A.5, subsection 1, as enacted by 2011 Iowa Acts, House File 271, section 3, is amended to read as follows:

1. An inmate shall not be discharged from the custody of the director of the Iowa department of corrections until the inmate has served the full term for which the inmate was sentenced, less earned time and other credits earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Earned time accrued and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11. An inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. If an inmate was confined to a county jail or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence. However, if a person commits any offense while confined in a county jail or other correctional or mental health facility, the person shall not be granted ~~jail~~ credit for that offense. Unless the inmate was confined in a correctional facility, the sheriff of the county in which the inmate was confined shall certify to the clerk of the district court from which the inmate was sentenced and to the department of corrections' records administrator at the Iowa medical and classification

1 center the number of days so served. The department of
2 corrections' records administrator, or the administrator's
3 designee, shall apply jail credit as ordered by the court
4 of proper jurisdiction or as authorized by this section and
5 section 907.3, subsection 3.
6 Sec. 551. EFFECTIVE DATES.
7 1. The section of this division of this Act amending section
8 422.11O, subsection 5, paragraph a, subparagraph (2), if
9 enacted by 2011 Iowa Acts, Senate File 531, section 17, takes
10 effect January 1, 2012.
11 2. Section 423.4, subsection 9, unnumbered paragraph 1, if
12 enacted by 2011 Iowa Acts, Senate File 531, section 59, takes
13 effect January 1, 2012.
14 Sec. 552. APPLICABILITY.
15 1. The section of this division of this Act amending section
16 422.11O, subsection 5, paragraph a, subparagraph (2), if
17 enacted by 2011 Iowa Acts, Senate File 531, section 17, applies
18 to tax years beginning on and after January 1, 2012.
19 2. The section of this division of this Act amending
20 section 422.11Y, subsection 1, paragraph d, if enacted by 2011
21 Iowa Acts, Senate File 531, section 35, applies to tax years
22 beginning on and after January 1, 2012, and to that part of a
23 retail dealer's tax year or tax years occurring during that
24 portion of the calendar year beginning on and after July 1,
25 2011, and ending on December 31, 2011.
26 3. The section of this division of this Act amending section
27 422.11Y, subsection 3, unnumbered paragraph 1, if enacted by
28 2011 Iowa Acts, Senate File 531, section 35, applies to tax
29 years beginning on and after January 1, 2012, and to that part
30 of a retail dealer's tax year or tax years occurring during
31 that portion of the calendar year beginning on and after July
32 1, 2011, and ending on December 31, 2011.
33 4. The section of this division of this Act amending section
34 422.11Y, subsection 6, paragraph b, subparagraph (2), if
35 enacted by 2011 Iowa Acts, Senate File 531, section 35, applies

to tax years beginning on and after January 1, 2012, and to that part of a retail dealer's tax year or tax years occurring during that portion of the calendar year beginning on and after July 1, 2011, and ending on December 31, 2011.

DIVISION LXI

STANDINGS

MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

Sec. 553. APPROPRIATION — BATTLESHIP IOWA, BB-61.

1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be credited to the BB-61 fund created in 2010 Iowa Acts, chapter 1194:

..... $ 3,000,000

2. If the department of the navy, pursuant to a process outlined in a notice published in the federal register on May 24, 2010, volume 75, number 99, awards possession or conditionally awards possession of the battleship Iowa, BB-61, to a nonprofit group that is eligible to receive the battleship, the department of cultural affairs shall award a grant to the nonprofit group in an amount equal to $3 million in addition to any moneys awarded as a grant from the BB-61 fund.

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

Sec. 554. STATE AGENCY OFFICE SUPPLIES PURCHASE, EQUIPMENT PURCHASES, PRINTING AND BINDING, AND MARKETING — APPLICABILITY. The limitation on expenditures made for office supplies, purchases of equipment, office equipment, and equipment noninventory, printing and binding, and marketing implemented pursuant to 2011 Iowa Acts, House File 45, section 2, does not apply to a department or agency receiving a

1 supplemental appropriation for the fiscal year beginning July
2 1, 2010, pursuant to 2011 Iowa Acts, Senate File 209, division
3 III.
4 Sec. 555. NEW SECTION. **7E.8 Implementation of federal**
5 **statute, regulation, or policy.**
6 1. Except as otherwise explicitly authorized by state law, a
7 state administrative agency charged with the implementation of
8 a federal statute, regulation, or policy shall not exceed the
9 specific requirements of that statute, regulation, or policy.
10 2. Any portion of a state administrative agency rule or
11 policy that is in violation of subsection 1 is void.
12 Sec. 556. NEW SECTION. **9.8 Employee classifications.**
13 In addition to public employees listed in section 20.4,
14 public employees of the secretary of state who hold positions
15 that are classified in the information technology specialist
16 series and administrative assistant series are excluded from
17 chapter 20.
18 Sec. 557. NEW SECTION. **274.3 Exercise of powers —**
19 **construction.**
20 1. The board of directors of a school district shall
21 operate, control, and supervise all public schools located
22 within its district boundaries and may exercise any broad
23 and implied power related to the operation, control, and
24 supervision of those public schools except as expressly
25 prohibited or prescribed by the Constitution of the State of
26 Iowa or by statute.
27 2. Notwithstanding subsection 1, the board of directors of
28 a school district shall not have power to levy any tax unless
29 expressly authorized by the general assembly.
30 3. This section shall not apply to a research and
31 development school as defined in section 256G.2 or to a
32 laboratory school as defined in section 265.1. The board of
33 directors of a school district in which such a research and
34 development school or laboratory school is located shall not
35 exercise over such a school any powers granted to the board by

subsection 1.

4. This chapter, chapter 257 and chapters 275 through 301, and other statutes relating to the boards of directors of school districts and to school districts shall be liberally construed to effectuate the purposes of subsection 1.

Sec. 558. Section 321J.2, subsection 4, paragraph b, Code 2011, is amended to read as follows:

b. Assessment of a minimum fine of one thousand eight hundred ~~fifty~~ seventy-five dollars and a maximum fine of six thousand two hundred fifty dollars. Surcharges and fees shall be assessed pursuant to chapter 911.

Sec. 559. Section 422.11P, subsection 2, paragraph b, Code 2011, as enacted by 2011 Iowa Acts, Senate File 531, section 25, is amended to read as follows:

b. The tax credit shall apply to biodiesel blended fuel classified as provided in this section, if the classification meets the standards provided in section 214A.2. In ensuring that biodiesel blended fuel meets the classification requirements of this section, the department shall take into account reasonable variances due to testing and other limitations.

Sec. 560. Section 455A.6, subsection 5, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

5. Six members of the commission is a quorum, and a majority of the commission membership may act in any matter within the jurisdiction of the commission.

Sec. 561. Section 455A.6, subsection 6, paragraph a, Code 2011, is amended to read as follows:

a. Establish policy for the department and adopt rules, pursuant to chapter 17A, necessary to provide for the effective administration of chapter 455B, 455C, or 459. The commission shall have only that authority or discretion which is explicitly delegated to or conferred upon the commission by chapter 455B, 455C, or 459, and shall not expand or enlarge on

that authority or discretion.

Sec. 562. REPEAL. Chapter 327K, Code 2011, is repealed.

Sec. 563. EFFECTIVE AND APPLICABILITY DATES. The section of this division of this Act appropriating moneys to the department of cultural affairs for purposes of a grant for the battleship Iowa, BB-61, being deemed of immediate importance, takes effect upon enactment and, if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

Sec. 564. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The provision of this division of this Act relating to a limitation on state agency office supplies purchase, equipment purchases, printing and binding, and marketing as enacted by 2011 Iowa Acts, House File 45, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 7, 2011.

DIVISION LXII

STANDINGS

GROW IOWA VALUES FUND AND PROGRAM

Sec. 565. Section 15.103, subsection 6, Code 2011, is amended to read as follows:

6. As part of the organizational structure of the department, the board shall establish a due diligence committee and a loan and credit guarantee committee composed of members of the board. The committees shall serve in an advisory capacity to the board and shall carry out any duties assigned by the board in relation to programs administered by the department. The loan and credit guarantee committee shall advise the board on the winding up of loan guarantees made under the loan and credit guarantee program established pursuant to section 15E.224, Code 2009~~, and on the proper amount of the allocation described in section 15G.111, subsection 4, paragraph "g"~~.

Sec. 566. Section 15.104, subsection 1, Code 2011, is amended by striking the subsection.

Sec. 567. Section 15.104, subsection 8, paragraphs b and i, Code 2011, are amended by striking the paragraphs.

Sec. 568. Section 15.104, subsection 8, paragraph j, Code 2011, is amended to read as follows:

j. Renewable fuel programs. A detailed accounting of expenditures in support of renewable fuel infrastructure programs, as provided in sections 15G.203 and 15G.204. ~~The renewable fuel infrastructure board established in section 15G.202 shall approve that portion of the department's annual report regarding projects supported from the grow Iowa values fund created in section 15G.111.~~ This paragraph is repealed on July 1, 2012.

Sec. 569. Section 15.327, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 01. *"Base employment level"* means the number of full-time equivalent positions at a business, as established by the department and a business using the business's payroll records, as of the date a business applies for financial assistance under the program.

NEW SUBSECTION. 3A. *"County wage"* means the average hourly compensation rates, excluding the value of nonwage benefits for comparable jobs, from the most recent four quarters of wage and employment information from the quarterly covered wage and employment data report issued by the department of workforce development.

NEW SUBSECTION. 7A. *"Full-time equivalent position"* means a non-part-time position for the number of hours or days per week considered to be full-time work for the kind of service or work performed for an employer. Typically, a full-time equivalent position requires two thousand eighty hours of work in a calendar year, including all paid holidays, vacations, sick time, and other paid leave.

NEW SUBSECTION. 7B. *"Maintenance period"* means the period of time between the project completion date and maintenance period completion date.

1 NEW SUBSECTION. 12A. *"Regional wage"* means the average
2 hourly compensation rates, excluding the value of nonwage
3 benefits for comparable jobs, from the most recent four
4 quarters of wage and employment information from the quarterly
5 covered wage and employment data report issued by the
6 department of workforce development.
7 Sec. 570. Section 15.327, subsections 1, 4, 7, 8, 10, 12,
8 and 13, Code 2011, are amended by striking the subsections and
9 inserting in lieu thereof the following:
10 1. *"Benefit"* means nonwage compensation provided to an
11 employee. Benefits typically include medical and dental
12 insurance plans, pension, retirement, and profit-sharing plans,
13 child care services, life insurance coverage, vision insurance
14 coverage, disability insurance coverage, and any other nonwage
15 compensation as determined by the board.
16 4. *"Created job"* means a new, permanent, full-time
17 equivalent position added to a business's payroll in excess of
18 the business's base employment level.
19 7. *"Fiscal impact ratio"* means a ratio calculated by
20 estimating the amount of taxes to be received from a business
21 by the state and dividing the estimate by the estimated cost
22 to the state of providing certain financial incentives to
23 the business, reflecting a ten-year period of taxation and
24 incentives and expressed in terms of current dollars. For
25 purposes of the program, *"fiscal impact ratio"* does not include
26 taxes received by political subdivisions.
27 8. *"Maintenance period completion date"* means the date on
28 which the maintenance period ends.
29 10. *"Project completion date"* means the date by which
30 a recipient of financial assistance has agreed to meet all
31 the terms and obligations contained in an agreement with the
32 department as described in section 15.330.
33 12. *"Qualifying wage threshold"* means the county wage or the
34 regional wage, as calculated pursuant to subsections 3A and
35 12A, whichever is lower.

13. *"Retained job"* means a full-time equivalent position, in existence at the time an employer applies for financial assistance which remains continuously filled or authorized to be filled as soon as possible and which is at risk of elimination if the project for which the employer is seeking assistance does not proceed.

Sec. 571. Section 15.329, subsection 2, Code 2011, is amended to read as follows:

2. A business providing a sufficient package of benefits to each employee holding a created or retained job shall qualify for a credit against the qualifying wage threshold requirements described in subsection 1, paragraph *"c"*. The credit shall be calculated and applied in the following manner: ~~described in section 15G.112, subsection 4, paragraph *"b"*.~~

a. By multiplying the qualifying wage threshold of the county in which the business is located by one and three-tenths.

b. By multiplying the result of paragraph *"a"* by one-tenth.

c. The amount of the result of paragraph *"b"* shall be credited against the amount of the one hundred thirty percent qualifying wage threshold requirement that the business is required to meet under subsection 1, paragraph *"c"*.

d. The credit shall not be applied against the one hundred percent of qualifying wage threshold requirement described in subsection 1, paragraph *"c"*.

Sec. 572. Section 15.330, subsection 4, Code 2011, is amended to read as follows:

4. A project completion date, a maintenance period completion date, the number of jobs to be created or retained, or certain other terms and obligations described in ~~section 15G.112, subsection 1, paragraph *"d"*~~ an agreement, as the department deems necessary in order to make the requirements in project agreements uniform. The department, with the approval of the board, may adopt rules as necessary for making such requirements uniform. Such rules shall be in compliance with

the provisions of this part ~~and with the provisions of chapter 15G~~.

Sec. 573. Section 15.335A, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Tax incentives are available to eligible businesses as provided in this section. The incentives are based upon the number of jobs created or retained that pay at least one hundred thirty percent of the qualifying wage threshold as computed pursuant to section ~~15G.112~~ 15.329, subsection ~~4~~ 1, and the amount of the qualifying investment made according to the following schedule:

Sec. 574. Section 15.335A, subsection 2, paragraphs b, c, f, and g, Code 2011, are amended by striking the paragraphs.

Sec. 575. Section 15.335A, subsection 5, Code 2011, is amended to read as follows:

5. The department shall negotiate the amount of tax incentives provided to an applicant under the program in accordance with this section ~~and section 15G.112, as applicable~~.

Sec. 576. Section 15A.7, subsection 3, Code 2011, is amended to read as follows:

3. That the employer shall agree to pay wages for the jobs for which the credit is taken of at least the county wage or the regional wage, as calculated ~~by the department~~ pursuant to section ~~15G.112, subsection 3~~ 15.327, subsections 3A and 12A, whichever is lower. Eligibility for the supplemental credit shall be based on a one-time determination of starting wages by the community college.

Sec. 577. Section 15E.193, subsection 1, paragraphs b through d, Code 2011, are amended to read as follows:

b. (1) The business shall provide a sufficient package of benefits to each employee holding a created or retained job. For purposes of this paragraph, *"created job"* and *"retained job"* have the same meaning as defined in section ~~15G.101~~ 15.327.

(2) The board, upon the recommendation of the department,

shall adopt rules determining what constitutes a sufficient package of benefits.

c. The business shall pay a wage that is at least ninety percent of the qualifying wage threshold. For purposes of this paragraph, *"qualifying wage threshold"* has the same meaning as defined in section ~~15G.101~~ 15.327.

d. Creates or retains at least ten full-time equivalent positions and maintains them until the maintenance period completion date. For purposes of this paragraph, *"maintenance period completion date"* and *"full-time equivalent position"* have the same meanings as defined in section ~~15G.101~~ 15.327.

Sec. 578. Section 15E.231, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~In order for an~~ An economic development region ~~to receive moneys under the grow Iowa values financial assistance program established in section 15G.112, an~~ shall establish a regional development plan. An economic development region's regional development plan must be approved by the department. An economic development region shall consist of not less than three counties, unless two contiguous counties have a combined population of at least three hundred thousand based on the most recent federal decennial census. An economic development region shall establish a focused economic development effort that shall include a regional development plan relating to one or more of the following areas:

Sec. 579. Section 15E.232, subsections 1, 3, 4, 5, 6, and 7, Code 2011, are amended by striking the subsections.

Sec. 580. Section 15E.351, subsection 1, Code 2011, is amended to read as follows:

1. The department shall establish and administer a business accelerator program to provide financial assistance for the establishment and operation of a business accelerator for technology-based, value-added agricultural, information solutions, alternative and renewable energy including the alternative and renewable energy sectors listed in section

476.42, subsection 1, paragraph *"a"*, or advanced manufacturing start-up businesses or for a satellite of an existing business accelerator. The program shall be designed to foster the accelerated growth of new and existing businesses through the provision of technical assistance. ~~The department, subject to the approval of the economic development board, may provide financial assistance under this section from moneys allocated for regional financial assistance pursuant to section 15G.111, subsection 9.~~

Sec. 581. Section 159A.6B, subsection 2, Code 2011, is amended to read as follows:

2. The office may execute contracts in order to provide technical support and outreach services for purposes of assisting and educating interested persons as provided in this section. The office may also contract with a consultant to provide part or all of these services. The office may require that a person receiving assistance pursuant to this section contribute up to fifty percent of the amount required to support the costs of contracting with the consultant to provide assistance to the person. ~~The office shall assist the person in completing any technical information required in order to receive assistance by the department of economic development pursuant to the value-added agriculture component of the grow Iowa values financial assistance program established pursuant to section 15G.112.~~

Sec. 582. Section 455B.104, subsection 2, Code 2011, is amended by striking the subsection.

Sec. 583. 2010 Iowa Acts, chapter 1184, section 26, is amended to read as follows:

SEC. 26. GROW IOWA VALUES FUND.

1. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for deposit in the grow Iowa values fund, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, notwithstanding section 8.57, subsection 6, paragraph

1 "c":
2 ..... $ 38,000,000
3 2. On the effective date of this section of this 2011 Iowa
4 Act, any unobligated and unencumbered moneys appropriated in
5 this section and section 27 of this 2010 Iowa Act, shall revert
6 to the general fund of the state. Any repayments of moneys
7 loaned from moneys appropriated in this section and section 27
8 of this 2010 Iowa Act, and received after the effective date
9 of this 2011 Iowa Act, shall be credited to the general fund of
10 the state.
11 Sec. 584. 2010 Iowa Acts, chapter 1184, section 27, is
12 amended to read as follows:
13 SEC. 27. GROW IOWA VALUES FUND APPROPRIATION REDUCTION.
14 1. In lieu of the $50,000,000 appropriated for the fiscal
15 year beginning July 1, 2010, and ending June 30, 2011, from
16 the grow Iowa values fund to the department of economic
17 development pursuant to section 15G.111, subsection 3, there is
18 appropriated from the grow Iowa values fund to the department
19 of economic development for the fiscal year beginning July 1,
20 2010, and ending June 30, 2011, $38,000,000 for the purposes of
21 making expenditures pursuant to chapter 15G.
22 2. On the effective date of this section of this 2011 Iowa
23 Act, an entity receiving moneys appropriated pursuant to this
24 section, with the exception of moneys allocated pursuant to
25 section 28, subsections 2 and 5, of this 2010 Iowa Act, shall
26 cease obligating or encumbering such moneys.
27 Sec. 585. REPEAL. Section 15E.233, Code 2011, is repealed.
28 Sec. 586. REPEAL. Sections 15G.101 and 15G.109 through
29 15G.115, Code 2011, are repealed.
30 Sec. 587. REPEAL. Section 266.19, Code 2011, is repealed.
31 Sec. 588. REPEAL. Section 455B.433, Code 2011, is repealed.
32 Sec. 589. EFFECTIVE DATE. The provisions of this division
33 of this Act amending 2010 Iowa Acts, chapter 1184, being deemed
34 of immediate importance, take effect upon enactment.
35 DIVISION LXIII

STANDINGS

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2013-2014

Sec. 590. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2013-2014. 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, 2013, shall be established by statute which shall be enacted within thirty calendar days of the convening of the Eighty-fifth General Assembly, 2013 Session, on January 14, 2013. 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 14, 2013.

DIVISION LXIV

STANDINGS

STANDING APPROPRIATIONS AND RELATED MATTERS — FY 2012-2013

Sec. 591. BUDGET PROCESS FOR FISCAL YEAR 2013-2014.

1. For the budget process applicable to the fiscal year beginning July 1, 2013, on or before October 1, 2012, 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. 592. LIMITATION OF STANDING APPROPRIATIONS.
3 Notwithstanding the standing appropriations in the following
4 designated sections for the fiscal year beginning July 1, 2012,
5 and ending June 30, 2013, the amounts appropriated from the
6 general fund of the state pursuant to these sections for the
7 following designated purposes shall not exceed the following
8 amounts:
9 1. For performance of duty by the executive council in
10 sections 7D.29, 8A.321, and 29C.20:
11 ..... $ 38,000,000
12 2. For operational support grants and community cultural
13 grants under section 99F.11, subsection 3, paragraph "d",
14 subparagraph (1):
15 ..... $ 416,702
16 3. For regional tourism marketing under section 99F.11,
17 subsection 3, paragraph "d", subparagraph (2):
18 ..... $ 810,306
19 4. For the center for congenital and inherited disorders
20 central registry under section 144.13A, subsection 4, paragraph
21 "a":
22 ..... $ 171,121
23 5. For primary and secondary child abuse prevention
24 programs under section 144.13A, subsection 4, paragraph "a":
25 ..... $ 217,772
26 6. For programs for at-risk children under section 279.51:
27 ..... $ 10,804,258
28 The amount of any reduction in this subsection shall be
29 prorated among the programs specified in section 279.51,
30 subsection 1, paragraphs "a", "b", and "c".
31 7. For payment for nonpublic school transportation under
32 section 285.2:
33 ..... $ 7,060,931
34 If total approved claims for reimbursement for nonpublic
35 school pupil transportation exceed the amount appropriated in

1 accordance with this subsection, the department of education
2 shall prorate the amount of each approved claim.
3 8. For the enforcement of chapter 453D relating to tobacco
4 product manufacturers under section 453D.8:
5 ..... $ 18,416
6 Sec. 593. APPROPRIATION — FARMERS WITH
7 DISABILITIES. There is appropriated from the general fund of
8 the state to the department of agriculture and land stewardship
9 for the fiscal year beginning July 1, 2012, and ending June 30,
10 2013, the following amount, or so much thereof as is necessary,
11 for a program for farmers with disabilities:
12 ..... $ 82,450
13 The moneys appropriated in this section shall be used
14 for the public purpose of providing a grant to a national
15 nonprofit organization with over 80 years of experience in
16 assisting children and adults with disabilities and special
17 needs. The moneys shall be used to support a nationally
18 recognized program that began in 1986 and has been replicated
19 in at least 30 other states, but which is not available through
20 any other entity in this state, and that provides assistance
21 to farmers with disabilities in all 99 counties to allow the
22 farmers to remain in their own homes and be gainfully engaged
23 in farming through provision of agricultural worksite and home
24 modification consultations, peer support services, services
25 to families, information and referral, and equipment loan
26 services. Notwithstanding section 8.33, moneys appropriated
27 in this section that remain unencumbered or unobligated at the
28 close of the fiscal year shall not revert but shall remain
29 available for expenditure for the purposes designated until the
30 close of the succeeding fiscal year.
31 Sec. 594. INSTRUCTIONAL SUPPORT STATE AID — FY
32 2012-2013. In lieu of the appropriation provided in section
33 257.20, subsection 2, the appropriation for the fiscal year
34 beginning July 1, 2012, and ending June 30, 2013, for paying
35 instructional support state aid under section 257.20 for fiscal

1 year 2012-2013 is zero.
2 Sec. 595. Section 257.35, Code 2011, is amended by adding
3 the following new subsection:
4 NEW SUBSECTION. 5B. Notwithstanding subsection 1, and in
5 addition to the reduction applicable pursuant to subsection
6 2, the state aid for area education agencies and the portion
7 of the combined district cost calculated for these agencies
8 for the fiscal year beginning July 1, 2012, and ending June
9 30, 2013, shall be reduced by the department of management by
10 twenty million dollars. The reduction for each area education
11 agency shall be prorated based on the reduction that the agency
12 received in the fiscal year beginning July 1, 2003.
13 DIVISION LXV
14 STANDINGS
15 SALARIES, COMPENSATION, AND RELATED MATTERS —— FY 2012-2013
16 Sec. 596. BONUS PAY. For the fiscal year beginning July
17 1, 2012, employees of the executive branch, judicial branch,
18 and legislative branch shall not receive bonus pay unless
19 otherwise authorized by law, required pursuant to a contract
20 of employment entered into before July 1, 2012, or required
21 pursuant to a collective bargaining agreement. This section
22 does not apply to employees of the state board of regents who
23 receive bonuses funded by nonpublic moneys. For purposes of
24 this section, "bonus pay" means any additional remuneration
25 provided an employee in the form of a bonus, including but not
26 limited to a retention bonus, recruitment bonus, exceptional
27 job performance pay, extraordinary job performance pay,
28 exceptional performance pay, extraordinary duty pay, or
29 extraordinary or special duty pay, and any extra benefit not
30 otherwise provided to other similarly situated employees.
31 Sec. 597. SALARY INCREASES —— CERTAIN REVOLVING FUNDS.
32 1. For the fiscal years beginning July 1, 2012, and July
33 1, 2013, there is appropriated from the gaming enforcement
34 revolving fund an amount necessary for funding annual pay
35 adjustments and related benefits for agents and officers of

1 the division of criminal investigation's racetrack, excursion
2 boat, or gambling structure enforcement activities. Moneys
3 appropriated pursuant to this subsection shall be in addition
4 to and supplement other appropriations from the fund.
5 2. For the fiscal years beginning July 1, 2012, and July
6 1, 2013, there is appropriated from the gaming regulatory
7 revolving fund, if enacted by the Eighty-fourth General
8 Assembly, 2011 or 2012 session, an amount necessary for funding
9 annual pay adjustments and related benefits for positions
10 in the racing and gaming commission of the department of
11 inspections and appeals who are assigned to administration and
12 enforcement of the excursion boat and gambling structure laws.
13 Moneys appropriated pursuant to this subsection shall be in
14 addition to and supplement other appropriations from the fund.
15 Sec. 598. STATE TROOPER MEAL ALLOWANCE. For the fiscal
16 years beginning July 1, 2012, and July 1, 2013, the sworn peace
17 officers in the department of public safety who are not covered
18 by a collective bargaining agreement negotiated pursuant to
19 chapter 20 shall receive the same per diem meal allowance as
20 the sworn peace officers in the department of public safety who
21 are covered by a collective bargaining agreement negotiated
22 pursuant to chapter 20.
23 Sec. 599. SALARY MODEL ADMINISTRATOR. The salary model
24 administrator shall work in conjunction with the legislative
25 services agency to maintain the state's salary model used for
26 analyzing, comparing, and projecting state employee salary
27 and benefit information, including information relating to
28 employees of the state board of regents. The department of
29 revenue, the department of administrative services, the five
30 institutions under the jurisdiction of the state board of
31 regents, the judicial district departments of correctional
32 services, and the state department of transportation shall
33 provide salary data to the department of management and the
34 legislative services agency to operate the state's salary
35 model. The format and frequency of provision of the salary

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

DIVISION LXVI

STANDINGS

SALES TAX REVENUES — TRANSFERS

Sec. 600. Section 423E.4, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The moneys credited in a fiscal year to the secure an advanced vision for education fund shall, following the transfer required under section 423F.2, subsection 3, paragraph *"a"*, be distributed as follows:

Sec. 601. Section 423E.4, subsection 2, paragraph b, subparagraphs (3) and (4), Code 2011, are amended to read as follows:

(3) *"Statewide tax revenues per student"* means the amount determined by estimating the total revenues that would be generated by a one percent local option sales and services tax for school infrastructure purposes if imposed by all the counties during the entire fiscal year, minus the amount required to be transferred under section 423F.2, subsection 3, paragraph *"a"*, and dividing this estimated revenue amount by the sum of the combined actual enrollment for all counties as determined in section 423E.3, subsection 3, paragraph *"a"*, subparagraph (2).

(4) *"Supplemental school infrastructure amount"* means the guaranteed school infrastructure amount for the school district less its pro rata share, following the required transfer of revenues from the secure an advanced vision for education fund

1 under section 423F.2, subsection 3, paragraph *"a"*, of local
2 sales and services tax for school infrastructure purposes as
3 provided in section 423E.3, subsection 3, paragraph *"a"*.
4 Sec. 602. Section 423F.2, subsection 1, paragraph b, Code
5 2011, is amended to read as follows:
6 *b.* The increase in the state sales, services, and use taxes
7 under chapter 423, subchapters II and III, from five percent
8 to six percent shall replace the repeal of the county's local
9 sales and services tax for school infrastructure purposes. The
10 distribution of moneys in the secure an advanced vision for
11 education fund, following the transfer under subsection 3,
12 paragraph *"a"*, and the use of the moneys for infrastructure
13 purposes or property tax relief shall be as provided in this
14 chapter. However, the formula for the distribution of the
15 moneys in the fund shall be based upon amounts that would have
16 been received if the local sales and services taxes under
17 former chapter 423E, Code and Code Supplement 2007, continued
18 in existence.
19 Sec. 603. Section 423F.2, subsection 3, Code 2011, is
20 amended to read as follows:
21 3. *a.* For the fiscal year beginning July 1, 2011, and each
22 fiscal year thereafter, and prior to any distribution of moneys
23 for the purposes under paragraph *"b"*, there is transferred
24 to the property tax equity and relief fund from state sales,
25 services, and use tax revenues collected and deposited in
26 the secure an advanced vision for education fund during the
27 fiscal year for which the transfer is made an amount equal to
28 twenty-five million dollars minus the amount credited to the
29 property tax equity and relief fund under paragraph *"b"* for
30 use in the fiscal year for which the transfer is made if such
31 amount credited to the fund under paragraph *"b"* for use in
32 the fiscal year for which the transfer is made is less than
33 twenty-five million dollars.
34 *b.* The moneys available in a fiscal year in the secure an
35 advanced vision for education fund, following the transfer of

1 such amounts required under paragraph *"a"*, shall be distributed
2 by the department of revenue to each school district in an
3 amount equal to the amount the school district would have
4 received pursuant to the formula in section 423E.4 as if the
5 local sales and services tax for school infrastructure purposes
6 was imposed. Moneys in a fiscal year that are in excess of that
7 needed to provide each school district with its formula amount
8 shall be distributed and credited to the property tax equity
9 and relief fund created in section 257.16A.
10 DIVISION LXVII
11 STANDINGS
12 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
13 OF GROWTH FOR EDUCATION —— FY 2012-2013
14 Sec. 604. Section 257.8, subsection 1, Code 2011, is amended
15 to read as follows:
16 1. *State percent of growth.* ~~The state percent of growth~~
17 ~~for the budget year beginning July 1, 2009, is four percent.~~
18 The state percent of growth for the budget year beginning July
19 1, 2010, is two percent. The state percent of growth for the
20 budget year beginning July 1, 2012, is two percent. The state
21 percent of growth for each subsequent budget year shall be
22 established by statute which shall be enacted within thirty
23 days of the submission in the year preceding the base year of
24 the governor's budget under section 8.21. The establishment of
25 the state percent of growth for a budget year shall be the only
26 subject matter of the bill which enacts the state percent of
27 growth for a budget year.
28 Sec. 605. Section 257.8, subsection 2, Code 2011, is amended
29 to read as follows:
30 2. *Categorical state percent of growth.* The categorical
31 state percent of growth for the budget year beginning July 1,
32 2010, is two percent. The categorical state percent of growth
33 for the budget year beginning July 1, 2012, is two percent.
34 The categorical state percent of growth for each budget year
35 shall be established by statute which shall be enacted within

1 thirty days of the submission in the year preceding the
2 base year of the governor's budget under section 8.21. The
3 establishment of the categorical state percent of growth for a
4 budget year shall be the only subject matter of the bill which
5 enacts the categorical state percent of growth for a budget
6 year. The categorical state percent of growth may include
7 state percents of growth for the teacher salary supplement, the
8 professional development supplement, and the early intervention
9 supplement.
10 Sec. 606. CODE SECTION 257.8 — APPLICABILITY. The
11 requirements of section 257.8 regarding the time period
12 of enactment and the subject matter of the legislation
13 establishing the state percent of growth and the categorical
14 state percent of growth for a budget year are not applicable
15 to the division. The requirements of section 257.8 regarding
16 enactment of the regular program state percent of growth and
17 categorical state percent of growth within thirty days of
18 the submission in the year preceding the base year of the
19 governor's budget and the requirements that the subject matter
20 of each bill establishing the state percent of growth or the
21 categorical state percent of growth be the only subject matter
22 of the bill do not apply to this division of this Act.
23 Sec. 607. APPLICABILITY. This division of this Act is
24 applicable for computing state aid under the state school
25 foundation program for the school budget year beginning July
26 1, 2012.
27 DIVISION LXVIII
28 APPROPRIATION TRANSFERS
29 REBUILD IOWA INFRASTRUCTURE FUND
30 Sec. 608. 2010 Iowa Acts, chapter 1184, section 26, is
31 amended to read as follows:
32 SEC. 26. There is appropriated from the rebuild Iowa
33 infrastructure fund to the department of economic development
34 for deposit in the grow Iowa values fund, for the fiscal year
35 beginning July 1, 2010, and ending June 30, 2011, the following

amount, notwithstanding section 8.57, subsection 6, paragraph "c":

..... $ 38,000,000

Of the moneys appropriated in this section, from the amount allocated to the department of economic development in accordance with 2010 Iowa Acts, chapter 1184, section 28, subsection 1, $1,200,000 shall be used for the department's Iowans helping Iowans business assistance program. Notwithstanding section 8.33, moneys designated pursuant to this unnumbered paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

CASH RESERVE FUND

Sec. 609. 2010 Iowa Acts, chapter 1193, section 90, subsection 1, is amended to read as follows:

1. DEPARTMENT OF HUMAN SERVICES

For the medical assistance program:

..... $187,800,000

a. Of the moneys appropriated in this subsection, the following amounts shall be transferred as follows:

(1) To the Iowa finance authority to be used for the Iowans helping Iowans housing assistance program:

..... $ 6,050,000

(2) To the department of human services to be used for the unmet needs program administered by the department:

..... $ 3,056,603

b. Notwithstanding section 8.33, moneys transferred pursuant to paragraph "a" that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 610. EFFECTIVE DATE — APPLICABILITY.

1. This division of this Act being deemed of immediate importance takes effect upon enactment.

2. The provisions of this division of this Act providing for transfers are retroactively applicable to August 27, 2010, and apply in lieu of the transfers made for the same purposes by the executive branch, as reported by the department of management in the transfer notice to the governor and lieutenant governor dated August 27, 2010.

DIVISION LXIX

EDUCATION FINANCE

REGULAR PROGRAM FOUNDATION BASE

Sec. 611. Section 257.1, subsection 2, paragraph b, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

b. (1) The regular program foundation base per pupil is the following:

(a) For the budget year commencing July 1, 2011, the regular program foundation base per pupil is eighty-seven and five-tenths percent of the regular program state cost per pupil.

(b) For the budget year commencing July 1, 2012, the regular program foundation base per pupil is eighty-seven and five-tenths percent of the regular program state cost per pupil.

(c) For the budget year commencing July 1, 2013, the regular program foundation base per pupil is eighty-eight percent of the regular program state cost per pupil.

(d) For the budget year commencing July 1, 2014, the regular program foundation base per pupil is eighty-eight and five-tenths percent of the regular program state cost per pupil.

(e) For the budget year commencing July 1, 2015, the regular program foundation base per pupil is eighty-nine percent of the regular program state cost per pupil.

(f) For the budget year commencing July 1, 2016, the regular program foundation base per pupil is eighty-nine and five-tenths percent of the regular program state cost per

1 pupil.
2 (g) For the budget year commencing July 1, 2017, and
3 succeeding budget years, the regular program foundation base
4 per pupil is ninety percent of the regular program state cost
5 per pupil.
6 (2) For each budget year, the special education support
7 services foundation base is seventy-nine percent of the special
8 education support services state cost per pupil. The combined
9 foundation base is the sum of the regular program foundation
10 base, the special education support services foundation base,
11 the total teacher salary supplement district cost, the total
12 professional development supplement district cost, the total
13 early intervention supplement district cost, the total area
14 education agency teacher salary supplement district cost,
15 and the total area education agency professional development
16 supplement district cost.
17 DIVISION LXX
18 PROPERTY TAX
19 PROPERTY ASSESSMENT LIMITATIONS
20 Sec. 612. Section 441.21, subsection 4, Code 2011, is
21 amended to read as follows:
22 4. For valuations established as of January 1, 1979,
23 the percentage of actual value at which agricultural and
24 residential property shall be assessed shall be the quotient
25 of the dividend and divisor as defined in this section. The
26 dividend for each class of property shall be the dividend
27 as determined for each class of property for valuations
28 established as of January 1, 1978, adjusted by the product
29 obtained by multiplying the percentage determined for that
30 year by the amount of any additions or deletions to actual
31 value, excluding those resulting from the revaluation of
32 existing properties, as reported by the assessors on the
33 abstracts of assessment for 1978, plus six percent of the
34 amount so determined. However, if the difference between the
35 dividend so determined for either class of property and the

1 dividend for that class of property for valuations established
2 as of January 1, 1978, adjusted by the product obtained by
3 multiplying the percentage determined for that year by the
4 amount of any additions or deletions to actual value, excluding
5 those resulting from the revaluation of existing properties,
6 as reported by the assessors on the abstracts of assessment
7 for 1978, is less than six percent, the 1979 dividend for the
8 other class of property shall be the dividend as determined for
9 that class of property for valuations established as of January
10 1, 1978, adjusted by the product obtained by multiplying
11 the percentage determined for that year by the amount of
12 any additions or deletions to actual value, excluding those
13 resulting from the revaluation of existing properties, as
14 reported by the assessors on the abstracts of assessment for
15 1978, plus a percentage of the amount so determined which is
16 equal to the percentage by which the dividend as determined
17 for the other class of property for valuations established
18 as of January 1, 1978, adjusted by the product obtained by
19 multiplying the percentage determined for that year by the
20 amount of any additions or deletions to actual value, excluding
21 those resulting from the revaluation of existing properties,
22 as reported by the assessors on the abstracts of assessment
23 for 1978, is increased in arriving at the 1979 dividend for
24 the other class of property. The divisor for each class of
25 property shall be the total actual value of all such property
26 in the state in the preceding year, as reported by the
27 assessors on the abstracts of assessment submitted for 1978,
28 plus the amount of value added to said total actual value by
29 the revaluation of existing properties in 1979 as equalized
30 by the director of revenue pursuant to section 441.49. The
31 director shall utilize information reported on abstracts of
32 assessment submitted pursuant to section 441.45 in determining
33 such percentage. For valuations established as of January 1,
34 1980, and each assessment year thereafter beginning before
35 January 1, 2012, the percentage of actual value as equalized

by the director of revenue as provided in section 441.49 at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided herein including the limitation of increases in agricultural and residential assessed values to the percentage increase of the other class of property if the other class increases less than the allowable limit adjusted to include the applicable and current values as equalized by the director of revenue, except that any references to six percent in this subsection shall be four percent. For valuations established as of January 1, 2012, and each assessment year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which agricultural and residential property shall be assessed shall be calculated in accordance with the methods provided herein including the limitation of increases in agricultural and residential assessed values to the percentage increase of the other class of property if the other class increases less than the allowable limit adjusted to include the applicable and current values as equalized by the director of revenue, except that any references to six percent in this subsection shall be two percent.

Sec. 613. Section 441.21, subsection 5, Code 2011, is amended to read as follows:

5. *a.* ~~For valuations established as of January 1, 1979, commercial property and industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed as a percentage of the actual value of each class of property. The percentage shall be determined for each class of property by the director of revenue for the state in accordance with the provisions of this section. For valuations established as of January 1, 1979, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the total actual valuation for each class of property established~~

~~for 1978, plus six percent of the amount so determined. The divisor for each class of property shall be the valuation for each class of property established for 1978, as reported by the assessors on the abstracts of assessment for 1978, plus the amount of value added to the total actual value by the revaluation of existing properties in 1979 as equalized by the director of revenue pursuant to section 441.49.~~ For valuations established as of January 1, 1979, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be considered as one class of property and shall be assessed as a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1979, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1978 by the department of revenue, plus ten percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1978, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1979. ~~For valuations established as of January 1, 1980, commercial property and industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed at a percentage of the actual value of each class of property. The percentage shall be determined for each class of property by the director of revenue for the state in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the dividend as determined for each class of property for valuations established as of January 1, 1979, adjusted by the product obtained by multiplying the percentage determined~~

~~for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1979, plus four percent of the amount so determined. The divisor for each class of property shall be the total actual value of all such property in 1979, as equalized by the director of revenue pursuant to section 441.49, plus the amount of value added to the total actual value by the revaluation of existing properties in 1980. The director shall utilize information reported on the abstracts of assessment submitted pursuant to section 441.45 in determining such percentage.~~ For valuations established as of January 1, 1980, property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be assessed at a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1979 by the department of revenue, plus eight percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters 428, 433, 437, and 438 shall be the valuation established for 1979, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1980. ~~For valuations established as of January 1, 1981, and each year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which commercial property and industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to six percent in this subsection shall be four percent.~~ For valuations established as of January 1, 1981, and each year thereafter,

1 the percentage of actual value at which property valued by
2 the department of revenue pursuant to chapters 428, 433, 437,
3 and 438 shall be assessed shall be calculated in accordance
4 with the methods provided herein, except that any references
5 to ten percent in this subsection shall be eight percent.
6 Beginning with valuations established as of January 1, 1979,
7 and each assessment year thereafter beginning before January
8 1, 2012, property valued by the department of revenue pursuant
9 to chapter 434 shall also be assessed at a percentage of its
10 actual value which percentage shall be equal to the percentage
11 determined by the director of revenue for commercial property,
12 industrial property, or property valued by the department of
13 revenue pursuant to chapters 428, 433, 437, and 438, whichever
14 is lowest. Beginning with valuations established as of January
15 1, 2012, but before January 1, 2016, property valued by the
16 department of revenue pursuant to chapter 434 that is not
17 new railway property shall be assessed at a percentage of
18 its actual value equal to the percentage of actual value at
19 which commercial property that is not new commercial property
20 is assessed for the same assessment year. For valuations
21 established on or after January 1, 2012, but before January 1,
22 2016, property valued by the department of revenue pursuant
23 to chapter 434 that is new railway property shall be assessed
24 at a percentage of its actual value equal to the percentage
25 of actual value at which commercial property that is new
26 commercial property, as defined in paragraph *"c"*, is assessed
27 for the same assessment year. For purposes of this section,
28 *"new railway property"* means that portion of the actual value
29 of property assessed by the director of revenue under chapter
30 434 in excess of one hundred fifty percent of such property's
31 value for the assessment year beginning January 1, 2011,
32 attributable to new construction, renovation, or rehabilitation
33 of the property occurring on or after the effective date of
34 this division of this Act, and but for this provision would
35 be assessed as railway property. *"New railway property"* shall

be considered a subclassification of property assessed by the director of revenue under chapter 434 for the assessment years beginning on or after January 1, 2012, but before January 1, 2016. For valuations established on or after January 1, 2016, property valued by the department of revenue pursuant to chapter 434 shall be assessed at a percentage of its actual value equal to the percentage of actual value at which commercial property is assessed for the same assessment year.

b. For valuations established on or after January 1, 2012, commercial property that is not new commercial property as defined in paragraph *"c"*, excluding properties referred to in section 427A.1, subsection 8, shall be assessed as a percentage of the actual value, as determined in this paragraph *"b"*.

(1) For valuations established for the assessment year beginning January 1, 2012, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which commercial property that is not new commercial property shall be assessed shall be ninety-five percent.

(2) For valuations established for the assessment year beginning January 1, 2013, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which commercial property that is not new commercial property shall be assessed shall be ninety percent.

(3) For valuations established for the assessment year beginning January 1, 2014, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which commercial property that is not new commercial property shall be assessed shall be eight-five percent.

(4) For valuations established for the assessment year beginning January 1, 2015, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which commercial property that is not new commercial property shall be assessed shall be eighty percent.

c. (1) For valuations established on or after January 1, 2012, but before January 1, 2016, new commercial property,

1 excluding properties referred to in section 427A.1, subsection
2 8, shall be assessed as a percentage of the actual value, as
3 determined in this paragraph *"c"*.
4 (2) For valuations established for assessment years
5 beginning on or after January 1, 2012, but before January
6 1, 2016, the percentage of actual value as equalized by the
7 director of revenue as provided in section 441.49 at which
8 commercial property that is new commercial property shall be
9 assessed shall be seventy-five percent.
10 (3) For purposes of this section, *"new commercial property"*
11 means that portion of the actual value of property in excess
12 of one hundred fifty percent of such property's value for the
13 assessment year beginning January 1, 2011, attributable to new
14 construction, renovation, or rehabilitation of the property
15 occurring on or after the effective date of this division of
16 this Act, and but for this paragraph would be assessed under
17 paragraph *"b"*. *"New commercial property"* shall be considered
18 a subclassification of commercial property for the assessment
19 years beginning on or after January 1, 2012, but before January
20 1, 2016.
21 *d.* (1) For valuations established on or after January 1,
22 2016, commercial property, excluding properties referred to in
23 section 427A.1, subsection 8, shall be assessed as a percentage
24 of the actual value as determined in this paragraph *"d"*.
25 (2) For valuations established for the assessment year
26 beginning January 1, 2016, and each assessment year thereafter,
27 the percentage of actual value as equalized by the director
28 of revenue as provided in section 441.49 at which commercial
29 property shall be assessed shall be seventy-five percent.
30 *e.* For valuations established on or after January 1, 2012,
31 industrial property that is not new industrial property as
32 defined in paragraph *"f"*, excluding properties referred to in
33 section 427A.1, subsection 8, shall be assessed as a percentage
34 of the actual value, as determined in this paragraph *"e"*.
35 (1) For valuations established for the assessment year

1 beginning January 1, 2012, the percentage of actual value as
2 equalized by the director of revenue as provided in section
3 441.49 at which industrial property that is not new industrial
4 property, shall be assessed shall be ninety-five percent.
5 (2) For valuations established for the assessment year
6 beginning January 1, 2013, the percentage of actual value as
7 equalized by the director of revenue as provided in section
8 441.49 at which industrial property that is not new industrial
9 property shall be assessed shall be ninety percent.
10 (3) For valuations established for the assessment year
11 beginning January 1, 2014, the percentage of actual value as
12 equalized by the director of revenue as provided in section
13 441.49 at which industrial property that is not new industrial
14 property shall be assessed shall be eighty-five percent.
15 (4) For valuations established for the assessment year
16 beginning January 1, 2015, the percentage of actual value as
17 equalized by the director of revenue as provided in section
18 441.49 at which industrial property that is not new industrial
19 property shall be assessed shall be eighty percent.
20 *f.* (1) For valuations established on or after January 1,
21 2012, but before January 1, 2016, new industrial property,
22 excluding properties referred to in section 427A.1, subsection
23 8, shall be assessed as a percentage of the actual value as
24 determined in this paragraph *"f"*.
25 (2) For valuations established for assessment years
26 beginning on or after January 1, 2012, but before January
27 1, 2016, the percentage of actual value as equalized by the
28 director of revenue as provided in section 441.49 at which
29 industrial property that is new industrial property shall be
30 assessed shall be seventy-five percent.
31 (3) For purposes of this section, *"new industrial property"*
32 means that portion of the actual value of property in excess
33 of one hundred fifty percent of such property's value for the
34 assessment year beginning January 1, 2011, attributable to new
35 construction, renovation, or rehabilitation of the property

occurring on or after the effective date of this division of this Act, and but for this paragraph would be assessed under paragraph *"e"*. *"New industrial property"* shall be considered a subclassification of industrial property for the assessment years beginning on or after January 1, 2012, but before January 1, 2016.

g. (1) For valuations established on or after January 1, 2016, industrial property, excluding properties referred to in section 427A.1, subsection 8, shall be assessed as a percentage of the actual value as determined in this paragraph *"g"*.

(2) For valuations established for the assessment year beginning January 1, 2016, and each assessment year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section 441.49 at which industrial property shall be assessed shall be seventy-five percent.

Sec. 614. Section 441.21, subsections 9 and 10, Code 2011, are amended to read as follows:

9. Not later than November 1, 1979, and November 1 of each subsequent year, the director shall certify to the county auditor of each county the percentages of actual value at which residential property, agricultural property, commercial property, new commercial property, industrial property, ~~and~~ new industrial property, property valued by the department of revenue pursuant to chapters 428, 433, 434, 437, and 438, and new railway property in each assessing jurisdiction in the county shall be assessed for taxation. The county auditor shall proceed to determine the assessed values of agricultural property, residential property, commercial property, new commercial property, industrial property, ~~and~~ new industrial property, property valued by the department of revenue pursuant to chapters 428, 433, 434, 437, and 438, and new railway property by applying such percentages to the current actual value of such property, as reported to the county auditor by the assessor, and the assessed values so determined shall be the taxable values of such properties upon which the levy shall

be made.

10. The percentage of actual value computed by the director for agricultural property, residential property, commercial property, new commercial property, industrial property ~~and~~, new industrial property, property valued by the department of revenue pursuant to chapters 428, 433, 434, 437, and 438, and new railway property and used to determine assessed values of those classes of property does not constitute a rule as defined in section 17A.2, subsection 11.

Sec. 615. Section 441.21, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Notwithstanding any provision of law to the contrary, beginning with valuations established on or after January 1, 2012, as used in this section, *"residential property"* includes that portion of a building or structure and a proportionate share of the land upon which the building or structure is situated that is used as a primary residence by the person who owns the building even if the use as a primary residence is not the primary use of the building or structure. Accordingly, the assessor may assign more than one classification to a parcel of property satisfying the requirements of this subsection.

Sec. 616. NEW SECTION. **441.21A Commercial and industrial property tax replacement fund —— annual legislative review.**

1. *a.* There is created as a permanent fund in the office of the treasurer of state under the control of the department of management a fund to be known as the commercial and industrial property tax replacement fund, and for the purpose of establishing and maintaining this fund for each fiscal year there is appropriated thereto from funds in the general fund not otherwise appropriated the following amounts:

(1) For the fiscal year beginning July 1, 2013, thirty million dollars.

(2) For the fiscal year beginning July 1, 2014, sixty million dollars.

1 (3) For the fiscal year beginning July 1, 2015, ninety
2 million dollars.
3 (4) For the fiscal year beginning July 1, 2016, one hundred
4 twenty million dollars.
5 (5) For the fiscal year beginning July 1, 2017, and each
6 fiscal year thereafter, one hundred fifty million dollars.
7 *b.* If an amount appropriated for a fiscal year is
8 insufficient to pay all claims, the department of management
9 shall prorate the disbursements from the fund to the county
10 treasurers in the proportion that the total assessed value of
11 commercial and industrial property located within the taxing
12 district for taxes payable in that fiscal year bears to the
13 total assessed value of all commercial and industrial property
14 within the state and located in an eligible taxing district.
15 The department of management shall notify the county auditors
16 of the pro rata percentage on or before July 15.
17 *c.* The replacement claims shall be paid to each county
18 treasurer in equal installments in September and March of each
19 year. The county treasurer shall apportion the replacement
20 claim payments among the eligible taxing districts in the
21 county.
22 *d.* Any balance in the commercial and industrial property
23 tax replacement fund on June 30 shall be transferred to the
24 taxpayers trust fund created in section 8.57E and used for the
25 purposes specified in that section.
26 2. Beginning with the fiscal year beginning July 1, 2013,
27 each county treasurer shall be paid from the commercial and
28 industrial property tax replacement fund an amount, subject to
29 the limitations of this section, equal to the amount of the
30 commercial and industrial property tax replacement claim, as
31 calculated in subsection 4.
32 3. On or before March 1 of each year, the assessor shall
33 determine the total assessed value of all commercial and
34 industrial property assessed for taxes payable in the next
35 fiscal year and the total assessed value of all commercial and

1 industrial property assessed as of January 1, 2011, and shall
2 report the valuations to the county auditor.
3 4. On or before May 15 of each year, the county auditor
4 shall prepare a statement, based upon the report received
5 pursuant to subsection 3, listing for each taxing district in
6 the county:
7 *a.* Beginning with the assessment year beginning January
8 1, 2012, the difference between the assessed valuation of
9 all commercial and industrial property for that year and the
10 total assessed value of all commercial and industrial property
11 assessed as of January 1, 2011. If the total assessed value of
12 the property assessed as of January 1, 2011, is less, there is
13 no commercial and industrial property tax replacement for the
14 fiscal year.
15 *b.* The tax levy rate for each taxing district for the
16 current fiscal year. However, the applicable tax levy rate
17 for a school district shall be the total of all levy rates for
18 the school district for the current fiscal year excluding the
19 foundation property tax levy under section 257.3, subsection 1.
20 *c.* The commercial and industrial property tax replacement
21 claim for each taxing district. For fiscal years beginning
22 on or after July 1, 2013, the replacement claim is equal to
23 seventy-five percent of the amount determined pursuant to
24 paragraph *"a"*, multiplied by the tax rate specified in paragraph
25 *"b"*.
26 5. The county auditor shall certify and forward one copy of
27 the statement to the department of management not later than
28 July 1 of each year.
29 6. For purposes of determining replacement amounts under
30 this section, that portion of an urban renewal area defined as
31 the sum of the assessed valuations defined in section 403.19,
32 subsections 1 and 2, shall be considered a taxing district.
33 The amount of the replacement claim shall first be credited
34 to the portion of assessed value defined in section 403.19,
35 subsection 2. The amount not allocated to that portion of

assessed value defined in section 403.19, subsection 2, shall be credited to the portion of assessed value defined in section 403.19, subsection 1.

7. The committee on ways and means of the senate and the committee on ways and means of the house of representatives shall each conduct an annual review of the implementation and fiscal impact of the commercial, industrial, and railway property assessment limitations established under section 441.21, subsection 5, on local taxing authorities in this state.

Sec. 617. SAVINGS PROVISION. This division of this Act, pursuant to section 4.13, does not affect the operation of, or prohibit the application of, prior provisions of section 441.21, or rules adopted under chapter 17A to administer prior provisions of section 441.21, for assessment years beginning before January 1, 2012, and for duties, powers, protests, appeals, proceedings, actions, or remedies attributable to an assessment year beginning before January 1, 2012.

Sec. 618. APPLICABILITY. This division of this Act applies to property tax assessment years beginning on or after January 1, 2012.

DIVISION LXXI

COUNTY AND CITY BUDGET LIMITATION

Sec. 619. Section 23A.2, subsection 10, paragraph h, Code 2011, is amended to read as follows:

h. The performance of an activity listed in section 331.424, Code 2011, as a service ~~for~~ which a ~~supplemental levy~~ county may ~~be certified~~ include in its budget.

Sec. 620. Section 28M.5, subsection 2, Code 2011, is amended to read as follows:

2. If a regional transit district budget allocates revenue responsibilities to the board of supervisors of a participating county, the amount of the regional transit district levy that is the responsibility of the participating county shall be deducted from the maximum ~~rates~~ amount of taxes

1 authorized to be levied by the county pursuant to section
2 331.423, ~~subsections 1 and 2~~ subsection 3, paragraphs "b"
3 and "c", as applicable, unless the county meets its revenue
4 responsibilities as allocated in the budget from other
5 available revenue sources. However, for a regional transit
6 district that includes a county with a population of less than
7 three hundred thousand, the amount of the regional transit
8 district levy that is the responsibility of such participating
9 county shall be deducted from the maximum ~~rate~~ amount of taxes
10 authorized to be levied by the county pursuant to section
11 331.423, subsection ~~1~~ 3, paragraph "b".
12 Sec. 621. Section 123.38, subsection 2, Code 2011, is
13 amended to read as follows:
14 2. Any licensee or permittee, or the licensee's or
15 permittee's executor or administrator, or any person duly
16 appointed by the court to take charge of and administer the
17 property or assets of the licensee or permittee for the benefit
18 of the licensee's or permittee's creditors, may voluntarily
19 surrender a license or permit to the division. When a license
20 or permit is surrendered the division shall notify the local
21 authority, and the division or the local authority shall
22 refund to the person surrendering the license or permit, a
23 proportionate amount of the fee received by the division or
24 the local authority for the license or permit as follows: if
25 a license or permit is surrendered during the first three
26 months of the period for which it was issued, the refund shall
27 be three-fourths of the amount of the fee; if surrendered
28 more than three months but not more than six months after
29 issuance, the refund shall be one-half of the amount of the
30 fee; if surrendered more than six months but not more than
31 nine months after issuance, the refund shall be one-fourth of
32 the amount of the fee. No refund shall be made, however, for
33 any special liquor permit, nor for a liquor control license,
34 wine permit, or beer permit surrendered more than nine months
35 after issuance. For purposes of this subsection, any portion

of license or permit fees used for the purposes authorized in section 331.424, subsection 1, paragraph *"a"*, subparagraphs (1) and (2), Code 2011, and in section 331.424A, shall not be deemed received either by the division or by a local authority. No refund shall be made to any licensee or permittee, upon the surrender of the license or permit, if there is at the time of surrender, a complaint filed with the division or local authority, charging the licensee or permittee with a violation of this chapter. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund as provided in this section; but if the license or permit is revoked or suspended upon hearing the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

Sec. 622. Section 218.99, Code 2011, is amended to read as follows:

218.99 Counties to be notified of patients' personal accounts.

The administrator in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction ~~which is mentioned in section 331.424, subsection 1, paragraph *"a"*, subparagraphs (1) and (2), and~~ for which services are paid under section 331.424A, to quarterly inform the county of legal settlement's entity designated to perform the county's central point of coordination process of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the entity designated to perform the county's central point of coordination process at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no county of legal settlement, notice shall be made to the

director of human services and the administrator in control of the institution involved.

Sec. 623. Section 331.263, subsection 2, Code 2011, is amended to read as follows:

2. The governing body of the community commonwealth shall have the authority to levy county taxes and shall have the authority to levy city taxes to the extent the city tax levy authority is transferred by the charter to the community commonwealth. A city participating in the community commonwealth shall transfer a portion of the city's tax levy authorized under section 384.1 or 384.12, whichever is applicable, to the governing body of the community commonwealth. The maximum ~~rates~~ amount of taxes authorized to be levied under ~~sections~~ section 384.1 and the maximum amount of taxes authorized to be levied under section 384.12 by a city participating in the community commonwealth shall be reduced by an amount equal to the rates of the same or similar taxes levied in the city by the governing body of the community commonwealth.

Sec. 624. Section 331.301, subsection 12, Code 2011, is amended to read as follows:

12. The board of supervisors may credit funds to a reserve for the purposes authorized by subsection 11 of this section~~; section 331.424, subsection 1, paragraph "a", subparagraph (6);~~ and section 331.441, subsection 2, paragraph "b". Moneys credited to the reserve, and interest earned on such moneys, shall remain in the reserve until expended for purposes authorized by subsection 11 of this section~~; section 331.424, subsection 1, paragraph "a", subparagraph (6);~~ or section 331.441, subsection 2, paragraph "b".

Sec. 625. Section 331.421, subsections 1 and 10, Code 2011, are amended by striking the subsections.

Sec. 626. Section 331.421, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "*Item*" means a budgeted expenditure,

1 appropriation, or cash reserve from a fund for a service area,
2 program, program element, or purpose.
3 Sec. 627. Section 331.423, Code 2011, is amended by striking
4 the section and inserting in lieu thereof the following:
5 **331.423 Property tax dollars — maximums.**
6 1. Annually, the board shall determine separate property
7 tax levy limits to pay for general county services and rural
8 county services in accordance with this section. The property
9 tax levies separately certified for general county services and
10 rural county services under section 331.434 shall not raise
11 property tax dollars that exceed the amount determined under
12 this section.
13 2. For purposes of this section and section 331.423B, unless
14 the context otherwise requires:
15 *a. "Annual growth factor"* means an index, expressed as
16 a percentage, determined by the department of management by
17 January 1 of the calendar year in which the budget year begins.
18 In determining the annual growth factor, the department shall
19 calculate the average of the preceding twelve-month percentage
20 change, which shall be computed on a monthly basis, in the
21 midwest consumer price index, ending with the percentage change
22 for the month of November. The department shall then add that
23 average percentage change to one hundred percent. In no case,
24 however, shall the annual growth factor exceed one hundred four
25 percent.
26 *b. "Boundary adjustment"* means annexation, severance,
27 incorporation, or discontinuance as those terms are defined in
28 section 368.1.
29 *c. "Budget year"* is the fiscal year beginning during the
30 calendar year in which a budget is certified.
31 *d. "Current fiscal year"* is the fiscal year ending during
32 the calendar year in which a budget is certified.
33 *e. "Net new valuation taxes"* means the amount of property
34 tax dollars equal to the current fiscal year's levy rate in
35 the county for general county services or for rural county

1 services, as applicable, multiplied by the increase from the
2 current fiscal year to the budget year in taxable valuation due
3 to the following:
4 (1) Net new construction, excluding all incremental
5 valuation that is released in any one year from a division
6 of revenue under section 260E.4 or an urban renewal area for
7 which taxes were being divided under section 403.19 if the
8 property for the valuation being released remains subject to
9 the division of revenue under section 260E.4 or remains part of
10 the urban renewal area that is subject to a division of revenue
11 under section 403.19.
12 (2) Additions or improvements to existing structures.
13 (3) Remodeling of existing structures for which a building
14 permit is required.
15 (4) Net boundary adjustment.
16 (5) A municipality no longer dividing tax revenues in an
17 urban renewal area as provided in section 403.19 or a community
18 college no longer dividing revenues as provided in section
19 260E.4.
20 (6) That portion of taxable property located in an urban
21 revitalization area on which an exemption was allowed and such
22 exemption has expired.
23 3. *a.* For the fiscal year beginning July 1, 2012, and
24 subsequent fiscal years, the maximum amount of property tax
25 dollars which may be certified for levy by a county for general
26 county services and rural county services shall be the maximum
27 property tax dollars calculated under paragraphs *"b"* and *"c"*,
28 respectively.
29 *b.* The maximum property tax dollars that may be levied for
30 general county services is an amount, following the subtraction
31 of replacement claim amounts to be received under section
32 441.21A during the budget year that are the result of the levy
33 rate for general county services, equal to the sum of the
34 following:
35 (1) The annual growth factor times the sum of the current

fiscal year's maximum property tax dollars for general county services and the amount of all replacement claim amounts received under section 441.21A during the current fiscal year that are the result of the levy rate for general county services.

(2) The amount of net new valuation taxes in the county.

c. The maximum property tax dollars that may be levied for rural county services is an amount, following the subtraction of replacement claim amounts to be received under section 441.21A during the budget year that are the result of the levy rate for rural county services, equal to the sum of the following:

(1) The annual growth factor times the sum of the current fiscal year's maximum property tax dollars for rural county services and the amount of all replacement claim amounts received under section 441.21A during the current fiscal year that are the result of the levy rate for rural county services.

(2) The amount of net new valuation taxes in the unincorporated area of the county.

4. *a.* For purposes of calculating maximum property tax dollars for general county services for the fiscal year beginning July 1, 2012, only, the term *"current fiscal year's maximum property tax dollars"* shall mean the total amount of property tax dollars certified by the county for general county services for the fiscal year beginning July 1, 2011.

b. For purposes of calculating maximum property tax dollars for rural county services for the fiscal year beginning July 1, 2012, only, the term *"current fiscal year's maximum property tax dollars"* shall mean the total amount of property tax dollars certified by the county for rural county services for the fiscal year beginning July 1, 2011.

5. Property taxes certified for deposit in the mental health, mental retardation, and developmental disabilities services fund in section 331.424A, the emergency services fund in section 331.424C, the debt service fund in section 331.430,

1 any capital projects fund established by the county for deposit
2 of bond, loan, or note proceeds, and any temporary increase
3 approved pursuant to section 331.424, are not included in the
4 maximum amount of property tax dollars that may be certified
5 for a budget year under subsection 3.
6 6. The department of management, in consultation with the
7 county finance committee, shall adopt rules to administer this
8 section. The department shall prescribe forms to be used by
9 counties when making calculations required by this section.
10 Sec. 628. NEW SECTION. **331.423B Ending fund balance.**
11 1. *a.* Budgeted ending fund balances for a budget year
12 in excess of twenty-five percent of budgeted expenditures in
13 either the general fund or rural services fund for that budget
14 year shall be explicitly reserved or designated for a specific
15 purpose.
16 *b.* A county is encouraged, but not required, to reduce
17 budgeted, unreserved, or undesignated ending fund balances for
18 the budget year to an amount equal to approximately twenty-five
19 percent of budgeted expenditures and transfers from the general
20 fund and rural services fund for that budget year unless a
21 decision is certified by the state appeal board ordering a
22 reduction in the ending fund balance of any of those funds.
23 *c.* In a protest to the county budget under section 331.436,
24 the county shall have the burden of proving that the budgeted
25 balances in excess of twenty-five percent are reasonably likely
26 to be appropriated for the explicitly reserved or designated
27 specific purpose. The excess budgeted balance for the specific
28 purpose shall be considered an increase in an item in the
29 budget for purposes of section 24.28.
30 2. *a.* For a county that has, as of June 30, 2011, reduced
31 its actual ending fund balance to less than twenty-five
32 percent of actual expenditures, additional property taxes may
33 be computed and levied as provided in this subsection. The
34 additional property tax levy amount is an amount not to exceed
35 twenty-five percent of actual expenditures from the general

fund and rural services fund for the fiscal year beginning July 1, 2010, minus the combined ending fund balances for those funds for that year.

b. The amount of the additional property taxes shall be apportioned between the general fund and the rural services fund. However, the amount apportioned for general county services and for rural county services shall not exceed for each fund twenty-five percent of actual expenditures for the fiscal year beginning July 1, 2010.

c. All or a portion of additional property tax dollars may be levied for the purpose of increasing cash reserves for general county services and rural county services in the budget year. The additional property tax dollars authorized under this subsection but not levied may be carried forward as unused ending fund balance taxing authority until and for the fiscal year beginning July 1, 2017. The amount carried forward shall not exceed twenty-five percent of the maximum amount of property tax dollars available in the current fiscal year. Additionally, property taxes that are levied as unused ending fund balance taxing authority under this subsection may be the subject of a protest under section 331.436, and the amount will be considered an increase in an item in the budget for purposes of section 24.28. The amount of additional property taxes levied under this subsection shall not be included in the computation of the maximum amount of property tax dollars which may be certified and levied under section 331.423.

Sec. 629. Section 331.424, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

331.424 Authority to levy beyond maximum property tax dollars.

1. The board may certify additions to the maximum amount of property tax dollars to be levied for a period of time not to exceed two years if the proposition has been submitted at a special election and received a favorable majority of the votes cast on the proposition.

2. The special election is subject to the following:

a. The board must give at least thirty-two days' notice to the county commissioner of elections that the special election is to be held. In no case, however, shall a notice be given to the county commissioner of elections after December 31 for an election on a proposition to exceed the statutory limits during the fiscal year beginning in the next calendar year.

b. The special election shall be conducted by the county commissioner of elections in accordance with law.

c. The proposition to be submitted shall be substantially in the following form:

Vote "yes" or "no" on the following: Shall the county of _____ levy for an additional $_____ each year for ___ years beginning July 1, _____, in excess of the statutory limits otherwise applicable for the (general county services or rural services) fund?

d. The canvass shall be held beginning at 1:00 p.m. on the second day which is not a holiday following the special election.

e. Notice of the special election shall be published at least once in a newspaper as specified in section 331.305 prior to the date of the special election. The notice shall appear as early as practicable after the board has voted to submit a proposition to the voters to levy additional property tax dollars.

3. Registered voters in the county may vote on the proposition to increase property taxes for the general fund in excess of the statutory limit. Registered voters residing outside the corporate limits of a city within the county may vote on the proposition to increase property taxes for the rural services fund in excess of the statutory limit.

4. The amount of additional property tax dollars certified under this section shall not be included in the computation of the maximum amount of property tax dollars which may be certified and levied under section 331.423.

Sec. 630. Section 331.424A, subsection 4, Code 2011, is amended to read as follows:

4. For the fiscal year beginning July 1, 1996, and for each subsequent fiscal year, the county shall certify a levy for payment of services. For each fiscal year, county revenues from taxes imposed by the county credited to the services fund shall not exceed an amount equal to the amount of base year expenditures for services as defined in section 331.438, less the amount of property tax relief to be received pursuant to section 426B.2, in the fiscal year for which the budget is certified. The county auditor and the board of supervisors shall reduce the amount of the levy certified for the services fund by the amount of property tax relief to be received. A levy certified under this section is not subject to ~~the appeal provisions of section 331.426 or to~~ any other provision in law authorizing a county to exceed, increase, or appeal a property tax levy limit.

Sec. 631. Section 331.427, subsection 3, paragraph 1, Code 2011, is amended to read as follows:

1. Services listed in section 331.424, subsection 1, Code 2011, and section 331.554.

Sec. 632. Section 331.428, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. Services listed under section 331.424, subsection 2, Code 2011.

Sec. 633. Section 331.434, subsection 1, Code 2011, is amended to read as follows:

1. The budget shall show the amount required for each class of proposed expenditures, a comparison of the amounts proposed to be expended with the amounts expended for like purposes for the two preceding years, the revenues from sources other than property taxation, and the amount to be raised by property taxation, in the detail and form prescribed by the director of the department of management. For each county that has established an urban renewal area, the budget shall include

estimated and actual tax increment financing revenues and all estimated and actual expenditures of the revenues, proceeds from debt and all estimated and actual expenditures of the debt proceeds, and identification of any entity receiving a direct payment of taxes funded by tax increment financing revenues and shall include the total amount of loans, advances, indebtedness, or bonds outstanding at the close of the most recently ended fiscal year, which qualify for payment from the special fund created in section 403.19, including interest negotiated on such loans, advances, indebtedness, or bonds. For purposes of this subsection, *"indebtedness"* includes written agreements whereby the county agrees to suspend, abate, exempt, rebate, refund, or reimburse property taxes, provide a grant for property taxes paid, or make a direct payment of taxes, with moneys in the special fund. The amount of loans, advances, indebtedness, or bonds shall be listed in the aggregate for each county reporting. ~~The county finance committee, in consultation with the department of management and the legislative services agency, shall determine reporting criteria and shall prepare a form for reports filed with the department pursuant to this section. The department shall make the information available by electronic means.~~

Sec. 634. Section 373.10, Code 2011, is amended to read as follows:

373.10 Taxing authority.

The metropolitan council shall have the authority to levy city taxes to the extent the city tax levy authority is transferred by the charter to the metropolitan council. A member city shall transfer a portion of the city's tax levy authorized under section 384.1 or 384.12, whichever is applicable, to the metropolitan council. The maximum ~~rates~~ amount of taxes authorized to be levied under ~~sections~~ section 384.1 and the taxes authorized to be levied under section 384.12 by a member city shall be reduced by an amount equal to the rates of the same or similar taxes levied in the city by the

1 metropolitan council.
2 Sec. 635. Section 384.1, Code 2011, is amended by striking
3 the section and inserting in lieu thereof the following:
4 **384.1 Property tax dollars — maximums.**
5 1. A city shall certify taxes to be levied by the city
6 on all taxable property within the city limits, for all city
7 government purposes. Annually, the city council may certify
8 levies for city government purposes, subject to the limitation
9 on property tax dollars provided in this section.
10 2. For purposes of this section and section 384.1B, unless
11 the context otherwise requires:
12 *a. "Annual growth factor"* means an index, expressed as
13 a percentage, determined by the department of management by
14 January 1 of the calendar year in which the budget year begins.
15 In determining the annual growth factor, the department shall
16 calculate the average of the preceding twelve-month percentage
17 change, which shall be computed on a monthly basis, in the
18 midwest consumer price index, ending with the percentage change
19 for the month of November. The department shall then add that
20 average percentage change to one hundred percent. In no case,
21 however, shall the annual growth factor exceed one hundred four
22 percent.
23 *b. "Boundary adjustment"* means annexation, severance,
24 incorporation, or discontinuance as those terms are defined in
25 section 368.1.
26 *c. "Budget year"* is the fiscal year beginning during the
27 calendar year in which a budget is certified.
28 *d. "Current fiscal year"* is the fiscal year ending during
29 the calendar year in which a budget is certified.
30 *e. "Net new valuation taxes"* means the amount of property
31 tax dollars equal to the current fiscal year's levy rate in the
32 city for the general fund and for the trust and agency funds
33 under section 384.6, subsection 1, multiplied by the increase
34 from the current fiscal year to the budget year in taxable
35 valuation due to the following:

(1) Net new construction, excluding all incremental valuation that is released in any one year from a division of revenue under section 260E.4 or an urban renewal area for which taxes were being divided under section 403.19 if the property for the valuation being released remains subject to the division of revenue under section 260E.4 or remains part of the urban renewal area that is subject to a division of revenue under section 403.19.

(2) Additions or improvements to existing structures.

(3) Remodeling of existing structures for which a building permit is required.

(4) Net boundary adjustment.

(5) A municipality no longer dividing tax revenues in an urban renewal area as provided in section 403.19 or a community college no longer dividing revenues as provided in section 260E.4.

(6) That portion of taxable property located in an urban revitalization area on which an exemption was allowed and such exemption has expired.

3. *a.* For the fiscal year beginning July 1, 2012, and subsequent fiscal years, the maximum amount of property tax dollars which may be certified for levy by a city for the general fund and for the city's trust and agency funds under section 384.6, subsection 1, shall be the maximum property tax dollars calculated under paragraph "*b*".

b. The maximum property tax dollars that may be levied for deposit in the general fund and the city's trust and agency funds under section 384.6, subsection 1, is an amount, following the subtraction of replacement claim amounts to be received under section 441.21A during the budget year that are the result of the levy rates for the general fund and for the trust and agency funds under section 384.6, subsection 1, equal to the sum of the following:

(1) The annual growth factor times the sum of the current fiscal year's maximum property tax dollars for the general

fund, the trust and agency funds under section 384.6, subsection 1, and the amount of all replacement claim amounts received under section 441.21A during the current fiscal year that are the result of the levy rates for the general fund and for the trust and agency funds under section 384.6, subsection 1.

(2) The amount of net new valuation taxes in the city.

4. For purposes of calculating maximum property tax dollars for the city general fund for the fiscal year beginning July 1, 2012, only, the term *"current fiscal year's maximum property tax dollars"* shall mean the sum of the total amount of property tax dollars certified by the city for the city's general fund and the city's trust and agency funds under section 384.6, subsection 1, for the fiscal year beginning July 1, 2011.

5. Property taxes certified for deposit in the debt service fund in section 384.4, capital improvements reserve fund in section 384.7, the emergency fund in section 384.8, any capital projects fund established by the city for deposit of bond, loan, or note proceeds, any temporary increase approved pursuant to section 384.12A, property taxes collected from a voted levy in section 384.12, and property taxes levied under section 384.12, subsection 18, are not counted against the maximum amount of property tax dollars that may be certified for a fiscal year under subsection 3.

6. Notwithstanding the maximum amount of taxes a city may certify for levy, the tax levied by a city on tracts of land and improvements on the tracts of land used and assessed for agricultural or horticultural purposes shall not exceed three dollars and three-eighths cents per thousand dollars of assessed value in any year. Improvements located on such tracts of land and not used for agricultural or horticultural purposes and all residential dwellings are subject to the same rate of tax levied by the city on all other taxable property within the city.

7. The department of management, in consultation with the

1 city finance committee, shall adopt rules to administer this
2 section. The department shall prescribe forms to be used by
3 cities when making calculations required by this section.
4 Sec. 636. NEW SECTION. **384.1B Ending fund balance.**
5 1. *a.* Budgeted ending fund balances for a budget year in
6 excess of twenty-five percent of budgeted expenditures from the
7 general fund for that budget year shall be explicitly reserved
8 or designated for a specific purpose.
9 *b.* A city is encouraged, but not required, to reduce
10 budgeted, unreserved, or undesignated ending fund balances for
11 the budget year to an amount equal to approximately twenty-five
12 percent of budgeted expenditures and transfers from the general
13 fund for that budget year unless a decision is certified by
14 the state appeal board ordering a reduction in the ending fund
15 balance of the fund.
16 *c.* In a protest to the city budget under section 384.19,
17 the city shall have the burden of proving that the budgeted
18 balances in excess of twenty-five percent are reasonably likely
19 to be appropriated for the explicitly reserved or designated
20 specific purpose. The excess budgeted balance for the specific
21 purpose shall be considered an increase in an item in the
22 budget for purposes of section 24.28.
23 2. *a.* For a city that has, as of June 30, 2011, reduced its
24 ending fund balance to less than twenty-five percent of actual
25 expenditures, additional property taxes may be computed and
26 levied as provided in this subsection. The additional property
27 tax levy amount is an amount not to exceed the difference
28 between twenty-five percent of actual expenditures for city
29 government purposes for the fiscal year beginning July 1, 2010,
30 minus the ending fund balance for that year.
31 *b.* All or a portion of additional property tax dollars
32 may be levied for the purpose of increasing cash reserves for
33 city government purposes in the budget year. The additional
34 property tax dollars authorized under this subsection but not
35 levied may be carried forward as unused ending fund balance

taxing authority until and for the fiscal year beginning July 1, 2017. The amount carried forward shall not exceed twenty-five percent of the maximum amount of property tax dollars available in the current fiscal year. Additionally, property taxes that are levied as unused ending fund balance taxing authority under this subsection may be the subject of a protest under section 384.19, and the amount will be considered an increase in an item in the budget for purposes of section 24.28. The amount of additional property tax dollars levied under this subsection shall not be included in the computation of the maximum amount of property tax dollars which may be certified and levied under section 384.1.

Sec. 637. Section 384.6, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Accounting for pension and related employee benefit funds as provided by the city finance committee. A city may, subject to the limitations of section 384.1, certify taxes to be levied for a trust and agency fund in the amount necessary to meet its obligations.

Sec. 638. Section 384.12, subsection 20, Code 2011, is amended by striking the subsection.

Sec. 639. NEW SECTION. **384.12A Authority to levy beyond maximum property tax dollars.**

1. The city council may certify additions to the maximum amount of property tax dollars to be levied for a period of time not to exceed two years if the proposition has been submitted at a special election and received a favorable majority of the votes cast on the proposition.

2. The special election is subject to the following:

a. The city council must give at least thirty-two days' notice to the county commissioner of elections that the special election is to be held. In no case, however, shall a notice be given to the county commissioner of elections after December 31 for an election on a proposition to exceed the statutory limits during the fiscal year beginning in the next calendar year.

1 *b.* The special election shall be conducted by the county
2 commissioner of elections in accordance with law.
3 *c.* The proposition to be submitted shall be substantially
4 in the following form:
5 Vote "yes" or "no" on the following: Shall the city of
6 _____ levy for an additional $_____ each year for ___ years
7 beginning next July 1, ____, in excess of the statutory limits
8 otherwise applicable for the city general fund and the city
9 trust and agency funds?
10 *d.* The canvass shall be held beginning at 1:00 p.m. on
11 the second day which is not a holiday following the special
12 election.
13 *e.* Notice of the special election shall be published at
14 least once in a newspaper as specified in section 362.3 prior
15 to the date of the special election. The notice shall appear
16 as early as practicable after the city council has voted to
17 submit a proposition to the voters to levy additional property
18 tax dollars.
19 3. The amount of additional property tax dollars certified
20 under this section shall not be included in the computation
21 of the maximum amount of property tax dollars which may be
22 certified and levied under section 384.1.
23 Sec. 640. Section 384.16, subsection 1, paragraph b, Code
24 2011, is amended to read as follows:
25 *b.* A budget must show comparisons between the estimated
26 expenditures in each program in the following year, the latest
27 estimated expenditures in each program in the current year,
28 and the actual expenditures in each program from the annual
29 report as provided in section 384.22, or as corrected by a
30 subsequent audit report. Wherever practicable, as provided in
31 rules of the committee, a budget must show comparisons between
32 the levels of service provided by each program as estimated for
33 the following year, and actual levels of service provided by
34 each program during the two preceding years. For each city
35 that has established an urban renewal area, the budget shall

include estimated and actual tax increment financing revenues and all estimated and actual expenditures of the revenues, proceeds from debt and all estimated and actual expenditures of the debt proceeds, and identification of any entity receiving a direct payment of taxes funded by tax increment financing revenues and shall include the total amount of loans, advances, indebtedness, or bonds outstanding at the close of the most recently ended fiscal year, which qualify for payment from the special fund created in section 403.19, including interest negotiated on such loans, advances, indebtedness, or bonds. The amount of loans, advances, indebtedness, or bonds shall be listed in the aggregate for each city reporting. ~~The city finance committee, in consultation with the department of management and the legislative services agency, shall determine reporting criteria and shall prepare a form for reports filed with the department pursuant to this section. The department shall make the information available by electronic means.~~

Sec. 641. Section 384.19, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of a tax protest filed under this section, *"item"* means a budgeted expenditure, appropriation, or cash reserve from a fund for a service area, program, program element, or purpose.

Sec. 642. Section 386.8, Code 2011, is amended to read as follows:

386.8 Operation tax.

A city may establish a self-supported improvement district operation fund, and may certify taxes not to exceed the rate limitation as established in the ordinance creating the district, or any amendment thereto, each year to be levied for the fund against all of the property in the district, for the purpose of paying the administrative expenses of the district, which may include but are not limited to administrative personnel salaries, a separate administrative office, planning costs including consultation fees, engineering

fees, architectural fees, and legal fees and all other expenses reasonably associated with the administration of the district and the fulfilling of the purposes of the district. The taxes levied for this fund may also be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements for a specified length of time with one or more options to renew if such is clearly stated in the petition which requests the council to authorize construction of the improvement or self-liquidating improvement, whether or not such petition is combined with the petition requesting creation of a district. Parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section except residential properties within a duly designated historic district. A tax levied under this section is not subject to the ~~levy~~ limitation in section 384.1.

Sec. 643. Section 386.9, Code 2011, is amended to read as follows:

386.9 Capital improvement tax.

A city may establish a capital improvement fund for a district and may certify taxes, not to exceed the rate established by the ordinance creating the district, or any subsequent amendment thereto, each year to be levied for the fund against all of the property in the district, for the purpose of accumulating moneys for the financing or payment of a part or all of the costs of any improvement or self-liquidating improvement. However, parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section except residential properties within a duly designated historic district. A tax levied under this section is not subject to the ~~levy~~ limitations in section 384.1 or 384.7.

Sec. 644. REPEAL. Sections 331.425 and 331.426, Code 2011, are repealed.

Sec. 645. APPLICABILITY. This division of this Act applies

to fiscal years beginning on or after July 1, 2012.

DIVISION LXXII

INCOME TAX

EARNED INCOME TAX CREDIT

Sec. 646. Section 422.12B, subsection 1, Code 2011, is amended to read as follows:

1. The taxes imposed under this division less the credits allowed under section 422.12 shall be reduced by an earned income credit equal to ~~seven~~ ten percent of the federal earned income credit provided in section 32 of the Internal Revenue Code. Any credit in excess of the tax liability is refundable.

Sec. 647. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2011, for tax years beginning on or after that date.

DIVISION LXXIII

INCOME TAX

SCHOOL TUITION ORGANIZATION TAX CREDITS

Sec. 648. Section 422.11S, subsection 7, paragraph a, subparagraph (2), Code 2011, is amended to read as follows:

(2) *"Total approved tax credits"* means ~~for the tax year beginning in the 2006 calendar year, two million five hundred thousand dollars, for the tax year beginning in the 2007 calendar year, five million dollars, and for tax years beginning on or after January 1, 2008, seven million five hundred thousand dollars.~~ the following:

(a) For tax years beginning on or after January 1, 2008, and before January 1, 2012, seven million five hundred thousand dollars.

(b) For the tax year beginning on or after January 1, 2012, and before January 1, 2013, eight million seven hundred fifty thousand dollars.

(c) For tax years beginning on or after January 1, 2013, ten million dollars.

DIVISION LXXIV

INCOME TAX

TEACHER EXPENSES

Sec. 649. Section 422.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for certain expenses of elementary and secondary school teachers allowed under section 62(a)(2)(D) of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes.

Sec. 650. REFUNDS. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. 651. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION LXXV

INCOME TAX

QUALIFIED HIGHER EDUCATION EXPENSES

Sec. 652. Section 422.7, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 54. A taxpayer is allowed to take the deduction for qualified tuition and related expenses allowed under section 222 of the Internal Revenue Code, as amended by the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, in computing net income for state tax purposes.

Sec. 653. REFUNDS. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in

this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. 654. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2008, for tax years beginning on or after that date and before January 1, 2009.

DIVISION LXXVI

INCOME TAX

STATE SALES/USE TAX DEDUCTION

Sec. 655. Section 422.9, subsection 2, paragraph i, Code 2011, is amended to read as follows:

i. The deduction for state sales and use taxes is allowable only if the taxpayer elected to deduct the state sales and use taxes in lieu of state income taxes under section 164 of the Internal Revenue Code. A deduction for state sales and use taxes is not allowed if the taxpayer has taken the deduction for state income taxes or claimed the standard deduction under section 63 of the Internal Revenue Code. This paragraph applies to taxable years beginning after December 31, 2003, and before January 1, ~~2006~~ 2009, and to taxable years beginning after December 31, 2009, and before January 1, 2012.

Sec. 656. REFUNDS. Notwithstanding any provision to the contrary in section 422.25, subsection 3, a taxpayer who files an amended return in the time permitted by statute to claim a refund related to the allowance of the deduction enacted in this division of this Act is only entitled to a refund of the amount paid that is in excess of tax liability. The taxpayer shall not be entitled to interest on such excess.

Sec. 657. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to tax years beginning on or after January 1, 2006, and before January 1, 2009, and to tax years beginning on

1 or after January 1, 2010, and before January 1, 2012.
2 DIVISION LXXVII
3 INCOME TAX
4 SPECIAL FILING PROVISIONS
5 Sec. 658. SPECIAL FILING PROVISIONS.
6 1. Adjustments by individuals to federal adjusted gross
7 income and by corporations to federal taxable income for tax
8 returns filed prior to the enactment of 2011 Iowa Acts, Senate
9 File 512, may be required as a result of the provisions of
10 divisions ___ through ___ of this Act. These adjustments are
11 as follows:
12 a. The increased expensing allowance authorized in section
13 179(b) of the Internal Revenue Code for tax years beginning on
14 or after January 1, 2010, but before January 1, 2011.
15 b. The deduction for qualified tuition and related expenses
16 allowed under section 222 of the Internal Revenue Code.
17 c. The deduction for certain expenses of elementary and
18 secondary school teachers allowed under section 62(a)(2)(D) of
19 the Internal Revenue Code.
20 2. In lieu of filing an amended tax return, taxpayers
21 may make the adjustments, pursuant to rules adopted by the
22 director of revenue, on the next return filed subsequent to the
23 enactment of 2011 Iowa Acts, Senate File 512. If the taxpayer
24 elects not to file an amended return, these provisions are
25 suspended with regard to the following adjustments otherwise
26 available as a result of this Act.
27 a. The limitation based on income provisions and
28 regulations of section 179(b)(3) of the Internal Revenue Code
29 with regard to the section 179(b) adjustment.
30 b. The applicable dollar limit provisions of section
31 222(b)(2)(B) of the Internal Revenue Code with regard to the
32 section 222 adjustment.
33 DIVISION LXXVIII
34 INCOME TAX
35 WITHHOLDING AGREEMENTS

1 Sec. 659. Section 403.19A, subsection 1, paragraphs c and f,
2 Code 2011, are amended to read as follows:
3 *c. "Employer"* means a business creating or retaining
4 targeted jobs in an urban renewal area of a pilot project city
5 pursuant to a withholding agreement.
6 *f. "Targeted job"* means a job in a business which is or
7 will be located in an urban renewal area of a pilot project
8 city that pays a wage at least equal to the countywide average
9 wage. *"Targeted job"* includes new or retained jobs from Iowa
10 business expansions or retentions within the city limits of the
11 pilot project city and those jobs resulting from established
12 out-of-state businesses, as defined by the department of
13 economic development, moving to or expanding in Iowa.
14 Sec. 660. Section 403.19A, subsection 3, paragraph c,
15 subparagraph (1), Code 2011, is amended to read as follows:
16 (1) The pilot project city shall enter into a withholding
17 agreement with each employer concerning the targeted jobs
18 withholding credit. The withholding agreement shall provide
19 for the total amount of withholding tax credits awarded. An
20 agreement shall not provide for an amount of withholding
21 credits that exceeds the amount of the qualifying investment
22 made in the project. An agreement shall not be entered into
23 by a pilot project city with a business currently located in
24 this state unless the business either creates or retains ten
25 new jobs or makes a qualifying investment of at least five
26 hundred thousand dollars within the urban renewal area. The
27 withholding agreement may have a term of up to ten years. An
28 employer shall not be obligated to enter into a withholding
29 agreement. An agreement shall not be entered into with an
30 employer not already located in a pilot project city when
31 another Iowa community is competing for the same project and
32 both the pilot project city and the other Iowa community are
33 seeking assistance from the department.
34 Sec. 661. Section 403.19A, subsection 3, paragraph f, Code
35 2011, is amended to read as follows:

1 *f.* If the employer ceases to meet the requirements of the
2 withholding agreement, the agreement shall be terminated and
3 any withholding tax credits for the benefit of the employer
4 shall cease. However, in regard to the number of ~~new~~ jobs
5 that are to be created or retained, if the employer has met
6 the number of ~~new~~ jobs to be created or retained pursuant to
7 the withholding agreement and subsequently the number of ~~new~~
8 jobs falls below the required level, the employer shall not
9 be considered as not meeting the ~~new~~ job requirement until
10 eighteen months after the date of the decrease in the number of
11 ~~new~~ jobs created or retained.
12 Sec. 662. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
13 APPLICABILITY. This division of this Act, being deemed of
14 immediate importance, takes effect upon enactment and applies
15 retroactively to July 1, 2006, for agreements entered into on
16 or after that date.
17 DIVISION LXXIX
18 INCOME TAX
19 DISASTER-RELATED PERSONAL CASUALTY LOSS DEDUCTIONS
20 Sec. 663. Section 422.9, Code 2011, is amended by adding the
21 following new subsection:
22 NEW SUBSECTION. 9. A taxpayer is allowed to take the
23 deduction for disaster-related casualty losses under section
24 165(h) of the Internal Revenue Code, as modified by the
25 Heartland Disaster Relief Act of 2008, Pub. L. No. 110-343, in
26 computing net income for state tax purposes.
27 Sec. 664. Notwithstanding any provision to the contrary in
28 section 422.25, subsection 3, a taxpayer who files an amended
29 return in the time permitted by statute to claim a refund
30 related to the allowance of the deduction enacted in this
31 division of this Act is only entitled to a refund of the amount
32 paid that is in excess of tax liability. The taxpayer shall
33 not be entitled to interest on such excess.
34 Sec. 665. EFFECTIVE DATE AND RETROACTIVE
35 APPLICABILITY. This division of this Act, being deemed of

1 immediate importance, takes effect upon enactment and applies
2 retroactively to January 1, 2008, for tax years beginning on or
3 after that date and before January 1, 2009.
4 DIVISION LXXX
5 HALLUCINOGENIC SUBSTANCES
6 Sec. 666. Section 124.204, subsection 4, Code 2011, is
7 amended by adding the following new paragraph:
8 NEW PARAGRAPH. *ai.* (1) Mephedrone, also known as
9 4-methylmethcathinone,(RS)-2-methylamino-1-(4-methylphenyl)
10 propan-1-one.
11 (2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-
12 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].
13 (3) Salvia divinorum.
14 (4) Salvinorin A.
15 (5) Any substance, compound, mixture or preparation which
16 contains any quantity of any synthetic cannabinoid that is not
17 approved as a pharmaceutical, including but not limited to the
18 following:
19 (a) CP 47, 497 and homologues 2-[(1R, 3S)-3-
20 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).
21 (b) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
22 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
23 chromen-1-ol)].
24 (c) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
25 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
26 chromen-1-ol).
27 (d) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.
28 (e) JWH-073 1-Butyl-3-(1-naphthoyl)indole.
29 (f) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
30 naphthalenyl-methanone.
31 Sec. 667. Section 124.401, subsection 1, paragraph c,
32 subparagraph (8), Code 2011, is amended to read as follows:
33 (8) Any other controlled substance, counterfeit substance,
34 or simulated controlled substance classified in schedule I, II,
35 or III, except as provided in paragraph *"d"*.

Sec. 668. Section 124.401, subsection 1, paragraph d, Code 2011, is amended to read as follows:

d. (1) Violation of this subsection, with respect to any other controlled substances, counterfeit substances, or simulated controlled substances classified in schedule IV or V is an aggravated misdemeanor. ~~However,~~

(2) A violation of this subsection involving ~~fifty~~ any of the following is a class "D" felony:

(a) Fifty kilograms or less of marijuana ~~or involving flunitrazepam is a class "D" felony~~.

(b) Flunitrazepam.

(c) A controlled substance, counterfeit substance, or simulated controlled substance classified in section 124.204, subsection 4, paragraph *"ai"*.

Sec. 669. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION LXXXI

FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND INSTALLERS — ELECTRICIANS AND ELECTRICAL CONTRACTORS — LICENSING

Sec. 670. Section 100C.1, subsection 13, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* For a telecommunications company that has been issued a certificate of public convenience and necessity pursuant to section 476.29, a person with whom the telecommunications company contracts, who is certified by the national institute for certification in engineering technologies as required in paragraph *"a"* or *"b"* or who meets any other criteria established by rule.

Sec. 671. Section 100C.2, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* This subsection shall not apply to a responsible managing employee with whom a telecommunications company contracts as provided in section 100C.1, subsection 13, paragraph *"c"*.

Sec. 672. NEW SECTION. **103.1A Term *"commercial"* applied.**

As used in this chapter:

1. *"Commercial"* refers to a use, installation, structure, or premises associated with a place of business where goods, wares, services, or merchandise is stored or offered for sale on a wholesale or retail basis.

2. *"Commercial"* refers to a residence only if the residence is also used as a place of business as provided in subsection 1.

3. *"Commercial"* does not refer to a use, installation, structure, or premises associated with any of the following:

a. A farm.

b. An industrial installation.

Sec. 673. Section 103.22, subsection 7, Code 2011, is amended to read as follows:

7. Prohibit an owner of property from performing work on the owner's principal residence, if such residence is an existing dwelling rather than new construction and is not an apartment that is attached to any other apartment or building, as those terms are defined in section 499B.2, and is not larger than a single-family dwelling, ~~or farm property, excluding commercial or industrial installations or installations in public use buildings or facilities,~~ or require such owner to be licensed under this chapter. In order to qualify for inapplicability pursuant to this subsection, a residence shall qualify for the homestead tax exemption.

Sec. 674. Section 103.22, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Apply to a person performing any installation on a farm, if the person is associated with the farm as a holder of a legal or equitable interest, a relative or employee of the holder, or an operator or manager of the farm. The provisions of this chapter do not require such person to be licensed. In addition, a permit is not required for an installation on a farm, and an installation on a farm

is not required to be inspected. In order for a farm building to qualify under this subsection, the farm building must not be regularly open to the public as a place of business for the retail sale of goods, wares, services, or merchandise.

DIVISION LXXXII

CLASS "A" FELONIES — JUVENILES

Sec. 675. Section 232.8, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. The juvenile court, after a hearing and in accordance with the provisions of section 232.45, may waive jurisdiction of a child alleged to have committed a public offense so that the child may be prosecuted as an adult or youthful offender for such offense in another court. If the child~~,~~ ~~except a child being prosecuted as a youthful offender,~~ pleads guilty or is found guilty of a public offense other than a class "A" felony in another court of this state, that court may suspend the sentence or, with the consent of the child, defer judgment and without regard to restrictions placed upon deferred judgments for adults, place the child on probation for a period of not less than one year upon such conditions as it may require. Upon fulfillment of the conditions of probation, a child who receives a deferred judgment shall be discharged without entry of judgment. A child prosecuted as a youthful offender shall be sentenced pursuant to section 907.3A.

Sec. 676. Section 232.50, subsection 1, Code 2011, is amended to read as follows:

1. As soon as practicable following the entry of an order of adjudication pursuant to section 232.47 or notification that the child has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status pursuant to section 907.3A, the court shall hold a dispositional hearing in order to determine what disposition should be made of the matter.

Sec. 677. Section 232.52, subsection 1, Code 2011, is amended to read as follows:

1. Pursuant to a hearing as provided in section 232.50, the

court shall enter the least restrictive dispositional order appropriate in view of the seriousness of the delinquent act, the child's culpability as indicated by the circumstances of the particular case, the age of the child, the child's prior record, or the fact that the child has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status under section 907.3A. The order shall specify the duration and the nature of the disposition, including the type of residence or confinement ordered and the individual, agency, department, or facility in whom custody is vested. In the case of a child who has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status, the initial duration of the dispositional order shall be until the child reaches the age of eighteen.

Sec. 678. Section 232.54, subsection 1, paragraph g, Code 2011, is amended to read as follows:

g. With respect to a juvenile court dispositional order entered regarding a child who has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status under section 907.3A, the dispositional order may be terminated prior to the child reaching the age of eighteen upon motion of the child, the person or agency to whom custody of the child has been transferred, or the county attorney following a hearing before the juvenile court if it is shown by clear and convincing evidence that it is in the best interests of the child and the community to terminate the order. The hearing may be waived if all parties to the proceeding agree. The dispositional order regarding a child who has ~~received a youthful offender deferred sentence~~ been placed on youthful offender status may also be terminated prior to the child reaching the age of eighteen upon motion of the county attorney, if the waiver of the child to district court was conditioned upon the terms of an agreement between the county attorney and the child, and the child violates the terms of the agreement after the waiver order has been entered. The

1 district court shall discharge the child's youthful offender
2 status upon receiving a termination order under this section.
3 Sec. 679. Section 232.54, subsection 1, paragraph h,
4 unnumbered paragraph 1, Code 2011, is amended to read as
5 follows:
6 With respect to a dispositional order entered regarding a
7 child who has ~~received a youthful offender deferred sentence~~
8 been placed on youthful offender status under section 907.3A,
9 the juvenile court may, in the case of a child who violates the
10 terms of the order, modify or terminate the order in accordance
11 with the following:
12 Sec. 680. Section 232.55, subsection 3, Code 2011, is
13 amended to read as follows:
14 3. This section does not apply to dispositional orders
15 entered regarding a child who has ~~received a youthful offender~~
16 ~~deferred sentence~~ been placed on youthful offender status under
17 section 907.3A who is not discharged from probation before or
18 upon the child's eighteenth birthday.
19 Sec. 681. Section 232.56, Code 2011, is amended to read as
20 follows:
21 **232.56 Youthful offenders — transfer to district court**
22 **supervision.**
23 The juvenile court shall deliver a report, which includes
24 an assessment of the child by a juvenile court officer
25 after consulting with the judicial district department of
26 correctional services, to the district court prior to the
27 eighteenth birthday of a child who has ~~received a youthful~~
28 ~~offender deferred sentence~~ been placed on youthful offender
29 status under section 907.3A. A hearing shall be held in
30 the district court in accordance with section 907.3A to
31 determine whether the child should be discharged from youthful
32 offender status or whether the child shall continue under the
33 supervision of the district court after the child's eighteenth
34 birthday.
35 Sec. 682. Section 902.1, Code 2011, is amended to read as

1 follows:
2 **902.1 Class "A" felony.**
3 1. Upon a plea of guilty, a verdict of guilty, or a special
4 verdict upon which a judgment of conviction of a class "A"
5 felony may be rendered, the court shall enter a judgment of
6 conviction and shall commit the defendant into the custody of
7 the director of the Iowa department of corrections for the rest
8 of the defendant's life. Nothing in the Iowa corrections code
9 pertaining to deferred judgment, deferred sentence, suspended
10 sentence, or reconsideration of sentence applies to a class "A"
11 felony, and a person convicted of a class "A" felony shall not
12 be released on parole unless the governor commutes the sentence
13 to a term of years.
14 2. *a.* Notwithstanding subsection 1, a person convicted of
15 a class "A" felony, and who was under the age of eighteen at
16 the time the offense was committed shall be eligible for parole
17 after serving a minimum term of confinement of twenty-five
18 years.
19 *b.* If a person is paroled pursuant to this subsection the
20 person shall be subject to the same set of procedures set out
21 in chapters 901B, 905, 906, and chapter 908, and rules adopted
22 under those chapters for persons on parole.
23 *c.* A person convicted of murder in the first degree in
24 violation of section 707.2 shall not be eligible for parole
25 pursuant to this subsection.
26 *d.* A person convicted of murder in the second degree in
27 violation of section 707.3 and who was also convicted of either
28 kidnapping in the first degree in violation of section 710.2 or
29 sexual abuse in the first degree in violation of section 709.2,
30 which conviction arose out of the same set of facts as the
31 murder-in-the-second-degree conviction, shall not be eligible
32 for parole pursuant to this subsection.
33 Sec. 683. Section 907.3A, Code 2011, is amended to read as
34 follows:
35 **907.3A Youthful offender deferred sentence — youthful**

offender status.

1. Notwithstanding section 907.3 but subject to any conditions of the waiver order, the trial court shall, upon a plea of guilty or a verdict of guilty, ~~defer sentence of a youthful offender~~ place the juvenile over whom the juvenile court has waived jurisdiction pursuant to section 232.45, subsection 7, ~~and place the juvenile~~ on youthful offender status. The court shall transfer supervision of the youthful offender to the juvenile court for disposition in accordance with section 232.52. An adjudication of delinquency entered by the juvenile court for a public offense shall not be deemed a conviction and shall not preclude the subsequent entry of a deferred judgment, conviction, or sentence by the district court. The court shall require supervision of the youthful offender in accordance with section 232.54, subsection 1, paragraph *"h"*, or subsection 2 of this section. ~~Notwithstanding section 901.2, a presentence investigation shall not be ordered by the court subsequent to an entry of a plea of guilty or verdict of guilty or prior to deferral of sentence of a youthful offender under this section.~~

2. The court shall hold a hearing prior to a youthful offender's eighteenth birthday to determine whether the youthful offender shall continue on youthful offender status after the youthful offender's eighteenth birthday ~~under the supervision of the court or be discharged~~. Notwithstanding section 901.2, the court may order a presentence investigation report including a report for an offense classified as a class "A" felony. The court shall review the report of the juvenile court regarding the youthful offender ~~and~~ prepared pursuant to section 232.56, and any presentence investigation report, if ordered by the court. The court shall hear evidence by or on behalf of the youthful offender, by the county attorney, and by the person or agency to whom custody of the youthful offender was transferred. The court shall make its decision, pursuant to the sentencing options available in subsection

1 3, after considering the services available to the youthful
2 offender, the evidence presented, the juvenile court's report,
3 the presentence investigation report if ordered by the court,
4 the interests of the youthful offender, and interests of the
5 community.
6 3. *a.* Notwithstanding any provision of the Code which
7 prescribes a mandatory minimum sentence for the offense
8 committed by the youthful offender, following transfer of the
9 youthful offender from the juvenile court back to the court
10 having jurisdiction over the criminal proceedings involving the
11 youthful offender, the court ~~may continue the youthful offender~~
12 ~~deferred sentence or enter a sentence, which may be a suspended~~
13 ~~sentence.~~ shall order one of the following sentencing options:
14 (1) Defer judgment and place the youthful offender on
15 probation, upon the consent of the youthful offender.
16 (2) Defer the sentence and place the youthful offender
17 on probation upon such terms and conditions as the court may
18 require.
19 (3) Suspend the sentence and place the youthful offender
20 on probation upon such terms and conditions as the court may
21 require.
22 (4) A term of confinement.
23 (5) Discharge the youthful offender from youthful offender
24 status and terminate the sentence.
25 *b.* Notwithstanding anything in section 907.7 to the
26 contrary, if the district court ~~either~~ grants the youthful
27 offender a deferred judgment, continues the youthful offender
28 deferred sentence, or enters a sentence~~,~~ and suspends the
29 sentence, and places the youthful offender on probation, the
30 term of formal supervision shall commence upon entry of the
31 order by the district court and may continue for a period not
32 to exceed five years. If the district court enters a sentence
33 of confinement, and the youthful offender was previously placed
34 in secure confinement by the juvenile court under the terms
35 of the initial disposition order or any modification to the

initial disposition order, the person shall receive credit for any time spent in secure confinement. During any period of probation imposed by the district court, a youthful offender who violates the terms of probation is subject to section 908.11.

Sec. 684. Section 907.9, subsection 4, Code 2011, is amended to read as follows:

4. At the expiration of the period of probation if the fees imposed under section 905.14 and court debt collected pursuant to section 602.8107 have been paid, the court shall order the discharge of the person from probation. If portions of the court debt remain unpaid, the person shall establish a payment plan with the clerk of the district court or the county attorney prior to the discharge. The court shall forward to the governor a recommendation for or against restoration of citizenship rights to that person upon discharge. A person who has been discharged from probation shall no longer be held to answer for the person's offense. Upon discharge from probation, if judgment has been deferred under section 907.3, the court's criminal record with reference to the deferred judgment <u>and any counts dismissed by the court, which were contained in the indictment, information, or complaint that resulted in the deferred judgement,</u> shall be expunged. The record maintained by the state court administrator as required by section 907.4 shall not be expunged. The court's record shall not be expunged in any other circumstances.

Sec. 685. EFFECTIVE UPON ENACTMENT. The section of this division of this Act amending section 654.4B, being deemed of immediate importance, takes effect upon enactment.

DIVISION LXXXIII

STATE EXPENDITURE REQUIREMENTS —— REVENUE ESTIMATING CONFERENCE —— APPROPRIATION TRANSFERS

Sec. 686. Section 8.22A, subsection 2, Code 2011, is amended to read as follows:

2. The conference shall meet as often as deemed necessary,

1 but shall meet at least ~~quarterly~~ three times per year. The
2 conference may use sources of information deemed appropriate.
3 At each meeting, the conference shall agree to estimates for
4 the current and the following fiscal years for the general
5 fund of the state, lottery revenues to be available for
6 disbursement, and from gambling revenues and from interest
7 earned on the cash reserve fund and the economic emergency
8 fund to be deposited in the rebuild Iowa infrastructure fund.
9 An estimate for the following fiscal year, other than an
10 estimate agreed to pursuant to subsection 3, 4, or 5, shall be
11 considered a preliminary estimate.
12 Sec. 687. Section 8.39, subsections 1 and 2, Code 2011, are
13 amended to read as follows:
14 1. Except as otherwise provided by law, an appropriation or
15 any part of it shall not be used for any other purpose than that
16 for which it was made. However, with the prior written consent
17 and approval of the governor and the director of the department
18 of management, the governing board or head of any state
19 department, institution, or agency may, at any time during the
20 fiscal year, make a whole or partial intradepartmental transfer
21 of its unexpended appropriations for purposes within the scope
22 of such department, institution, or agency. Such transfer
23 shall be to an appropriation made from the same funding source
24 and within the same fiscal year. The amount of a transfer made
25 from an appropriation under this subsection shall be limited to
26 not more than one-twentieth of one percent of the total of all
27 appropriations made from the funding source of the transferred
28 appropriation for the fiscal year in which the transfer is
29 made.
30 2. If the appropriation of a department, institution, or
31 agency is insufficient to properly meet the legitimate expenses
32 of the department, institution, or agency, the director, with
33 the approval of the governor, may make an interdepartmental
34 transfer from any other department, institution, or agency of
35 the state having an appropriation in excess of its needs, of

sufficient funds to meet that deficiency. Such transfer shall be to an appropriation made from the same funding source and within the same fiscal year. The amount of a transfer made from an appropriation under this subsection shall be limited to not more than one-twentieth of one percent of the total of all appropriations made from the funding source of the transferred appropriation for the fiscal year in which the transfer is made. An interdepartmental transfer to an appropriation which is not an entitlement appropriation is not authorized when the general assembly is in regular session and, in addition, the sum of interdepartmental transfers in a fiscal year to an appropriation which is not an entitlement appropriation shall not exceed fifty percent of the amount of the appropriation as enacted by the general assembly. For the purposes of this subsection, an entitlement appropriation is a line item appropriation to the state public defender for indigent defense or to the department of human services for foster care, state supplementary assistance, or medical assistance, or for the family investment program.

Sec. 688. Section 8.39, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The aggregate amount of intradepartmental and interdepartmental transfers made from all appropriations for a fiscal year pursuant to this section is limited to not more than one-fourth of one percent of the total amount of the appropriations made from the general fund of the state for the fiscal year. The aggregate amount of the intradepartmental and interdepartmental transfers made from an appropriation for a fiscal year is limited to fifty percent of the appropriation.

Sec. 689. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION LXXXIV

SCHOOL DRESS CODES

Sec. 690. Section 279.58, subsection 1, Code 2011, is amended by striking the subsection.

Sec. 691. Section 279.58, subsection 2, Code 2011, is amended to read as follows:

2. The board of directors of a school district may adopt, for the district or for an individual school within the district, a dress code policy that ~~prohibits students from wearing gang-related or other specific apparel~~ prescribes standard dress, or that otherwise imposes limitations on student dress without limiting a student's constitutional rights and privileges, if the board determines that the policy ~~is necessary for~~ would improve the health, safety, or positive educational environment of students and staff in the school environment or for the appropriate discipline and operation of the school.

3. Adoption and enforcement of a dress code policy pursuant to this section is not a violation of section 280.22.

Sec. 692. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION LXXXV

DAYS OF INSTRUCTION

Sec. 693. Section 256.7, subsection 19, Code 2011, is amended to read as follows:

19. Define ~~the minimum school day as a day consisting of five and one-half hours of~~ instructional ~~time for grades one through twelve. The minimum~~ hours as time spent with a licensed teacher that shall be exclusive of the lunch period and parent-teacher conferences, but may include passing time between classes. ~~Time spent on parent-teacher conferences shall be considered instructional time. A school or school district may record a day of school with less than the minimum instructional hours as a minimum school day if any of the following apply:~~

~~*a.* If emergency health or safety factors require the late~~

~~arrival or early dismissal of students on a specific day.~~

~~*b.* If the total hours of instructional school time for grades one through twelve for any five consecutive school days equal a minimum of twenty-seven and one-half hours, even though any one day of school is less than the minimum instructional hours because of a staff development opportunity provided for the professional instructional staff or because parent-teacher conferences have been scheduled beyond the regular school day. Furthermore, if the total hours of instructional time for the first four consecutive days equal at least twenty-seven and one-half hours because parent-teacher conferences have been scheduled beyond the regular school day, a school or school district may record zero hours of instructional time on the fifth consecutive school day as a minimum school day.~~

Sec. 694. Section 256F.4, subsection 5, Code 2011, is amended to read as follows:

5. A charter school or innovation zone school shall provide instruction for at least the number of ~~days~~ hours required by section 279.10, subsection 1~~, or shall provide at least the equivalent number of total hours~~.

Sec. 695. Section 279.10, subsection 1, Code 2011, is amended to read as follows:

1. The school year for each school district and accredited nonpublic school shall begin on ~~the first day of~~ July 1 and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls but no later than the first Monday in December. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September. ~~School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained~~ The school calendar shall include not less than one thousand eighty hours of instruction during the ~~entire~~ calendar year. ~~However, if~~ The board of directors of a school district

and the authorities in charge of an accredited nonpublic school shall set the number of days of required attendance for the school year as provided in section 299.1, subsection 2, but the board of directors of a school district shall hold a public hearing on any proposed school calendar prior to adopting the school calendar. If the board of directors of a district or the authorities in charge of an accredited nonpublic school extends the school calendar because inclement weather caused the school district or accredited nonpublic school to temporarily close ~~school~~ during the regular school calendar, the school district or accredited nonpublic school may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. 696. Section 279.10, subsections 2 and 3, Code 2011, are amended by striking the subsections.

Sec. 697. Section 299.4, subsection 1, Code 2011, is amended to read as follows:

1. The parent, guardian, or legal custodian of a child who is of compulsory attendance age, who places the child under competent private instruction under either section 299A.2 or 299A.3, not in an accredited school or a home school assistance program operated by a school district or accredited nonpublic school, shall furnish a report in duplicate on forms provided by the public school district, to the district by ~~the earliest starting date specified in section 279.10, subsection 1~~ September 1 of the school year in which the child will be under competent private instruction. The secretary shall retain and file one copy and forward the other copy to the district's area education agency. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and

the name and address of the instructor. The parent, guardian, or legal custodian of a child, who is placing the child under competent private instruction for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139A.8, and, if the child is elementary school age, a blood lead test in accordance with section 135.105D. The term *"outline of course of study"* shall include subjects covered, lesson plans, and time spent on the areas of study.

Sec. 698. REPEAL. Section 256.22, Code 2011, is repealed.

Sec. 699. EFFECTIVE DATE. This division of this Act takes effect July 1, 2012.

DIVISION LXXXVI

PRISON INDUSTRIES

Sec. 700. Section 904.805, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 7. *a.* Report semiannually to the general assembly's standing committees on government oversight regarding the operations of Iowa state industries.

b. Report quarterly and annually to the industries board, the governor, the auditor of state, and the general assembly a full and complete statement of Iowa state industries revenues and expenses for the preceding quarter, and with respect to the annual report, for the preceding year.

Sec. 701. Section 904.813, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A capital expenditure in an amount exceeding two hundred fifty thousand dollars shall not be made from the Iowa state industries revolving fund without authorization by a constitutional majority of each house of the general assembly, or approval by the legislative council if the general assembly is not in session.

Sec. 702. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION LXXXVII

MEDICATION THERAPY MANAGEMENT

Sec. 703. 2010 Iowa Acts, chapter 1193, section 166, subsections 2 and 3, are amended to read as follows:

2. a. Prior to July 1, 2010, the department of administrative services shall utilize a request for proposals process to contract for the provision of medication therapy management services beginning July 1, 2010, and prior to July 1, 2011, shall amend the contract to continue the provision of medication therapy management services beginning July 1, 2011, for eligible employees who meet any of the following criteria:

(1) An individual who takes four or more prescription drugs to treat or prevent two or more chronic medical conditions.

(2) An individual with a prescription drug therapy problem who is identified by the prescribing physician or other appropriate prescriber, and referred to a pharmacist for medication therapy management services.

(3) An individual who meets other criteria established by the third-party payment provider contract, policy, or plan.

b. ~~The department of administrative services shall utilize an advisory committee comprised of an equal number of physicians and pharmacists to provide advice and oversight regarding the request for proposals and evaluation processes. The department shall appoint the members of the advisory council based upon designees of the Iowa pharmacy association, the Iowa medical society, and the Iowa osteopathic medical association.~~

c. The contract shall require the company to provide annual reports to the general assembly detailing the costs, savings, estimated cost avoidance and return on investment, and patient outcomes related to the medication therapy management services provided. The company shall guarantee demonstrated annual savings, including any savings associated with cost avoidance at least equal to the program's costs with any shortfall amount refunded to the state. As a proof of concept in the program

1 for the period beginning July 1, 2010, and ending June 30,
2 2011, the company shall offer a dollar-for-dollar guarantee for
3 drug product costs savings alone. Prior to entering into a
4 contract with a company, the department and the company shall
5 agree on the terms, conditions, and applicable measurement
6 standards associated with the demonstration of savings. The
7 department shall verify the demonstrated savings reported by
8 the company was performed in accordance with the agreed upon
9 measurement standards. The company shall be prohibited from
10 using the company's employees to provide the medication therapy
11 management services and shall instead be required to contract
12 with licensed pharmacies, pharmacists, or physicians.
13 d. The fees for pharmacist-delivered medication therapy
14 management services shall be separate from the reimbursement
15 for prescription drug product or dispensing services; shall
16 be determined by each third-party payment provider contract,
17 policy, or plan; and must be reasonable based on the resources
18 and time required to provide the service.
19 e. A fee shall be established for physician reimbursement
20 for services delivered for medication therapy management as
21 determined by each third-party payment provider contract,
22 policy, or plan, and must be reasonable based on the resources
23 and time required to provide the service.
24 f. If any part of the medication therapy management
25 plan developed by a pharmacist incorporates services which
26 are outside the pharmacist's independent scope of practice
27 including the initiation of therapy, modification of dosages,
28 therapeutic interchange, or changes in drug therapy, the
29 express authorization of the individual's physician or other
30 appropriate prescriber is required.
31 g. For the contract period beginning July 1, 2011, the
32 department shall utilize the services of the college of
33 pharmacy at a state university to validate reported drug cost
34 savings.
35 h. The results of the pilot program for the period beginning

1 July 1, 2010, and ending December 31, 2011, shall be submitted
2 to the general assembly no later than March 1, 2012.
3 3. This section is repealed ~~December 31, 2011~~ June 20, 2012.
4 Sec. 704. TRANSFER — MEDICATION THERAPY MANAGEMENT
5 PROGRAM. There is transferred $510,000 from the fees collected
6 by the board of pharmacy pursuant to chapter 155A and retained
7 by the board pursuant to the authority granted in section
8 147.82 to the department of administrative services for the
9 fiscal year beginning July 1, 2011, and ending June 30, 2012,
10 to be used to be used for the medication therapy management
11 program.
12 Sec. 705. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
13 APPLICABILITY. This division of this Act, being deemed of
14 immediate importance, takes effect upon enactment, and is
15 retroactively applicable to June 15, 2011.
16 DIVISION LXXXVIII
17 NOTICE OF MORTGAGE MEDIATION ASSISTANCE — SUNSET
18 Sec. 706. Section 654.4B, subsection 2, paragraph b, Code
19 2011, is amended to read as follows:
20 *b.* This subsection is repealed July 1, ~~2011~~ 2012.
21 Sec. 707. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
22 APPLICABILITY. This division of this Act, being deemed of
23 immediate importance, takes effect upon enactment and, if
24 approved by the governor on or after July 1, 2011, shall apply
25 retroactively to June 30, 2011.
26 DIVISION LXXXIX
27 HOUSING DEVELOPMENT — TAX STATUS
28 Sec. 708. Section 405.1, Code 2011, is amended to read as
29 follows:
30 **405.1 Housing development — tax status — limitation.**
31 ~~1.~~ The board of supervisors of a county ~~with a population~~
32 ~~of less than twenty thousand~~ may adopt an ordinance providing
33 that property acquired and subdivided for development of
34 housing shall continue to be assessed for taxation in the
35 manner that it was prior to the acquisition for housing. Each

lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for construction or occupancy of housing or ~~five~~ ten years from the date of subdivision, whichever is shorter. Upon the sale or the expiration of the ~~five-year~~ ten-year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable.

~~2. The board of supervisors of a county with a population of twenty thousand or more may adopt an ordinance providing that property acquired and subdivided for development of housing shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for construction or occupancy of housing or three years from the date of subdivision, whichever is shorter. Upon the sale or the expiration of the three-year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable.~~

Sec. 709. Section 441.72, Code 2011, is amended to read as follows:

441.72 Assessment of platted lots.

When a subdivision plat is recorded pursuant to chapter 354, the individual lots within the subdivision plat shall not be assessed in excess of the total assessment of the land as acreage or unimproved property for ~~three~~ ten years after the recording of the plat or until the lot is actually improved with permanent construction, whichever occurs first. When an individual lot has been improved with permanent construction, the lot shall be assessed for taxation purposes as provided in chapter 428 and this chapter. This section does not apply to special assessment levies.

Sec. 710. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies

1 retroactively to assessment years beginning on or after January
2 1, 2011. The division applies to subdivision plats recorded on
3 or after January 1, 2004.
4 DIVISION XC
5 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
6 SERVICE SYSTEM REDESIGN
7 Sec. 711. ADULT DISABILITY SERVICES SYSTEM REDESIGN.
8 1. For the purposes of this section, "disability services"
9 means services and other support available to a person
10 with mental illness or an intellectual disability or other
11 developmental disability.
12 2. It is the intent of the general assembly to redesign the
13 system for adult disability services to implement all of the
14 following:
15 a. Shifting the funding responsibility for the nonfederal
16 share of adult disability services paid for by the Medicaid
17 program, including but not limited to all costs for the state
18 resource centers, from the counties to the state.
19 b. Reorganizing adult disability services not paid for by
20 the Medicaid program into a system administered on a regional
21 basis in a manner that provides multiple local points of access
22 to adult disability services both paid for by the Medicaid
23 program and not paid for by the Medicaid program.
24 c. Replacing legal settlement as the basis for determining
25 financial responsibility for publicly funded disability
26 services by determining such responsibility based upon
27 residency.
28 3. a. The legislative council is requested to authorize
29 an interim committee on mental health and disability services
30 for the 2011 legislative interim to commence as soon as
31 practicable. The purpose of the interim committee is to
32 closely engage with, monitor, and make recommendations
33 concerning the efforts of the department of human services
34 and workgroups of stakeholders and experts created by the
35 department to develop detailed proposals for the redesign of

1 disability services pursuant to this Act, particularly with
2 regard to the identification of core services.
3 b. (1) It is intended that the interim committee members
4 consist of equal numbers of legislators from both chambers and
5 from both political parties and for staff from the office of
6 the governor and the departments of human services and public
7 health to be designated to serve as ex officio, nonvoting
8 members. It is also requested that legislators serving on
9 the interim committee and other interested legislators be
10 authorized to participate in the meetings of the workgroups and
11 subcommittees addressed in this Act.
12 (2) In addition to addressing workgroup recommendations,
13 it is intended that the interim committee address property
14 tax issues, devise a means of ensuring the state maintains
15 its funding commitments for the redesigned services system,
16 recommend revisions in the requirements for mental health
17 professionals who are engaged in the involuntary commitment
18 and examination processes under chapter 229, develop proposed
19 legislation for amending Code references to mental retardation
20 to instead refer to intellectual disabilities, and consider
21 issues posed by the July 1, 2013, repeals of county disability
22 services administration and funding provisions in 2011 Iowa
23 Acts, Senate File 209, as amended by this Act. In addressing
24 the repeal provisions, the interim committee shall include
25 options for further revisions to the repeal date amendments
26 enacted by this Act.
27 (3) It is intended that the interim committee shall receive
28 and make recommendations concerning the detailed and final
29 proposals submitted by workgroups during the 2011 legislative
30 interim for consideration by the general assembly in the 2012
31 legislative session.
32 c. (1) The department of human services shall design the
33 workgroup process to facilitate effective decision making
34 while allowing for a broad array of input. The workgroup
35 process shall begin as soon after the effective date of

1 this Act as is practicable. The membership of workgroups
2 and subcommittees involved with the process shall include
3 consumers, service providers, and advocates and provide for
4 adequate representation by both rural and urban interests.
5 The department of public health shall be represented on those
6 workgroups and subcommittees with a focus relevant to the
7 department.
8 (2) The detailed and final proposals developed by the
9 workgroups during the 2011 interim shall be submitted to the
10 interim committee on or before December 9, 2011.
11 d. At least one workgroup shall address redesign of
12 the adult mental health system and at least one workgroup
13 shall address redesign of the adult intellectual and other
14 developmental disability system. The workgroup process shall
15 engage separate workgroups and subcommittees enumerated in
16 this Act and may involve additional bodies in the process as
17 determined by the department.
18 e. It is intended that interim committee members be engaged,
19 to the extent possible, in workgroup deliberations and begin
20 formal discussions of preliminary proposals developed by the
21 workgroups beginning in October.
22 4. The workgroup process implemented by the department
23 of human services pursuant to subsection 3 shall result in
24 the submission of proposals for redesign of adult disability
25 services that include but are not limited to all of the
26 following:
27 a. Identifying clear definitions and requirements for the
28 following:
29 (1) Eligibility criteria for the individuals to be served.
30 (2) The array of core services and other support to be
31 included in regional adult disability services plans and to be
32 delivered by providers based on individual needs and medical
33 necessity and in a manner that promotes cost-effectiveness,
34 uniformity, accessibility, and best practice approaches. The
35 array shall encompass and integrate services and other support

1 paid for by both the Medicaid program and other sources.
2 (3) Outcome measures that focus on consumer needs,
3 including but not limited to measures addressing individual
4 choice, empowerment, and community.
5 (4) Quality assurance measures.
6 (5) Provider accreditation, certification, or licensure
7 requirements to ensure high quality services while avoiding
8 unreasonable expectations and duplicative surveys.
9 (6) Input in regional service plans and delivery provisions
10 by consumer and provider representatives. The input process
11 shall engage local consumers, providers, and counties in
12 developing the regional provisions.
13 (7) Provisions for representatives of the regional
14 system and the department to regularly engage in discussions
15 to resolve Medicaid and non-Medicaid issues involving
16 documentation requirements, electronic records, reimbursement
17 methodologies, cost projections, and other measures to improve
18 the services and other support available to consumers.
19 b. Incorporating strategies to allow individuals to receive
20 services in accordance with the principles established in
21 Olmstead v. L.C., 527 U.S. 581 (1999), in order for services to
22 be provided in the most community-based, least restrictive, and
23 integrated setting appropriate to an individual's needs.
24 c. Continuing the department's leadership role in the
25 Medicaid program in defining services covered, establishing
26 reimbursement methodologies, providing other administrative
27 functions, and engaging in federal options for program
28 enhancements that are beneficial to consumers and the state
29 such as medical or behavioral health homes.
30 d. Implementing mental health crisis response services
31 statewide in a manner determined to be most appropriate by each
32 region.
33 e. Implementing a subacute level of care to provide
34 short-term mental health services in a structured residential
35 setting that supplies a less intensive level of care than is

1 supplied by acute psychiatric services.
2 f. Reviewing best practices and programs utilized by other
3 states in identifying new approaches for addressing the needs
4 for publicly funded services for persons with brain injury.
5 The proposals regarding these approaches may be submitted after
6 the workgroup submission date set out in subsection 3.
7 g. Developing a proposal for addressing service provider
8 shortages. The development of the proposal shall incorporate
9 an examination of scope of practice limitations and barriers to
10 recruiting providers, including but not limited to variation in
11 health insurance payment provisions for the services provided
12 by different types of providers.
13 h. Developing a proposal for service providers addressing
14 co-occurring mental health, intellectual disability, brain
15 injury, and substance abuse disorders. Each workgroup
16 or subcommittee shall address co-occurring disorders as
17 appropriate to the focus of the workgroup or subcommittee.
18 The overall proposal may be developed by a body consisting of
19 members from other workgroups or subcommittees. The proposal
20 shall also provide options, developed in coordination with the
21 judicial branch and department of human services workgroup, for
22 implementation of the provision of advocates to patients with
23 substance-related disorders.
24 i. Developing a proposal for redesign of publicly funded
25 children's disability services, including but not limited to
26 the needs of children who are placed out-of-state due to the
27 lack of treatment services in this state. The proposal shall
28 be developed by a separate workgroup or subcommittee and in
29 addition to the other interests and representation required by
30 this section, the membership shall include education system and
31 juvenile court representatives. The preliminary findings and
32 recommendations, and the initial proposal shall be submitted
33 by the October and December 2011 dates required for other
34 workgroups and subcommittees. The initial proposal developed
35 during the 2011 legislative interim shall include an analysis

1 of gaps in the children's system and other planning provisions
2 necessary to complete the final proposal for submission on or
3 before December 10, 2012.
4 j. Developing a proposal for adult disability services
5 not paid for by the Medicaid program to be administered on
6 a regional basis in a manner that provides multiple local
7 points of access for consumers needing adult disability
8 services, regardless of the funding sources for the services.
9 The proposal shall be integrated with the other proposals
10 under this subsection and shall be developed by a separate
11 workgroup or subcommittee engaging both urban and rural county
12 supervisors and central-point-of-coordination administrators
13 and other experts. The considerations for inclusion in the
14 proposal for forming regional entities shall include but are
15 not limited to all of the following:
16 (1) Modifying the relevant provisions of chapter 28E for use
17 by counties in forming regional entities and addressing other
18 necessary contracting measures.
19 (2) Providing for performance-based contracting between the
20 department of human services and regional entities to ensure
21 the existence of multiple, local points of access for adult
22 disability services eligibility, intake, and authorization,
23 service navigation support, and case coordination or case
24 management, regardless of the funding sources for the services.
25 (3) Developing a three-year service plan and annual update
26 to meet the needs of consumers.
27 (4) Providing for the regional entities to implement
28 performance-based contracts, uniform cost reports, and
29 consistent reimbursement practices and payment methodologies
30 with local providers of services not paid for by the Medicaid
31 program.
32 (5) Providing for the regional entities to determine the
33 Medicaid program targeted case managers to serve the regions.
34 (6) Providing for the regional entities and the department
35 of human services to regularly coordinate and communicate

1 with one another concerning the adult disability services
2 paid for by the Medicaid program so that services paid for
3 by the program and the regional entities are integrated and
4 coordinated.
5 (7) Identifying sufficient population size to attain
6 economy of scale, adequate financial resources, and appropriate
7 service delivery.
8 (8) Addressing full participation in regional entities by
9 counties.
10 (9) Including dispute resolution provisions for
11 county-to-county relationships, county-to-region relationships,
12 and region-to-state relationships.
13 (10) Providing for a consumer appeal process that is clear,
14 impartial, and consistent, with consideration of an option
15 that appeals beyond the regional level should be to a state
16 administrative law judge.
17 (11) Addressing financial management provisions, including
18 appropriate financial reserve levels.
19 (12) Proposing other criteria for forming regional
20 entities. The other criteria considered shall include but are
21 not limited to all of the following:
22 (a) Requiring a region to consist of contiguous counties.
23 (b) Evaluating a proposed region's capacity for providing
24 core services and performing required functions.
25 (c) Requiring a region to encompass at least one community
26 mental health center or federally qualified health center with
27 providers qualified to provide psychiatric services, either
28 directly or with assistance from psychiatric consultants, that
29 has the capacity to provide outpatient services for the region
30 and has provided evidence of a commitment to provide outpatient
31 services for the region.
32 (d) Requiring a region to encompass or have reasonably close
33 proximity to a hospital with an inpatient psychiatric unit or
34 to a state mental health institute, that has the capacity to
35 provide inpatient services for the region and has provided

1 evidence of a commitment to provide inpatient services for the
2 region.
3 (e) Requiring an administrative structure utilized by a
4 region to have clear lines of accountability and to serve
5 as a lead agency with shared county staff or other means of
6 limiting administrative costs to not more than five percent of
7 expenditures.
8 5. The target date for full implementation of the plan and
9 implementation provisions described in subsections 3 and 4
10 shall be July 1, 2013, provided, however, that any expansion of
11 services is subject to available funding.
12 Sec. 712. CONTINUATION OF WORKGROUP BY JUDICIAL BRANCH
13 AND DEPARTMENT OF HUMAN SERVICES. The judicial branch and
14 department of human services shall continue the workgroup
15 implemented pursuant to 2010 Iowa Acts, chapter 1192, section
16 24, subsection 2, to improve the processes for involuntary
17 commitment for chronic substance abuse under chapter 125
18 and for serious mental illness under chapter 229, and shall
19 coordinate its efforts with the legislative interim committee
20 and other workgroups initiated pursuant to this Act. The
21 recommendations issued by the workgroup shall address options
22 to the current provision of transportation by the county
23 sheriff; to the role, supervision, and funding of mental
24 health patient advocates and substance-related disorder
25 patient advocates, along with options for implementation of
26 the provision of advocates to patients with such disorders;
27 for revising requirements for mental health professionals who
28 are engaged in the involuntary commitment and examination
29 processes under chapter 229; for authorizing the court to
30 order an involuntary hold of a patient under section 229.10
31 for not more than twenty-three hours who was not initially
32 taken into custody but declined to be examined pursuant to a
33 previous court order; and for civil commitment prescreening.
34 Preliminary recommendations shall be submitted to the
35 legislative interim committee in October 2011, as specified

1 by the interim committee. Additional stakeholders shall be
2 added as necessary to facilitate the workgroup efforts. The
3 workgroup shall complete deliberations and submit a final
4 report to the legislative interim committee providing findings
5 and recommendations on or before December 9, 2011.
6 Sec. 713. SERVICE SYSTEM DATA AND STATISTICAL INFORMATION
7 INTEGRATION. In coordination with the legislative interim
8 committee and workgroups initiated pursuant to this Act,
9 representatives of the department of human services,
10 department of public health, and the community services
11 network hosted by the Iowa state association of counties shall
12 develop implementation provisions for an integrated data and
13 statistical information system for mental health, disability
14 services, and substance abuse services. The implementation
15 provisions shall incorporate federal data and statistical
16 information requirements. When completed, the departments
17 and affiliate shall report on the integrated system to the
18 governor, the joint appropriations subcommittee on health and
19 human services, and the legislative services agency, providing
20 their findings and recommendations.
21 Sec. 714. DEPARTMENT OF HUMAN SERVICES. There is
22 appropriated from the general fund of the state to the
23 department of human services for the fiscal year beginning July
24 1, 2010, and ending June 30, 2011, the following amount, or
25 so much thereof as is necessary, to be used for the purposes
26 designated:
27 For the costs of planning and other processes associated
28 with implementation of this Act:
29 ..... $ 250,000
30 Notwithstanding section 8.47 or any other provision of law
31 to the contrary, the department may utilize a sole source
32 approach to contract to support planning and other processes
33 associated with implementation of this Act. Notwithstanding
34 section 8.33, moneys appropriated in this section that remain
35 unencumbered or unobligated at the close of the fiscal year

1 shall not revert but shall remain available for expenditure
2 for the purposes designated until the close of the succeeding
3 fiscal year.
4 Sec. 715. EFFECTIVE UPON ENACTMENT. This division of this
5 Act, being deemed of immediate importance, takes effect upon
6 enactment and, unless otherwise provided by this division of
7 this Act, if approved by the governor on or after July 1, 2011,
8 shall apply retroactively to June 30, 2011.
9 DIVISION XCI
10 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
11 CONFORMING PROVISIONS
12 Sec. 716. CONFORMING PROVISIONS. The legislative services
13 agency shall prepare a study bill for consideration by the
14 committees on human resources of the senate and house of
15 representatives for the 2012 legislative session, providing
16 any necessary conforming Code changes for implementation of
17 the mental health and disabilities services redesign divisions
18 contained in this Act.
19 DIVISION XCII
20 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
21 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN
22 Sec. 717. Section 135H.3, subsection 1, Code 2011, is
23 amended to read as follows:
24 1. A psychiatric medical institution for children shall
25 utilize a team of professionals to direct an organized program
26 of diagnostic services, psychiatric services, nursing care,
27 and rehabilitative services to meet the needs of residents
28 in accordance with a medical care plan developed for each
29 resident. <u>The membership of the team of professionals</u>
30 <u>may include but is not limited to an advanced registered</u>
31 <u>nurse practitioner or a physician assistant.</u> Social and
32 rehabilitative services shall be provided under the direction
33 of a qualified mental health professional.
34 Sec. 718. Section 135H.6, subsection 8, Code 2011, is
35 amended to read as follows:

1 8. The department of human services may give approval to
2 conversion of beds approved under subsection 6, to beds which
3 are specialized to provide substance abuse treatment. However,
4 the total number of beds approved under subsection 6 and this
5 subsection shall not exceed four hundred thirty. Conversion
6 of beds under this subsection shall not require a revision of
7 the certificate of need issued for the psychiatric institution
8 making the conversion. Beds for children who do not reside
9 in this state and whose service costs are not paid by public
10 funds in this state are not subject to the limitations on the
11 number of beds and certificate of need requirements otherwise
12 applicable under this section.
13 Sec. 719. PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN AND
14 RELATED SERVICES —— TRANSITION COMMITTEE.
15 1. For the purposes of this section, unless the context
16 otherwise requires:
17 a. "Iowa plan" means the contract to administer the
18 behavioral health managed care plan under the state's Medicaid
19 program.
20 b. "PMIC" means a psychiatric medical institution for
21 children.
22 2. It is the intent of the general assembly to do the
23 following under this section:
24 a. Improve the reimbursement, expected outcomes, and
25 integration of PMIC services to serve the best interests of
26 children within the context of a redesign of the delivery of
27 publicly funded children's mental health services in this
28 state.
29 b. Support the development of specialized programs for
30 children with high acuity requirements whose needs are not met
31 by Iowa's current system and must be served in out-of-state
32 placements.
33 c. Transition PMIC services while providing services in a
34 manner that applies best practices and is cost-effective.
35 3. The department of human services, in collaboration

1 with PMIC providers, shall develop a plan for transitioning
2 the administration of PMIC services to the Iowa plan. The
3 transition plan shall address specific strategies for
4 appropriately addressing PMIC lengths of stay by increasing the
5 availability of less intensive levels of care, establishing
6 vendor performance standards, identifying levels of PMIC care,
7 providing for performance and quality improvement technical
8 assistance to providers, identifying methods and standards
9 for credentialing providers of specialized programs, using
10 innovative reimbursement incentives to improve access while
11 building the capacity of less intensive levels of care, and
12 providing implementation guidelines.
13 4. a. The transition plan shall address the development of
14 specialized programs to address the needs of children in need
15 of more intensive treatment who are currently underserved. All
16 of the following criteria shall be used for such programs:
17 (1) Geographic accessibility.
18 (2) Expertise needed to assure appropriate and effective
19 treatment.
20 (3) Capability to define and provide the appropriate array
21 of services and report on standardized outcome measures.
22 (4) Best interests of the child.
23 b. The transition plan shall also address all of the
24 following:
25 (1) Providing navigation, access, and care coordination for
26 children and families in need of services from the children's
27 mental health system.
28 (2) Integrating the children's mental health waiver
29 services under the Medicaid program with other services
30 addressed by the transition plan as a means for supporting
31 the transition plan and ensuring availability of choices for
32 community placements.
33 (3) Identifying admission and continued stay criteria for
34 PMIC providers.
35 (4) Evaluating changes in licensing standards for PMICs as

1 necessary to ensure that the standards are aligned with overall
2 system goals.
3 (5) Evaluating alternative reimbursement and service models
4 that are innovative and could support overall system goals.
5 The models may include but are not limited to accountable
6 care organizations, medical or other health homes, and
7 performance-based payment methods.
8 (6) Evaluating the adequacy of reimbursement at all levels
9 of the children's mental health system.
10 (7) Developing profiles of the conditions and behaviors
11 that result in a child's involuntary discharge or out-of-state
12 placement. The plan shall incorporate provisions for
13 developing specialized programs that are designed to
14 appropriately meet the needs identified in the profiles.
15 (8) Evaluating and defining the appropriate array of less
16 intensive services for a child leaving a hospital or PMIC
17 placement.
18 (9) Evaluating and defining the standards for existing and
19 new PMIC and other treatment levels.
20 5. a. The department shall establish a transition committee
21 that includes departmental staff representatives for Medicaid,
22 child welfare, field, and mental health services, the director
23 of the Iowa plan, the department of inspections and appeals, a
24 representative of each licensed PMIC, the executive director
25 of the coalition of family and children's services in Iowa, a
26 person with knowledge and expertise in care coordination and
27 integration of PMIC and community-based services, two persons
28 representing families affected by the children's mental health
29 system, and a representative of juvenile court officers.
30 b. The transition committee shall develop the plan and
31 manage the transition if the plan is implemented. The plan
32 shall be developed by December 31, 2011, and shall be submitted
33 to the general assembly by January 16, 2012. The submitted
34 plan shall include an independent finding by the director
35 of human services, in consultation with the office of the

1 governor and the chairpersons and ranking members of the joint
2 appropriations subcommittee on health and human services,
3 that the plan meets the intent of the general assembly under
4 this section. Unless otherwise directed by enactment of the
5 general assembly the department and the transition committee
6 may proceed with implementation of the submitted plan on or
7 before July 1, 2012.
8 c. The transition committee shall continue to meet through
9 December 31, 2013, to oversee transition of PMIC services to
10 the Iowa plan.
11 6. The director of the Medicaid enterprise of the department
12 of human services shall annually report on or before December
13 15 to the chairpersons and ranking members of the joint
14 appropriations subcommittee on health and human services
15 through December 15, 2016, regarding the implementation of this
16 section. The content of the report shall include but is not
17 limited to information on children served by PMIC providers,
18 the types of locations to which children are discharged
19 following a hospital or PMIC placement and the community-based
20 services available to such children, and the incidence of
21 readmission to a PMIC within 12 months of discharge. The
22 report shall also recommend whether or not to continue
23 administration of PMIC services under the Iowa plan based upon
24 the quality of service delivery, the value of utilizing the
25 Iowa plan administration rather than the previous approach
26 through the Medicaid enterprise, and analysis of the cost and
27 benefits of utilizing the Iowa plan approach.
28 DIVISION XCIII
29 MENTAL HEALTH AND DISABILITY SERVICES REDESIGN
30 COMMUNITY MENTAL HEALTH CENTERS
31 COMMUNITY MENTAL HEALTH CENTERS —— CATCHMENT AREAS
32 Sec. 720. NEW SECTION. **230A.101 Services system roles.**
33 1. The role of the department of human services, through
34 the division of the department designated as the state
35 mental health authority with responsibility for state policy

1 concerning mental health and disability services, is to develop
2 and maintain policies for the mental health and disability
3 services system. The policies shall address the service needs
4 of individuals of all ages with disabilities in this state,
5 regardless of the individuals' places of residence or economic
6 circumstances, and shall be consistent with the requirements of
7 chapter 225C and other applicable law.
8 2. The role of community mental health centers in the
9 mental health and disability services system is to provide
10 an organized set of services in order to adequately meet the
11 mental health needs of this state's citizens based on organized
12 catchment areas.
13 Sec. 721. NEW SECTION. **230A.102 Definitions.**
14 As used in this chapter, unless the context otherwise
15 requires:
16 1. *"Administrator"*, *"commission"*, *"department"*, *"disability*
17 *services"*, and *"division"* mean the same as defined in section
18 225C.2.
19 2. *"Catchment area"* means a community mental health center
20 catchment area identified in accordance with this chapter.
21 3. *"Community mental health center"* or *"center"* means a
22 community mental health center designated in accordance with
23 this chapter.
24 Sec. 722. NEW SECTION. **230A.103 Designation of community**
25 **mental health centers.**
26 1. The division, subject to agreement by any community
27 mental health center that would provide services for the
28 catchment area and approval by the commission, shall designate
29 at least one community mental health center under this chapter
30 to serve as lead agency for addressing the mental health needs
31 of the county or counties comprising the catchment area. The
32 designation process shall provide for the input of potential
33 service providers regarding designation of the initial
34 catchment area or a change in the designation.
35 2. The division shall utilize objective criteria for

1 designating a community mental health center to serve a
2 catchment area and for withdrawing such designation. The
3 commission shall adopt rules outlining the criteria. The
4 criteria shall include but are not limited to provisions for
5 meeting all of the following requirements:
6 *a.* An appropriate means shall be used for determining which
7 prospective designee is best able to serve all ages of the
8 targeted population within the catchment area with minimal or
9 no service denials.
10 *b.* An effective means shall be used for determining the
11 relative ability of a prospective designee to appropriately
12 provide mental health services and other support to consumers
13 residing within a catchment area as well as consumers residing
14 outside the catchment area. The criteria shall address the
15 duty for a prospective designee to arrange placements outside
16 the catchment area when such placements best meet consumer
17 needs and to provide services within the catchment area to
18 consumers who reside outside the catchment area when the
19 services are necessary and appropriate.
20 3. The board of directors for a designated community mental
21 health center shall enter into an agreement with the division.
22 The terms of the agreement shall include but are not limited
23 to all of the following:
24 *a.* The period of time the agreement will be in force.
25 *b.* The services and other support the center will offer or
26 provide for the residents of the catchment area.
27 *c.* The standards to be followed by the center in determining
28 whether and to what extent the persons seeking services from
29 the center shall be considered to be able to pay the costs of
30 the services.
31 *d.* The policies regarding availability of the services
32 offered by the center to the residents of the catchment area as
33 well as consumers residing outside the catchment area.
34 *e.* The requirements for preparation and submission to the
35 division of annual audits, cost reports, program reports,

1 performance measures, and other financial and service
2 accountability information.
3 4. This section does not limit the authority of the board or
4 the boards of supervisors of any county or group of counties to
5 continue to expend money to support operation of a center.
6 Sec. 723. NEW SECTION. **230A.104 Catchment areas.**
7 1. The division shall collaborate with affected counties in
8 identifying community mental health center catchment areas in
9 accordance with this section.
10 2. *a.* Unless the division has determined that exceptional
11 circumstances exist, a catchment area shall be served by one
12 community mental health center. The purpose of this general
13 limitation is to clearly designate the center responsible and
14 accountable for providing core mental health services to the
15 target population in the catchment area and to protect the
16 financial viability of the centers comprising the mental health
17 services system in the state.
18 *b.* A formal review process shall be used in determining
19 whether exceptional circumstances exist that justify
20 designating more than one center to serve a catchment area.
21 The criteria for the review process shall include but are not
22 limited to a means of determining whether the catchment area
23 can support more than one center.
24 *c.* Criteria shall be provided that would allow the
25 designation of more than one center for all or a portion of a
26 catchment area if designation or approval for more than one
27 center was provided by the division as of October 1, 2010. The
28 criteria shall require a determination that all such centers
29 would be financially viable if designation is provided for all.
30 Sec. 724. NEW SECTION. **230A.105 Target population —**
31 **eligibility.**
32 1. The target population residing in a catchment area to be
33 served by a community mental health center shall include but is
34 not limited to all of the following:
35 *a.* Individuals of any age who are experiencing a mental

1 health crisis.
2 *b.* Individuals of any age who have a mental health disorder.
3 *c.* Adults who have a serious mental illness or chronic
4 mental illness.
5 *d.* Children and youth who are experiencing a serious
6 emotional disturbance.
7 *e.* Individuals described in paragraph *"a"*, *"b"*, *"c"*,
8 or *"d"* who have a co-occurring disorder, including but not
9 limited to substance abuse, mental retardation, a developmental
10 disability, brain injury, autism spectrum disorder, or another
11 disability or special health care need.
12 2. Specific eligibility criteria for members of the target
13 population shall be identified in administrative rules adopted
14 by the commission. The eligibility criteria shall address both
15 clinical and financial eligibility.
16 Sec. 725. NEW SECTION. **230A.106 Services offered.**
17 1. A community mental health center designated in
18 accordance with this chapter shall offer core services and
19 support addressing the basic mental health and safety needs of
20 the target population and other residents of the catchment area
21 served by the center and may offer other services and support.
22 The core services shall be identified in administrative rules
23 adopted by the commission for this purpose.
24 2. The initial core services identified shall include all
25 of the following:
26 *a. Outpatient services.* Outpatient services shall consist
27 of evaluation and treatment services provided on an ambulatory
28 basis for the target population. Outpatient services include
29 psychiatric evaluations, medication management, and individual,
30 family, and group therapy. In addition, outpatient services
31 shall include specialized outpatient services directed to
32 the following segments of the target population: children,
33 elderly, individuals who have serious and persistent mental
34 illness, and residents of the service area who have been
35 discharged from inpatient treatment at a mental health

1 facility. Outpatient services shall provide elements of
2 diagnosis, treatment, and appropriate follow-up. The provision
3 of only screening and referral services does not constitute
4 outpatient services.
5 *b. Twenty-four-hour emergency services.*
6 Twenty-four-hour emergency services shall be provided through
7 a system that provides access to a clinician and appropriate
8 disposition with follow-up documentation of the emergency
9 service provided. A patient shall have access to evaluation
10 and stabilization services after normal business hours. The
11 range of emergency services that shall be available to a
12 patient may include but are not limited to direct contact with
13 a clinician, medication evaluation, and hospitalization. The
14 emergency services may be provided directly by the center
15 or in collaboration or affiliation with other appropriately
16 accredited providers.
17 *c. Day treatment, partial hospitalization, or psychosocial*
18 *rehabilitation services.* Such services shall be provided as
19 structured day programs in segments of less than twenty-four
20 hours using a multidisciplinary team approach to develop
21 treatment plans that vary in intensity of services and the
22 frequency and duration of services based on the needs of the
23 patient. These services may be provided directly by the center
24 or in collaboration or affiliation with other appropriately
25 accredited providers.
26 *d. Admission screening for voluntary patients.*
27 Admission screening services shall be available for patients
28 considered for voluntary admission to a state mental health
29 institute to determine the patient's appropriateness for
30 admission.
31 *e. Community support services.* Community support services
32 shall consist of support and treatment services focused
33 on enhancing independent functioning and assisting persons
34 in the target population who have a serious and persistent
35 mental illness to live and work in their community setting, by

1 reducing or managing mental illness symptoms and the associated
2 functional disabilities that negatively impact such persons'
3 community integration and stability.
4 *f. Consultation services.* Consultation services may include
5 provision of professional assistance and information about
6 mental health and mental illness to individuals, service
7 providers, or groups to increase such persons' effectiveness
8 in carrying out their responsibilities for providing services.
9 Consultations may be case-specific or program-specific.
10 *g. Education services.* Education services may include
11 information and referral services regarding available
12 resources and information and training concerning mental
13 health, mental illness, availability of services and other
14 support, the promotion of mental health, and the prevention
15 of mental illness. Education services may be made available
16 to individuals, groups, organizations, and the community in
17 general.
18 3. A community mental health center shall be responsible
19 for coordinating with associated services provided by other
20 unaffiliated agencies to members of the target population in
21 the catchment area and to integrate services in the community
22 with services provided to the target population in residential
23 or inpatient settings.
24 Sec. 726. NEW SECTION. **230A.107 Form of organization.**
25 1. Except as authorized in subsection 2, a community mental
26 health center designated in accordance with this chapter shall
27 be organized and administered as a nonprofit corporation.
28 2. A for-profit corporation, nonprofit corporation, or
29 county hospital providing mental health services to county
30 residents pursuant to a waiver approved under section 225C.7,
31 subsection 3, Code 2011, as of October 1, 2010, may also be
32 designated as a community mental health center.
33 Sec. 727. NEW SECTION. **230A.108 Administrative, diagnostic,**
34 **and demographic information.**
35 Release of administrative and diagnostic information, as

1 defined in section 228.1, and demographic information necessary
2 for aggregated reporting to meet the data requirements
3 established by the division, relating to an individual who
4 receives services from a community mental health center, may be
5 made a condition of support of that center by the division.
6 Sec. 728. NEW SECTION. **230A.109 Funding — legislative**
7 **intent.**
8 1. It is the intent of the general assembly that public
9 funding for community mental health centers designated in
10 accordance with this chapter shall be provided as a combination
11 of federal and state funding.
12 2. It is the intent of the general assembly that the state
13 funding provided to centers be a sufficient amount for the core
14 services and support addressing the basic mental health and
15 safety needs of the residents of the catchment area served by
16 each center to be provided regardless of individual ability to
17 pay for the services and support.
18 3. While a community mental health center must comply with
19 the core services requirements and other standards associated
20 with designation, provision of services is subject to the
21 availability of a payment source for the services.
22 Sec. 729. NEW SECTION. **230A.110 Standards.**
23 1. The division shall recommend and the commission shall
24 adopt standards for designated community mental health
25 centers and comprehensive community mental health programs,
26 with the overall objective of ensuring that each center
27 and each affiliate providing services under contract with a
28 center furnishes high-quality mental health services within
29 a framework of accountability to the community it serves.
30 The standards adopted shall conform with federal standards
31 applicable to community mental health centers and shall be
32 in substantial conformity with the applicable behavioral
33 health standards adopted by the joint commission, formerly
34 known as the joint commission on accreditation of health care
35 organizations, and other recognized national standards for

1 evaluation of psychiatric facilities unless in the judgment of
2 the division, with approval of the commission, there are sound
3 reasons for departing from the standards.
4 2. When recommending standards under this section, the
5 division shall designate an advisory committee representing
6 boards of directors and professional staff of designated
7 community mental health centers to assist in the formulation
8 or revision of standards. The membership of the advisory
9 committee shall include representatives of professional and
10 nonprofessional staff and other appropriate individuals.
11 3. The standards recommended under this section shall
12 include requirements that each community mental health center
13 designated under this chapter do all of the following:
14 *a.* Maintain and make available to the public a written
15 statement of the services the center offers to residents of
16 the catchment area being served. The center shall employ or
17 contract for services with affiliates to employ staff who are
18 appropriately credentialed or meet other qualifications in
19 order to provide services.
20 *b.* If organized as a nonprofit corporation, be governed by
21 a board of directors which adequately represents interested
22 professions, consumers of the center's services, socioeconomic,
23 cultural, and age groups, and various geographical areas in
24 the catchment area served by the center. If organized as a
25 for-profit corporation, the corporation's policy structure
26 shall incorporate such representation.
27 *c.* Arrange for the financial condition and transactions of
28 the community mental health center to be audited once each year
29 by the auditor of state. However, in lieu of an audit by state
30 accountants, the local governing body of a community mental
31 health center organized under this chapter may contract with
32 or employ certified public accountants to conduct the audit,
33 pursuant to the applicable terms and conditions prescribed by
34 sections 11.6 and 11.19 and audit format prescribed by the
35 auditor of state. Copies of each audit shall be furnished by

1 the accountant to the administrator of the division of mental
2 health and disability services.
3 *d.* Comply with the accreditation standards applicable to the
4 center.
5 Sec. 730. NEW SECTION. **230A.111 Review and evaluation.**
6 1. The review and evaluation of designated centers shall
7 be performed through a formal accreditation review process as
8 recommended by the division and approved by the commission.
9 The accreditation process shall include all of the following:
10 *a.* Specific time intervals for full accreditation reviews
11 based upon levels of accreditation.
12 *b.* Use of random or complaint-specific, on-site limited
13 accreditation reviews in the interim between full accreditation
14 reviews, as a quality review approach. The results of such
15 reviews shall be presented to the commission.
16 *c.* Use of center accreditation self-assessment tools to
17 gather data regarding quality of care and outcomes, whether
18 used during full or limited reviews or at other times.
19 2. The accreditation process shall include but is not
20 limited to addressing all of the following:
21 *a.* Measures to address centers that do not meet standards,
22 including authority to revoke accreditation.
23 *b.* Measures to address noncompliant centers that do not
24 develop a corrective action plan or fail to implement steps
25 included in a corrective action plan accepted by the division.
26 *c.* Measures to appropriately recognize centers that
27 successfully complete a corrective action plan.
28 *d.* Criteria to determine when a center's accreditation
29 should be denied, revoked, suspended, or made provisional.
30 Sec. 731. REPEAL. Sections 230A.1 through 230A.18, Code
31 2011, are repealed.
32 Sec. 732. IMPLEMENTATION —— EFFECTIVE DATE.
33 1. Community mental health centers operating under
34 the provisions of chapter 230A, Code 2011, and associated
35 standards, rules, and other requirements as of June 30, 2012,

may continue to operate under such requirements until the department of human services, division of mental health and disability services, and the mental health and disability services commission have completed the rules adoption process to implement the amendments to chapter 230A enacted by this division of this Act, identified catchment areas, and completed designations of centers.

2. The division and the commission shall complete the rules adoption process and other requirements addressed in subsection 1 on or before June 30, 2012.

3. Except for this section, which shall take effect July 1, 2011, this division of this Act takes effect July 1, 2012.

DIVISION XCIV

MENTAL HEALTH AND DISABILITY SERVICES REDESIGN

PERSONS WITH SUBSTANCE-RELATED DISORDERS

AND PERSONS WITH MENTAL ILLNESS

Sec. 733. Section 125.1, subsection 1, Code 2011, is amended to read as follows:

1. That ~~substance abusers and persons suffering from chemical dependency~~ persons with substance-related disorders be afforded the opportunity to receive quality treatment and directed into rehabilitation services which will help them resume a socially acceptable and productive role in society.

Sec. 734. Section 125.2, subsection 2, Code 2011, is amended by striking the subsection.

Sec. 735. Section 125.2, subsection 5, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

5. *"Substance-related disorder"* means a diagnosable substance abuse disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment.

Sec. 736. Section 125.2, subsection 9, Code 2011, is amended

to read as follows:

9. *"Facility"* means an institution, a detoxification center, or an installation providing care, maintenance and treatment for ~~substance abusers~~ persons with substance-related disorders licensed by the department under section 125.13, hospitals licensed under chapter 135B, or the state mental health institutes designated by chapter 226.

Sec. 737. Section 125.2, subsections 13, 17, and 18, Code 2011, are amended by striking the subsections.

Sec. 738. Section 125.9, subsections 2 and 4, Code 2011, are amended to read as follows:

2. Make contracts necessary or incidental to the performance of the duties and the execution of the powers of the director, including contracts with public and private agencies, organizations and individuals to pay them for services rendered or furnished to ~~substance abusers, chronic substance abusers, or intoxicated persons~~ persons with substance-related disorders.

4. Coordinate the activities of the department and cooperate with substance abuse programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local or private agencies in this and other states for the treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders and for the common advancement of substance abuse programs.

Sec. 739. Section 125.10, subsections 2, 3, 4, 5, 7, 8, 9, 11, 13, 15, and 17, Code 2011, are amended to read as follows:

2. Develop, encourage, and foster statewide, regional and local plans and programs for the prevention of substance ~~abuse~~ misuse and the treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders in cooperation with public and private agencies, organizations and individuals, and provide technical assistance and consultation services for these

purposes.

3. Coordinate the efforts and enlist the assistance of all public and private agencies, organizations and individuals interested in the prevention of substance abuse and the treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders.

4. Cooperate with the department of human services and the Iowa department of public health in establishing and conducting programs to provide treatment for ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders.

5. Cooperate with the department of education, boards of education, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing programs for the prevention of substance abuse and the treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders, and in preparing relevant curriculum materials for use at all levels of school education.

7. Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders, which program shall include the dissemination of information concerning the nature and effects of ~~chemical~~ substances.

8. Organize and implement, in cooperation with local treatment programs, training programs for all persons engaged in treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders.

9. Sponsor and implement research in cooperation with local treatment programs into the causes and nature of substance ~~abuse~~ misuse and treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders, and serve as a clearing house for

information relating to substance abuse.

11. Develop and implement, with the counsel and approval of the board, the comprehensive plan for treatment of ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders in accordance with this chapter.

13. Utilize the support and assistance of interested persons in the community, particularly ~~recovered substance abusers and chronic substance abusers,~~ persons who are recovering from substance-related disorders to encourage ~~substance abusers and chronic substance abusers~~ persons with substance-related disorders to voluntarily undergo treatment.

15. Encourage general hospitals and other appropriate health facilities to admit without discrimination ~~substance abusers, chronic substance abusers, and intoxicated persons~~ persons with substance-related disorders and to provide them with adequate and appropriate treatment. The director may negotiate and implement contracts with hospitals and other appropriate health facilities with adequate detoxification facilities.

17. Review all state health, welfare, education and treatment proposals to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to substance abuse, ~~substance abusers, chronic substance abusers, and intoxicated persons~~ and persons with substance-related disorders.

Sec. 740. Section 125.12, subsections 1 and 3, Code 2011, are amended to read as follows:

1. The board shall review the comprehensive substance abuse program implemented by the department for the treatment of ~~substance abusers, chronic substance abusers, intoxicated persons~~ persons with substance-related disorders~~,~~ and concerned family members. Subject to the review of the board, the director shall divide the state into appropriate regions for the conduct of the program and establish standards for

the development of the program on the regional level. In establishing the regions, consideration shall be given to city and county lines, population concentrations, and existing substance abuse treatment services.

3. The director shall provide for adequate and appropriate treatment for ~~substance abusers, chronic substance abusers, intoxicated persons~~ persons with substance-related disorders~~,~~ and concerned family members admitted under sections 125.33 and 125.34, or under section 125.75, 125.81, or 125.91. Treatment shall not be provided at a correctional institution except for inmates.

Sec. 741. Section 125.13, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. Except as provided in subsection 2, a person shall not maintain or conduct any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program, the primary purpose of which is the treatment and rehabilitation of ~~substance abusers or chronic substance abusers~~ persons with substance-related disorders without having first obtained a written license for the program from the department.

Sec. 742. Section 125.13, subsection 2, paragraphs a and c, Code 2011, are amended to read as follows:

a. A hospital providing care or treatment to ~~substance abusers or chronic substance abusers~~ persons with substance-related disorders licensed under chapter 135B which is accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the board. All survey reports from the accrediting or licensing body must be sent to the department.

c. Private institutions conducted by and for persons who adhere to the faith of any well recognized church or religious denomination for the purpose of providing care, treatment,

counseling, or rehabilitation to ~~substance abusers or chronic substance abusers~~ persons with substance-related disorders and who rely solely on prayer or other spiritual means for healing in the practice of religion of such church or denomination.

Sec. 743. Section 125.15, Code 2011, is amended to read as follows:

125.15 Inspections.

The department may inspect the facilities and review the procedures utilized by any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program that has as a primary purpose the treatment and rehabilitation of ~~substance abusers or chronic substance abusers~~ persons with substance-related disorders, for the purpose of ensuring compliance with this chapter and the rules adopted pursuant to this chapter. The examination and review may include case record audits and interviews with staff and patients, consistent with the confidentiality safeguards of state and federal law.

Sec. 744. Section 125.32, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, subject to chapter 17A, considering available treatment resources and facilities, for the purpose of early and effective treatment of ~~substance abusers, chronic substance abusers, intoxicated persons,~~ persons with substance-related disorders and concerned family members. In establishing the rules the department shall be guided by the following standards:

Sec. 745. Section 125.33, subsections 1, 3, and 4, Code 2011, are amended to read as follows:

1. A ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder may apply for voluntary treatment or rehabilitation services directly to a facility or to a licensed physician and surgeon or osteopathic physician and surgeon. If the proposed patient is a minor

or an incompetent person, a parent, a legal guardian or other legal representative may make the application. The licensed physician and surgeon or osteopathic physician and surgeon or any employee or person acting under the direction or supervision of the physician and surgeon or osteopathic physician and surgeon, or the facility shall not report or disclose the name of the person or the fact that treatment was requested or has been undertaken to any law enforcement officer or law enforcement agency; nor shall such information be admissible as evidence in any court, grand jury, or administrative proceeding unless authorized by the person seeking treatment. If the person seeking such treatment or rehabilitation is a minor who has personally made application for treatment, the fact that the minor sought treatment or rehabilitation or is receiving treatment or rehabilitation services shall not be reported or disclosed to the parents or legal guardian of such minor without the minor's consent, and the minor may give legal consent to receive such treatment and rehabilitation.

3. A ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder seeking treatment or rehabilitation and who is either addicted or dependent on a chemical substance may first be examined and evaluated by a licensed physician and surgeon or osteopathic physician and surgeon who may prescribe a proper course of treatment and medication, if needed. The licensed physician and surgeon or osteopathic physician and surgeon may further prescribe a course of treatment or rehabilitation and authorize another licensed physician and surgeon or osteopathic physician and surgeon or facility to provide the prescribed treatment or rehabilitation services. Treatment or rehabilitation services may be provided to a person individually or in a group. A facility providing or engaging in treatment or rehabilitation shall not report or disclose to a law enforcement officer or law enforcement agency the name of any person receiving or

engaged in the treatment or rehabilitation; nor shall a person receiving or participating in treatment or rehabilitation report or disclose the name of any other person engaged in or receiving treatment or rehabilitation or that the program is in existence, to a law enforcement officer or law enforcement agency. Such information shall not be admitted in evidence in any court, grand jury, or administrative proceeding. However, a person engaged in or receiving treatment or rehabilitation may authorize the disclosure of the person's name and individual participation.

4. If a patient receiving inpatient or residential care leaves a facility, the patient shall be encouraged to consent to appropriate outpatient or halfway house treatment. If it appears to the administrator in charge of the facility that the patient is a ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder who requires help, the director may arrange for assistance in obtaining supportive services.

Sec. 746. Section 125.34, Code 2011, is amended to read as follows:

125.34 Treatment and services for ~~intoxicated persons and persons incapacitated by alcohol~~ persons with substance-related disorders due to intoxication and substance-induced incapacitation.

1. ~~An intoxicated~~ A person with a substance-related disorder due to intoxication or substance-induced incapacitation may come voluntarily to a facility for emergency treatment. A person who appears to be intoxicated or incapacitated by a ~~chemical~~ substance in a public place and in need of help may be taken to a facility by a peace officer under section 125.91. If the person refuses the proffered help, the person may be arrested and charged with intoxication under section 123.46, if applicable.

2. If no facility is readily available the person may be taken to an emergency medical service customarily used

1 for incapacitated persons. The peace officer in detaining
2 the person and in taking the person to a facility shall make
3 every reasonable effort to protect the person's health and
4 safety. In detaining the person the detaining officer may take
5 reasonable steps for self-protection. Detaining a person under
6 section 125.91 is not an arrest and no entry or other record
7 shall be made to indicate that the person who is detained has
8 been arrested or charged with a crime.
9 3. A person who arrives at a facility and voluntarily
10 submits to examination shall be examined by a licensed
11 physician as soon as possible after the person arrives at the
12 facility. The person may then be admitted as a patient or
13 referred to another health facility. The referring facility
14 shall arrange for transportation.
15 4. If a person is voluntarily admitted to a facility, the
16 person's family or next of kin shall be notified as promptly
17 as possible. If an adult patient who is not incapacitated
18 requests that there be no notification, the request shall be
19 respected.
20 5. A peace officer who acts in compliance with this section
21 is acting in the course of the officer's official duty and is
22 not criminally or civilly liable therefor, unless such acts
23 constitute willful malice or abuse.
24 6. If the physician in charge of the facility determines it
25 is for the patient's benefit, the patient shall be encouraged
26 to agree to further diagnosis and appropriate voluntary
27 treatment.
28 7. A licensed physician and surgeon or osteopathic
29 physician and surgeon, facility administrator, or an
30 employee or a person acting as or on behalf of the facility
31 administrator, is not criminally or civilly liable for acts
32 in conformity with this chapter, unless the acts constitute
33 willful malice or abuse.
34 Sec. 747. Section 125.43, Code 2011, is amended to read as
35 follows:

125.43 Funding at mental health institutes.

Chapter 230 governs the determination of the costs and payment for treatment provided to ~~substance abusers or chronic substance abusers~~persons with substance-related disorders in a mental health institute under the department of human services, except that the charges are not a lien on real estate owned by persons legally liable for support of the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder and the daily per diem shall be billed at twenty-five percent. The superintendent of a state hospital shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to ~~substance abusers or chronic substance abusers~~ persons with substance-related disorders for purposes of determining the daily per diem. Section 125.44 governs the determination of who is legally liable for the cost of care, maintenance, and treatment of a ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder and of the amount for which the person is liable.

Sec. 748. Section 125.43A, Code 2011, is amended to read as follows:

125.43A Prescreening — exception.

Except in cases of medical emergency or court-ordered admissions, a person shall be admitted to a state mental health institute for substance abuse treatment only after a preliminary intake and assessment by a department-licensed treatment facility or a hospital providing care or treatment for ~~substance abusers~~ persons with substance-related disorders licensed under chapter 135B and accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the board, or by a designee of a department-licensed treatment facility or a hospital other than a state mental health institute, which confirms that the admission is appropriate to the person's substance abuse

service needs. A county board of supervisors may seek an admission of a patient to a state mental health institute who has not been confirmed for appropriate admission and the county shall be responsible for one hundred percent of the cost of treatment and services of the patient.

Sec. 749. Section 125.44, Code 2011, is amended to read as follows:

125.44 Agreements with facilities — liability for costs.

The director may, consistent with the comprehensive substance abuse program, enter into written agreements with a facility as defined in section 125.2 to pay for one hundred percent of the cost of the care, maintenance, and treatment of ~~substance abusers and chronic substance abusers~~ persons with substance-related disorders, except when section 125.43A applies. All payments for state patients shall be made in accordance with the limitations of this section. Such contracts shall be for a period of no more than one year.

The contract may be in the form and contain provisions as agreed upon by the parties. The contract shall provide that the facility shall admit and treat ~~substance abusers and chronic substance abusers~~ persons with substance-related disorders regardless of where they have residence. If one payment for care, maintenance, and treatment is not made by the patient or those legally liable for the patient, the payment shall be made by the department directly to the facility. Payments shall be made each month and shall be based upon the rate of payment for services negotiated between the department and the contracting facility. If a facility projects a temporary cash flow deficit, the department may make cash advances at the beginning of each fiscal year to the facility. The repayment schedule for advances shall be part of the contract between the department and the facility. This section does not pertain to patients treated at the mental health institutes.

If the appropriation to the department is insufficient to

meet the requirements of this section, the department shall request a transfer of funds and section 8.39 shall apply.

The ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder is legally liable to the facility for the total amount of the cost of providing care, maintenance, and treatment for the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder while a voluntary or committed patient in a facility. This section does not prohibit any individual from paying any portion of the cost of treatment.

The department is liable for the cost of care, treatment, and maintenance of ~~substance abusers and chronic substance abusers~~ persons with substance-related disorders admitted to the facility voluntarily or pursuant to section 125.75, 125.81, or 125.91 or section 321J.3 or 124.409 only to those facilities that have a contract with the department under this section, only for the amount computed according to and within the limits of liability prescribed by this section, and only when the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder is unable to pay the costs and there is no other person, firm, corporation, or insurance company bound to pay the costs.

The department's maximum liability for the costs of care, treatment, and maintenance of ~~substance abusers and chronic substance abusers~~ persons with substance-related disorders in a contracting facility is limited to the total amount agreed upon by the parties and specified in the contract under this section.

Sec. 750. Section 125.46, Code 2011, is amended to read as follows:

125.46 County of residence determined.

The facility shall, when a ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records the Iowa

county of residence of the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder, or that the person resides in some other state or country, or that the person is unclassified with respect to residence.

Sec. 751. Section 125.75, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Proceedings for the involuntary commitment or treatment of a ~~chronic substance abuser~~ person with a substance-related disorder to a facility may be commenced by the county attorney or an interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located or which is the respondent's place of residence. The clerk or the clerk's designee shall assist the applicant in completing the application. The application shall:

Sec. 752. Section 125.75, subsection 1, Code 2011, is amended to read as follows:

1. State the applicant's belief that the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder.

Sec. 753. Section 125.80, subsections 3 and 4, Code 2011, are amended to read as follows:

3. If the report of a court-designated physician is to the effect that the respondent is not a ~~chronic substance abuser~~ person with a substance-related disorder, the court, without taking further action, may terminate the proceeding and dismiss the application on its own motion and without notice.

4. If the report of a court-designated physician is to the effect that the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder, the court shall schedule a commitment hearing as soon as possible. The hearing shall be held not more than forty-eight hours after the report is filed, excluding Saturdays, Sundays, and holidays, unless an extension for good cause is requested by the respondent, or as soon thereafter as possible if the court considers that sufficient

grounds exist for delaying the hearing.

Sec. 754. Section 125.81, subsection 1, Code 2011, is amended to read as follows:

1. If a person filing an application requests that a respondent be taken into immediate custody, and the court upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder who is likely to injure the person or other persons if allowed to remain at liberty, the court may enter a written order directing that the respondent be taken into immediate custody by the sheriff, and be detained until the commitment hearing, which shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next business day. The court may order the respondent detained for the period of time until the hearing is held, and no longer except as provided in section 125.88, in accordance with subsection 2, paragraph *"a"*, if possible, and if not, then in accordance with subsection 2, paragraph *"b"*, or, only if neither of these alternatives is available in accordance with subsection 2, paragraph *"c"*.

Sec. 755. Section 125.82, subsection 4, Code 2011, is amended to read as follows:

4. The respondent's welfare is paramount, and the hearing shall be tried as a civil matter and conducted in as informal a manner as is consistent with orderly procedure. Discovery as permitted under the Iowa rules of civil procedure is available to the respondent. The court shall receive all relevant and material evidence, but the court is not bound by the rules of evidence. A presumption in favor of the respondent exists, and the burden of evidence and support of the contentions made in the application shall be upon the person who filed the application. If upon completion of the hearing the court finds that the contention that the respondent is a ~~chronic substance~~

1 ~~abuser~~ person with a substance-related disorder has not been
2 sustained by clear and convincing evidence, the court shall
3 deny the application and terminate the proceeding.
4 Sec. 756. Section 125.83, Code 2011, is amended to read as
5 follows:
6 **125.83 Placement for evaluation.**
7 If upon completion of the commitment hearing, the court
8 finds that the contention that the respondent is a ~~chronic~~
9 ~~substance abuser~~ person with a substance-related disorder
10 has been sustained by clear and convincing evidence, the
11 court shall order the respondent placed at a facility or
12 under the care of a suitable facility on an outpatient basis
13 as expeditiously as possible for a complete evaluation and
14 appropriate treatment. The court shall furnish to the facility
15 at the time of admission or outpatient placement, a written
16 statement of facts setting forth the evidence on which the
17 finding is based. The administrator of the facility shall
18 report to the court no more than fifteen days after the
19 individual is admitted to or placed under the care of the
20 facility, which shall include the chief medical officer's
21 recommendation concerning substance abuse treatment. An
22 extension of time may be granted for a period not to exceed
23 seven days upon a showing of good cause. A copy of the report
24 shall be sent to the respondent's attorney who may contest
25 the need for an extension of time if one is requested. If
26 the request is contested, the court shall make an inquiry
27 as it deems appropriate and may either order the respondent
28 released from the facility or grant extension of time for
29 further evaluation. If the administrator fails to report to
30 the court within fifteen days after the individual is admitted
31 to the facility, and no extension of time has been requested,
32 the administrator is guilty of contempt and shall be punished
33 under chapter 665. The court shall order a rehearing on the
34 application to determine whether the respondent should continue
35 to be held at the facility.

Sec. 757. Section 125.83A, subsection 1, Code 2011, is amended to read as follows:

1. If upon completion of the commitment hearing, the court finds that the contention that the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder has been sustained by clear and convincing evidence, and the court is furnished evidence that the respondent is eligible for care and treatment in a facility operated by the United States department of veterans affairs or another agency of the United States government and that the facility is willing to receive the respondent, the court may so order. The respondent, when so placed in a facility operated by the United States department of veterans affairs or another agency of the United States government within or outside of this state, shall be subject to the rules of the United States department of veterans affairs or other agency, but shall not lose any procedural rights afforded the respondent by this chapter. The chief officer of the facility shall have, with respect to the respondent so placed, the same powers and duties as the chief medical officer of a hospital in this state would have in regard to submission of reports to the court, retention of custody, transfer, convalescent leave, or discharge. Jurisdiction is retained in the court to maintain surveillance of the respondent's treatment and care, and at any time to inquire into the respondent's condition and the need for continued care and custody.

Sec. 758. Section 125.84, subsections 2, 3, and 4, Code 2011, are amended to read as follows:

2. That the respondent is a ~~chronic substance abuser~~ person with a substance-related disorder who is in need of full-time custody, care, and treatment in a facility, and is considered likely to benefit from treatment. If the report so states, the court shall enter an order which may require the respondent's continued placement and commitment to a facility for appropriate treatment.

1 3. That the respondent is a ~~chronic substance abuser~~ person
2 with a substance-related disorder who is in need of treatment,
3 but does not require full-time placement in a facility. If the
4 report so states, the report shall include the chief medical
5 officer's recommendation for treatment of the respondent on
6 an outpatient or other appropriate basis, and the court shall
7 enter an order which may direct the respondent to submit to the
8 recommended treatment. The order shall provide that if the
9 respondent fails or refuses to submit to treatment, as directed
10 by the court's order, the court may order that the respondent
11 be taken into immediate custody as provided by section 125.81
12 and, following notice and hearing held in accordance with
13 the procedures of sections 125.77 and 125.82, may order the
14 respondent treated as a patient requiring full-time custody,
15 care, and treatment as provided in subsection 2, and may order
16 the respondent involuntarily committed to a facility.
17 4. That the respondent is a ~~chronic substance abuser~~
18 person with a substance-related disorder who is in need of
19 treatment, but in the opinion of the chief medical officer is
20 not responding to the treatment provided. If the report so
21 states, the report shall include the facility administrator's
22 recommendation for alternative placement, and the court shall
23 enter an order which may direct the respondent's transfer
24 to the recommended placement or to another placement after
25 consultation with respondent's attorney and the facility
26 administrator who made the report under this subsection.
27 Sec. 759. Section 125.91, subsections 1, 2, and 3, Code
28 2011, are amended to read as follows:
29 1. The procedure prescribed by this section shall only
30 be used for ~~an intoxicated~~ a person with a substance-related
31 disorder due to intoxication or substance-induced
32 incapacitation who has threatened, attempted, or inflicted
33 physical self-harm or harm on another, and is likely to inflict
34 physical self-harm or harm on another unless immediately
35 detained, or who is incapacitated by a ~~chemical~~ substance,

if that person cannot be taken into immediate custody under sections 125.75 and 125.81 because immediate access to the court is not possible.

2. *a.* A peace officer who has reasonable grounds to believe that the circumstances described in subsection 1 are applicable may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2, paragraph *"b"* or *"c"*. Such ~~an intoxicated or incapacitated~~ a person with a substance-related disorder due to intoxication or substance-induced incapacitation who also demonstrates a significant degree of distress or dysfunction may also be delivered to a facility by someone other than a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under this section, the examining physician may order treatment of the person, but only to the extent necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue. The peace officer or other person who delivered the person to the facility shall describe the circumstances of the matter to the examining physician. If the person is a peace officer, the peace officer may do so either in person or by written report. If the examining physician has reasonable grounds to believe that the circumstances in subsection 1 are applicable, the examining physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. The magistrate shall, based upon the circumstances described by the examining physician, give the examining physician oral instructions either directing that the person be released forthwith, or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next

working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 125.75. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility and the grounds supporting the finding of probable cause to believe that the person is a ~~chronic substance abuser~~ person with a substance-related disorder likely to result in physical injury to the person or others if not detained. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the ~~chief medical officer of the facility~~ attending physician, to which the person was originally taken, any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

3. The ~~chief medical officer of the facility~~ attending physician shall examine and may detain the person pursuant to the magistrate's order for a period not to exceed forty-eight hours from the time the order is dated, excluding Saturdays, Sundays, and holidays, unless the order is dismissed by a magistrate. The facility may provide treatment which is necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue or is otherwise deemed medically necessary by the ~~chief medical officer~~ attending physician, but shall not otherwise provide treatment to the person without the person's consent. The person shall be discharged from the facility and released from detention no later than the expiration of the forty-eight-hour period, unless an application for involuntary commitment is filed with the clerk pursuant to section 125.75. The detention of a person by the procedure in this section, and not in excess of the period of time prescribed by this section,

1 shall not render the peace officer, attending physician, or
2 facility detaining the person liable in a criminal or civil
3 action for false arrest or false imprisonment if the peace
4 officer, physician, or facility had reasonable grounds to
5 believe that the circumstances described in subsection 1 were
6 applicable.
7 Sec. 760. Section 226.9C, subsection 2, paragraph c, Code
8 2011, is amended to read as follows:
9 *c.* (1) Prior to an individual's admission for dual
10 diagnosis treatment, the individual shall have been
11 prescreened. The person performing the prescreening
12 shall be either the mental health professional, as defined
13 in section 228.1, who is contracting with the county
14 central-point-of-coordination process to provide the
15 prescreening or a mental health professional with the
16 requisite qualifications. A mental health professional with
17 the requisite qualifications shall meet all of the following
18 qualifications: is a mental health professional as defined
19 in section 228.1, is a certified alcohol and drug counselor
20 certified by the nongovernmental Iowa board of substance abuse
21 certification, and is employed by or providing services for a
22 facility, as defined in section 125.2.
23 (2) Prior to an individual's admission for dual diagnosis
24 treatment, the individual shall have been screened through a
25 county's central point of coordination process implemented
26 pursuant to section 331.440 to determine the appropriateness
27 of the treatment.
28 Sec. 761. Section 229.1, subsection 12, Code 2011, is
29 amended to read as follows:
30 12. *"Psychiatric advanced registered nurse practitioner"*
31 means an individual currently licensed as a registered nurse
32 under chapter 152 or 152E who holds a national certification in
33 psychiatric mental health care and who is registered with the
34 board of nursing as an advanced registered nurse practitioner.
35 Sec. 762. Section 229.15, subsection 3, paragraph a, Code

2011, is amended to read as follows:

a. A psychiatric advanced registered nurse practitioner treating a patient previously hospitalized under this chapter may complete periodic reports pursuant to this section on the patient if the patient has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 229.14, subsection 1, paragraph *"c"*~~, and if a psychiatrist licensed pursuant to chapter 148 personally evaluates the patient on at least an annual basis~~.

Sec. 763. Section 229.21, subsection 2, Code 2011, is amended to read as follows:

2. When an application for involuntary hospitalization under this chapter or an application for involuntary commitment or treatment of ~~chronic substance abusers~~ persons with substance-related disorders under sections 125.75 to 125.94 is filed with the clerk of the district court in any county for which a judicial hospitalization referee has been appointed, and no district judge, district associate judge, or magistrate who is admitted to the practice of law in this state is accessible, the clerk shall immediately notify the referee in the manner required by section 229.7 or section 125.77. The referee shall discharge all of the duties imposed upon the court by sections 229.7 to 229.22 or sections 125.75 to 125.94 in the proceeding so initiated. Subject to the provisions of subsection 4, orders issued by a referee, in discharge of duties imposed under this section, shall have the same force and effect as if ordered by a district judge. However, any commitment to a facility regulated and operated under chapter 135C, shall be in accordance with section 135C.23.

Sec. 764. Section 229.21, subsection 3, paragraphs a and b, Code 2011, are amended to read as follows:

a. Any respondent with respect to whom the magistrate or judicial hospitalization referee has found the contention that the respondent is seriously mentally impaired or a ~~chronic substance abuser~~ person with a substance-related disorder

sustained by clear and convincing evidence presented at a hearing held under section 229.12 or section 125.82, may appeal from the magistrate's or referee's finding to a judge of the district court by giving the clerk notice in writing, within ten days after the magistrate's or referee's finding is made, that an appeal is taken. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney.

b. An order of a magistrate or judicial hospitalization referee with a finding that the respondent is seriously mentally impaired or a ~~chronic substance abuser~~ person with a substance-related disorder shall include the following notice, located conspicuously on the face of the order:

NOTE: The respondent may appeal from this order to a judge of the district court by giving written notice of the appeal to the clerk of the district court within ten days after the date of this order. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney. For a more complete description of the respondent's appeal rights, consult section 229.21 of the Code of Iowa or an attorney.

Sec. 765. Section 229.21, subsection 4, Code 2011, is amended to read as follows:

4. If the appellant is in custody under the jurisdiction of the district court at the time of service of the notice of appeal, the appellant shall be discharged from custody unless an order that the appellant be taken into immediate custody has previously been issued under section 229.11 or section 125.81, in which case the appellant shall be detained as provided in that section until the hospitalization or commitment hearing before the district judge. If the appellant is in the custody of a hospital or facility at the time of service of the notice of appeal, the appellant shall be discharged from custody pending disposition of the appeal unless the chief medical officer, not later than the end of the next secular day on which the office of the clerk is open and which follows service

of the notice of appeal, files with the clerk a certification that in the chief medical officer's opinion the appellant is seriously mentally ill or a ~~substance abuser~~ person with a substance-related disorder. In that case, the appellant shall remain in custody of the hospital or facility until the hospitalization or commitment hearing before the district court.

Sec. 766. Section 230.15, unnumbered paragraph 2, Code 2011, is amended to read as follows:

A ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder while a voluntary or committed patient. When a portion of the cost is paid by a county, the ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder is legally liable to the county for the amount paid. The ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the ~~abuser's~~ person's care, maintenance, and treatment in a state hospital to the state. Any payments received by the state from or on behalf of a ~~substance abuser or chronic substance abuser~~ person with a substance-related disorder shall be in part credited to the county in proportion to the share of the costs paid by the county. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any person with mental illness~~, substance abuser, or chronic substance abuser~~ or a substance-related disorder as established by the department of human services.

Sec. 767. Section 232.116, subsection 1, paragraph 1, subparagraph (2), Code 2011, is amended to read as follows:

(2) The parent has a severe~~, chronic substance abuse~~

1 ~~problem,~~ substance-related disorder and presents a danger to
2 self or others as evidenced by prior acts.
3 Sec. 768. Section 600A.8, subsection 8, paragraph a, Code
4 2011, is amended to read as follows:
5 *a.* The parent has been determined to be a ~~chronic substance~~
6 ~~abuser~~ person with a substance-related disorder as defined
7 in section 125.2 and the parent has committed a second or
8 subsequent domestic abuse assault pursuant to section 708.2A.
9 Sec. 769. Section 602.4201, subsection 3, paragraph h, Code
10 2011, is amended to read as follows:
11 *h.* Involuntary commitment or treatment of ~~substance abusers~~
12 persons with a substance-related disorders.
13 Sec. 770. IMPLEMENTATION OF ACT. Section 25B.2, subsection
14 3, shall not apply to this division of this Act.
15 Sec. 771. EFFECTIVE DATE. This division of this Act takes
16 effect July 1, 2012.
17 DIVISION XCV
18 HEALTH AND HUMAN SERVICES STATUTORY
19 Sec. 772. Section 153.14, subsection 1, Code 2011, is
20 amended to read as follows:
21 1. Students of dentistry who practice dentistry upon
22 patients at clinics in connection with their regular course
23 of instruction at ~~the state~~ an accredited dental college,
24 students of dental hygiene who practice upon patients at
25 clinics in connection with their regular course of instruction
26 at state-approved schools, and students of dental assisting
27 who practice upon patients at clinics in connection with a
28 regular course of instruction determined by the board pursuant
29 to section 153.39.
30 Sec. 773. Section 154A.24, subsection 3, paragraph s, Code
31 2011, is amended by striking the paragraph.
32 Sec. 774. Section 235B.19, Code 2011, is amended by adding
33 the following new subsection:
34 NEW SUBSECTION. 2A. *a.* The department shall serve a copy
35 of the petition and any order authorizing protective services,

if issued, on the dependent adult and on persons who are competent adults and reasonably ascertainable at the time the petition is filed in accordance with the following priority:

(1) An attorney in fact named by the dependent adult in a durable power of attorney for health care pursuant to chapter 144B.

(2) The dependent adult's spouse.

(3) The dependent adult's children.

(4) The dependent adult's grandchildren.

(5) The dependent adult's siblings.

(6) The dependent adult's aunts and uncles.

(7) The dependent adult's nieces and nephews.

(8) The dependent adult's cousins.

b. When the department has served a person in one of the categories specified in paragraph *"a"*, the department shall not be required to serve a person in any other category.

c. The department shall serve the dependent adult's copy of the petition and order personally upon the dependent adult. Service of the petition and all other orders and notices shall be in a sealed envelope with the proper postage on the envelope, addressed to the person being served at the person's last known post office address, and deposited in a mail receptacle provided by the United States postal service. The department shall serve such copies of emergency orders authorizing protective services and notices within three days after filing the petition and receiving such orders.

d. The department and all persons served by the department with notices under this subsection shall be prohibited from all of the following without prior court approval after the department's petition has been filed:

(1) Selling, removing, or otherwise disposing of the dependent adult's personal property.

(2) Withdrawing funds from any bank, savings and loan association, credit union, or other financial institution, or from an account containing securities in which the dependent

adult has an interest.

Sec. 775. Section 237A.1, subsection 3, paragraph n, Code 2011, is amended to read as follows:

n. A program offered to a child whose parent, guardian, or custodian is engaged solely in a recreational or social activity, remains immediately available and accessible on the physical premises on which the child's care is provided, and does not engage in employment while the care is provided. However, if the recreational or social activity is provided in a fitness center or on the premises of a nonprofit organization the parent, guardian, or custodian of the child may be employed to teach or lead the activity.

DIVISION XCVI

PUBLIC LIBRARIES

Sec. 776. Section 256.51, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *1.* Allow a public library that receives state assistance under section 256.57, or financial support from a city or county pursuant to section 256.69, to dispose of, through sale, conveyance, or exchange, any library materials that may be obsolete or worn out or that may no longer be needed or appropriate to the mission of the public library. These materials may be sold by the public library directly or the governing body of the public library may sell the materials by consignment to a public agency or to a private agency organized to raise funds solely for support of the public library. Proceeds from the sale of the library materials may be remitted to the public library and may be used by the public library for the purchase of books and other library materials or equipment, or for the provision of library services.

DIVISION XCVII

CONDITIONAL RETROACTIVE APPLICABILITY

Sec. 777. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor after July 1,

1 2011, shall apply retroactively to July 1, 2011.