

Standing Appropriations Bill House File 2465

Last Action:

FINAL ACTION

May 9, 2012

An Act relating to state and local finances by making and adjusting appropriations, providing for funding of property tax credits and reimbursements and for other matters pertaining to taxation, providing for fees and criminal penalties, providing for legal responsibilities, providing for certain insurance and employee benefits, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www.legis.iowa.gov/LSAReports/noba.aspx>

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FUNDING SUMMARY

- House File 2465 reduces FY 2013 General Fund appropriations by a net amount of \$35.9 million, and provides an FY 2012 General Fund supplemental appropriation of \$320,000. House File 2465 also appropriates a total of \$2.0 million from the Rebuild Iowa Infrastructure Fund (RIIF) and the Mortgage Servicing Settlement Fund for FY 2013, and provides an FY 2012 supplemental appropriation of \$2.9 million from the Economic Emergency Fund.

NEW PROGRAMS, SERVICES, OR ACTIVITIES

- Creates a Mortgage Servicing Settlement Fund and requires the Department of Justice to deposit moneys received from the Joint State-Federal Mortgage Settlement into the Fund. Page 3, Line 39
- Creates a Banking Division Mortgage Servicing Settlement Fund and requires the Banking Division of the Department of Commerce to deposit moneys received from the Joint State-Federal Mortgage Settlement into the Fund. Page 4, Line 7
- Appropriates \$1.0 million from the Mortgage Servicing Settlement Fund to the RIIF. Page 4, Line 31
- Appropriates \$50,000 from the General Fund to the Department of Public Health for an Iowa Youth Suicide Prevention Program. Page 5, Line 14

MAJOR INCREASES, DECREASES, OR TRANSFERS OF EXISTING PROGRAMS

- Reduces the FY 2013 General Fund standing appropriation of the Legislative Branch by \$1.7 million. Page 1, Line 12
- Limits the General Fund standing appropriation to the Department of Cultural Affairs for operational support grants and community cultural grants to \$417,000. Page 1, Line 27
- Limits the General Fund standing appropriation to the Economic Development Authority for regional tourism marketing to \$810,000. Page 2, Line 5
- Restores the General Fund standing appropriation to the Department of Public Health for the Center for Congenital and Inherited Disorders Central Registry to the estimated statutory level of \$233,000. Page 2, Line 9
- Restores the General Fund standing appropriation to the Department of Human Services for Child Abuse Prevention Programs to the estimated statutory level of \$233,000. Page 2, Line 13

- Limits the General Fund standing appropriation to the Department of Education for Children At-Risk Programs to \$10.7 million. Page 2, Line 16
- Limits the General Fund standing appropriation to the Department of Revenue for tobacco reporting enforcement to \$18,000. Page 2, Line 29
- Limits the General Fund standing appropriation Department of Revenue for the Homestead Property Tax Credit to \$107.0 million for FY 2013. Page 2, Line 33
- Delays the implementation of a \$5.0 million General Fund standing appropriation for the Public Safety Peace Officers' Retirement System from FY 2013 to FY 2014. Page 2, Line 36
- Appropriates \$1.0 million from the RIIF to the Department of Agriculture and Land Stewardship for the Watershed Improvement Fund. Page 3, Line 4
- Appropriates \$500,000 from the General Fund to the College Student Aid Commission for the Tuition Grant Program for For-Profit Private Institutions. Page 3, Line 14
- Appropriates \$2.0 million from the General Fund to the Department of Education for the Iowa Research Reading Center. Page 3, Line 29
- Reduces the FY 2013 State aid funding to Area Education Agencies by an additional \$10.0 million (from \$10.0 million to \$20.0 million). Page 10, Line 6

SIGNIFICANT CODE CHANGES

- Requires the Plumbing and Mechanical Systems Board to grant a one-time renewal of an expired license on the condition that the person with the expired license pass a required examination. The one-time license renewal can only be granted until January 1, 2013. Page 5, Line 36
- Extends the reversion of the FY 2008 RIIF appropriations to the Department of Administrative Services (DAS) for costs associated with leases and relocation of State agencies located off the Capitol Complex and with the restoration and development of the West Capitol Terrace through the end of FY 2013. Page 6, Line 1
- Extends the carryforward of a \$2.0 million FY 2011 General Fund appropriation to the DAS for implementing the government information technology services provisions in SF 2088 (Government Page 6, Line 12

Reorganization and Efficiency Act) to the end of FY 2013.

- Adds a specific date of December 31, 2012, for the Department of Inspections and Appeals to provide information related to health facilities inspections available to the public on their website. Page 6, Line 21
- Amends SF 2289 (Disaster Case Management Act) to make the Act effective on enactment and retroactive to April 12, 2012. Page 6, Line 35
- Allows the Executive Council to take any action deemed necessary to protect the interests of the State in regards to certificates, tax credits, or action taken in relation to the Iowa Capital Investment Board and the Iowa Fund of Funds. Page 6, Line 39
- Removes the “Moral Obligation” provision from the Iowa Code section pertaining to debt service requirements on Iowa Finance Authority (IFA) bonds. Page 7, Line 12
- Directs each agency to make available to the public a uniform, searchable, and user-friendly internet-based administrative rules database. Page 7, Line 29
- Repeals a provision pertaining to requests for a formal review of agencies’ administrative rules and inserts language requiring a complete, formal review of agencies’ administrative rules every five years. Page 8, Line 6
- Extends the bona fide retirement exception under the Iowa Public Employees' Retirement System (IPERS) for licensed health care professionals for two years. Page 8, Line 41
- Permits bars and restaurants with a liquor license to create “infused spirits,” which are currently prohibited. Page 9, Line 7
- Beginning in FY 2012, allows up to 5.0% of preschool foundation aid received by a school district may be used for administering the Program. Beginning in FY 2013, at least 95.0% of the preschool formula foundation aid is to be paid to the community-based provider for the approved local program. Additionally, beginning in FY 2012, not more than 5.0% of the funding paid to the community-based provider may be used for provider administrative costs. Page 9, Line 30
- Removes the requirement that 30.0% of funding for media services be spent on media resource materials. Page 10, Line 17
- Requires the community colleges and Regents universities to waive tuition and mandatory fees for the surviving children of public safety peace officers, police officers, sheriffs, fireman, and deputy sheriffs that have died in the line of the duty. Page 11, Line 6

- Requires individuals who own snowmobiles and all-terrain vehicles to maintain proof of financial responsibility and liability. Page 12, Line 30
- Requires projects that receive funding from the Sales Tax Increment Fund as outlined in SF 2217 (FY 2013 Flood Mitigation Act) to receive at least 20.0% of the total project cost from a federal financial assistance program. Page 12, Line 36
- Beginning July 1, 2012, permits State Historic Tax Credits awarded to the members or shareholders of a partnership, limited liability company, S corporation, estate, or trust to be allocated to the members and shareholders at the discretion of the business. Under current law, the tax credits must be allocated based on the pro rata share of the individual's earnings from the business. Page 13, Line 7
- Modifies a 10 megawatt capacity set-aside that is currently in the Wind Energy Production Tax Credit law. The set-aside remains at 10 megawatt, but the specific requirements that a facility must meet in order to qualify for the set-aside are amended. Page 13, Line 31
- Amends the requirements for maintaining confidential documents and records during the examination of a domestic or foreign insurer to include the International Association of Insurance Supervisors and the Bank for International Settlements. These entities are required to maintain the confidentiality. Page 14, Line 28
- Adds services provided by chiropractors to the Iowa Code chapter relating to special health and accident insurance coverage. Page 15, Line 41
- Requires the court to consider whether a parent has allowed a person on the sex offender registry to have custody, control, or unsupervised access to a child, if the parent knows the person is required to register as a sex offender, when considering child custody arrangements. Page 16, Line 34
- Allows the Economic Development Authority to issue tax credits to a business for certain projects that were not completed within two years from the project start date because a city failed to file the appropriate paperwork to obtain an extension. Page 16, Line 42
- Makes technical corrective changes to various bills that have passed both the House and the Senate. Page 18, Line 16
- Requires offenders revoked from probation to receive credit for time served while in an alternate jail facility or community corrections facility. Permits a person that commits an offense before the effective date of this Bill to waive any rights under the Anderson case, and agree to be sentenced using credits as calculated under this Bill. Page 29, Line 29

- Prohibits installment payments on a property tax assessment unless the assessment exceeds \$500. This is an increase from the \$100 limit in current law. Page 30, Line 22
- Permits a county treasurer to apportion partial payment of delinquent taxes to the various local taxing entities either on a monthly basis after such amounts are collected or following the due date of the next semiannual tax installment. Page 32, Line 26
- Allows the purchaser of a tax sale to pay the delinquent tax beginning one month and 14 days following the date an installment becomes delinquent. Page 33, Line 42
- Requires the Iowa Commission on Interstate Cooperation to be appointed upon resolution by the Executive Council. Page 36, Line 4
- Requires the Chief Justice of the Supreme Court to designate district, district associate, and associate juvenile judges as ex officio, nonvoting members of the Juvenile Justice Planning Advisory Council. Page 36, Line 42
- Repeals the Medical Assistance Quality Improvement Council. Page 37, Line 23
- Allows a city that is subject to a judgment, court-approved settlement, court-approved compromise, refund, or other required return of previously collected franchise fee revenue to impose a franchise fee at the rate of up to 7.5% for any seven-year time period beginning July 1, 2012, through June 30, 2030. Requires that an ordinance increasing the rate to greater than 5.0% must be approved by referendum. Page 37, Line 26
- Extends the Early Intervention Block Grant Program to July 1, 2013. Under current law, the Program would be repealed July 1, 2012. Page 39, Line 23
- Establishes licensing requirements for insurance navigators overseen by the Commissioner of Insurance. Page 40, Line 39
- Creates a State Income Tax exemption for capital gains earned from the sale of employer securities to a qualified Iowa Employee Stock Ownership Plan (ESOP). The exemption will reduce individual income taxes owed to the State by qualified taxpayers and reduce General Fund revenues by an estimated \$500,000 per year beginning in FY 2013. Page 47, Line 25

SUPPLEMENTAL APPROPRIATIONS

- Provides a \$320,000 FY 2012 supplemental appropriation from the General Fund for the preservation and Page 28, Line 32

restoration of the Iowa Memorial at Vicksburg National Military Park in Mississippi.

- Provides a \$2.9 million FY 2012 supplemental appropriation from the Economic Emergency Fund for costs associated with the Missouri River flood damage at State parks.

Page 29, Line 3

House File 2465 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
2	36	3	Amend	97A.11A.1	
6	39	15	New	15E.71	
7	10	16	Strike	16.27.4,5	
7	12	17	Amend	16.27.6	
7	29	18	New	17A.6A	
8	6	19	Strike and Replace	17A.7.2	
8	21	20	Amend	17A.8.4	
8	41	21	Amend	97B.52A.1.c.(2).(b)	
9	7	22	Amend Free-form	123.49.2.d	
9	30	23	Add	256C.4.1.g,h	
10	6	24	Amend	257.35.7	
10	17	25	Amend	257.37.1,2	
11	6	26	Amend	261.93	
11	43	27	Amend	261.93A	
12	18	28	Amend	261.95.1	
12	30	29	Amend Free-form	321.20B.6	
13	7	31	Amend	422.11D.2	
13	31	32	Amend	476C.3.4.b	
14	16	33	Add	476C.3.4A	
14	28	34	Amend	507.14.4	
14	41	35	Amend	511.8.19	
15	41	36	New	514C.29	
16	34	37	Add	598.41.3.k	
18	25	47	Amend Free-form	105.2.8	
19	7	49	Amend Free-form	135C.6.8.a,b	
20	5	51	Amend	152B.2.1.a.(2)	
20	16	52	Amend	152B.3.1.u1	
20	24	53	Amend	152B.3.2	
20	31	54	Amend	152B.4	
20	43	55	Amend	161A.63	
21	23	56	Amend	203C.14	
22	26	57	Amend Free-form	249A.12.5.a.u1	
23	41	61	Amend	273.2.3	
24	31	65	Amend	321I.7.3	
26	1	72	Amend	508.37.5.c	
26	26	74	Amend	536A.10	
27	10	75	Amend	602.9202.4	
29	29	91	Amend	907.3.3.u1	

House File 2465 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
30	22	94	Amend	161A.35.u1	
30	33	95	Amend	311.17.1	
31	8	96	Amend	311.19.u1	
31	16	97	Amend	331.384.3	
31	24	98	Amend	357.20	
31	37	99	Amend	358.16.3	
32	2	100	Amend	364.13	
32	11	101	Amend	384.60.1.b	
32	16	102	Amend	384.65.1	
32	26	103	Amend	435.24.6.b	
33	4	104	Amend	445.36A.2	
33	25	105	Amend Free-form	445.57.u1	
33	42	106	Amend	446.32	
34	22	107	Amend	468.57.1	
36	4	108	Amend	28B.1.1.u1	
36	12	109	Amend	28B.4	
36	42	110	Amend	216A.132.1.c	
37	23	111	Repeal	249A.36	
37	26	112	Amend	364.2.4.f	
39	1	113	Add	384.3A.3.j	
39	23	115	Amend	256D.9	
39	31	117	Amend	8D.10	
39	41	118	Amend	262.93	
40	12	119	Amend	263.19	
40	26	120	Amend	432.13	
40	39	121	New	522D.1	
41	4	122	New	522D.2	
41	8	123	New	522D.3	
41	14	124	New	522D.4	
41	32	125	New	522D.5	
42	20	126	New	522D.6	
43	15	127	New	522D.7	
45	29	128	New	522D.8	
46	4	129	New	522D.9	
47	1	130	New	522D.10	
47	5	131	New	522D.11	
47	14	132	New	522D.12	
47	25	133	Add	422.7.21.e	

1 10 DIVISION I
 1 11 STANDING APPROPRIATIONS AND RELATED MATTERS

1 12 Section 1. GENERAL ASSEMBLY. The appropriations made
 1 13 pursuant to section 2.12 for the expenses of the general
 1 14 assembly and the legislative agencies for the fiscal year
 1 15 beginning July 1, 2012, and ending June 30, 2013, are reduced
 1 16 by the following amount:
 1 17 \$ 1,672,924

Reduces the FY 2013 standing appropriation for the Legislative Branch by \$1,672,924

 DETAIL: The FY 2013 Legislative Branch budget is estimated at \$35,900,000. This requirement reduces the budget to \$34,227,076 and represents a decrease of \$1,522,924 compared to estimated net FY 2012.

1 18 Sec. 2. 2011 Iowa Acts, chapter 131, section 42, is amended
 1 19 to read as follows:
 1 20 SEC. 42. LIMITATION OF STANDING APPROPRIATIONS.
 1 21 Notwithstanding the standing appropriations in the following
 1 22 designated sections for the fiscal year beginning July 1, 2012,
 1 23 and ending June 30, 2013, the amounts appropriated from the
 1 24 general fund of the state pursuant to these sections for the
 1 25 following designated purposes shall not exceed the following
 1 26 amounts:

CODE: Limits selected FY 2013 standing appropriations to specified amounts.

1 27 1. For operational support grants and community cultural
 2 1 grants under section 99F.11, subsection 3, paragraph "d",
 2 2 subparagraph (1):
 2 3 \$ 208,351
 2 4 416,702

Limits the General Fund appropriation to the Department of Cultural Affairs (DCA) for operational support grants and community cultural grants to \$416,702.

DETAIL: This is an increase of \$208,351 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. The revised FY 2013 appropriation represents the same level of funding compared to estimated net FY 2012. Iowa Code section 99F.11 funds this Program with wagering tax revenues that are deposited in the General Fund and then appropriated to the DCA.

2 5 2. For regional tourism marketing under section 99F.11,
 2 6 subsection 3, paragraph "d", subparagraph (2):
 2 7 \$ 405,153
 2 8 810,306

Limits the General Fund appropriation to the Department of Economic Development (DED) for regional tourism marketing to \$810,306.

DETAIL: This is an increase of \$405,153 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. The revised FY 2013 appropriation represents the same level of funding compared to estimated net FY 2012. Iowa Code section 99F.11 funds this Program with wagering tax revenues that are deposited in the General Fund and then appropriated to the Economic Development Authority.

2 9 ~~3. For the center for congenital and inherited disorders~~
 2 10 ~~central registry under section 144.13A, subsection 4, paragraph~~

Restores the General Fund appropriation to the Department of Public Health (DPH) for the Center for Congenital and Inherited Disorders

2 11 ~~“a”:~~
 2 12 \$ 85,560

Central Registry to the estimated statutory level of \$232,500.

DETAIL: This is an estimated increase of \$146,940 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. The revised FY 2013 appropriation represents an increase of \$61,379 compared to estimated net FY 2012.

2 13 ~~4. For primary and secondary child abuse prevention~~
 2 14 ~~programs under section 144.13A, subsection 4, paragraph “a”:~~
 2 15 \$ 108,886

Restores the General Fund appropriation to the Department of Human Services (DHS) for Child Abuse Prevention Programs to the estimated statutory level of \$232,500.

DETAIL: This is an increase of \$123,614 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. The revised FY 2013 appropriation represents an increase of \$14,728 compared to estimated net FY 2012.

2 16 5. For programs for at-risk children under section 279.51:
 2 17 \$ 5,364,446
 2 18 10,728,891
 2 19 The amount of any reduction in this subsection shall be
 2 20 prorated among the programs specified in section 279.51,
 2 21 subsection 1, paragraphs “a”, “b”, and “c”.

Limits the General Fund appropriation to the Department of Education for Children At-Risk Programs to \$10,728,891. Requires the reduction to be prorated among the programs specified in statute that are to receive funding.

DETAIL: This is an increase of \$5,364,445 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. The revised FY 2013 appropriation represents the same level of funding compared to estimated net FY 2012.

2 22 6. For payment for nonpublic school transportation under
 2 23 section 285.2:
 2 24 \$ 7,060,931
 2 25 If total approved claims for reimbursement for nonpublic
 2 26 school pupil transportation exceed the amount appropriated in
 2 27 accordance with this subsection, the department of education
 2 28 shall prorate the amount of each approved claim.

This appropriation, for nonpublic school transportation, was limited to \$7,060,931 in SF 533 (Standing Appropriation Act) during the 2011 Legislative Session and is not being changed in this Act.

DETAIL: Maintains the current level of funding.

2 29 7. For the enforcement of chapter 453D relating to tobacco
 2 30 product manufacturers under section 453D.8:
 2 31 \$ 9,208
 2 32 18,416

Limits the General Fund appropriation to the Department of Revenue for tobacco reporting enforcement to \$18,416.

DETAIL: This is an increase of \$9,208 compared to the amount enacted for FY 2013 during the 2011 Legislative Session. This amount matches the appropriation for FY 2012.

2 33 8. For reimbursement for the homestead property tax credit
 2 34 under section 425.1:
 2 35 \$ 106,983,518

Limits the General Fund standing appropriation for the Homestead Property Tax Credit to \$106,983,518 for FY 2013.

DETAIL: The projected need for the Homestead Property Tax Credit is estimated to be \$135,000,000 for FY 2013. The appropriation in this Act funds the Tax Credit at \$28,016,482 below the projected need. In addition, the appropriation for FY 2013 represents a increase of \$20,795,131 compared to the estimated net appropriation for FY 2012.

2 36 Sec. 3. Section 97A.11A, subsection 1, Code 2011, is amended
2 37 to read as follows:
2 38 1. Beginning with the fiscal year commencing July 1, 2012
2 39 2013, and ending June 30 of the fiscal year during which the
2 40 board determines that the system's funded ratio of assets
2 41 to liabilities is at least eighty-five percent, there is
2 42 appropriated from the general fund of the state for each fiscal
2 43 year to the retirement fund described in section 97A.8, an
3 1 amount equal to five million dollars.

CODE: Delays the implementation of a \$5,000,000 General Fund standing appropriation from FY 2013 to FY 2014 for the Public Safety Peace Officers' Retirement System (PORS).

DETAIL: During the 2010 Legislative Session, HF 2518 (Public Pension Retirement Act) established a standing limited appropriation of \$5,000,000 per year for the PORS beginning in FY 2013. The appropriation is to continue until the PORS Fund reaches an 85.00% funded ratio. The current funded ration is 62.90%.

3 2 DIVISION II
3 3 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

3 4 Sec. 4. WATERSHED IMPROVEMENT FUND — APPROPRIATION. There
3 5 is appropriated from the rebuild Iowa infrastructure fund to
3 6 the department of agriculture and land stewardship for the
3 7 fiscal year beginning July 1, 2012, and ending June 30, 2013,
3 8 the following amount, or so much thereof as is necessary, to be
3 9 used for the purposes designated, notwithstanding section 8.57,
3 10 subsection 6, paragraph "c":
3 11 For deposit in the watershed improvement fund created in
3 12 section 466A.2:
3 13 \$ 1,000,000

General Fund appropriation to the Department of Agriculture and Land Stewardship (DALs) for the Watershed Improvement Review Board (WIRB).

DETAIL: The WIRB was established in FY 2006 and has received annual funding from several sources; however, no funding was appropriated for FY 2012. The WIRB Board is administered by the DALs and approves projects. The purposes of the watershed improvement fund include:

- Enhancement of water quality in the State through a variety of impairment-based, locally directed watershed improvement grant projects.
- Positively affecting the management and use of water for the purposes of drinking, agriculture, recreation, sport, and economic development.
- Ensuring public participation in the process of determining priorities related to water quality.

3 14 Sec. 5. TUITION GRANTS — FOR-PROFIT ACCREDITED PRIVATE
3 15 INSTITUTIONS.
3 16 1. There is appropriated from the general fund of the state
3 17 to the college student aid commission for the fiscal year
3 18 beginning July 1, 2012, and ending June 30, 2013, the following
3 19 amount, or so much thereof as is necessary, to be used for the
3 20 purposes designated:

General Fund appropriation to the College Student Aid Commission for tuition grants to for-profit private institutions.

DETAIL: The Commission is also receiving an appropriation in SF 2321 (FY 2013 Education Appropriations Act) of \$2,000,000 for FY 2013 for the Tuition Grant Program for for-profit private institutions.

3 21 For tuition grants for students attending for-profit
 3 22 accredited private institutions located in Iowa under 261.25,
 3 23 subsection 2:
 3 24 \$ 500,000
 3 25 2. Moneys appropriated in this section shall supplement and
 3 26 not supplant moneys appropriated in section 261.25, subsection
 3 27 2, for the fiscal year beginning July 1, 2012, and ending June
 3 28 30, 2013.

3 29 Sec. 6. IOWA READING RESEARCH CENTER. There is appropriated
 3 30 from the general fund of the state to the department of
 3 31 education for the fiscal year beginning July 1, 2012, and
 3 32 ending June 30, 2013, the following amount, or so much thereof
 3 33 as is necessary, to be used for the purposes designated:
 3 34 For establishing an Iowa reading research center pursuant to
 3 35 2012 Iowa Acts, Senate File 2284, if enacted:
 3 36 \$ 2,000,000

General Fund appropriation to the Department of Education for establishing an Iowa Reading Research Center.

DETAIL: Senate File 2284 (Education Reform Act) requires the director of the Department of Education to establish an Iowa Reading Research Center, subject to an appropriation by the General Assembly. The purpose of the Center is to apply current literacy research and develop reading instructional strategies for prekindergarten through twelfth grade students. Requires the Center to focus efforts on kindergarten through third grade literacy and work with the Department of Education to provide technical assistance to Iowa schools to help students achieve literacy proficiency goals.

3 37 Sec. 7. JOINT STATE-FEDERAL MORTGAGE SERVICING SETTLEMENT
 3 38 MONEYS — APPROPRIATIONS.

3 39 1. A mortgage servicing settlement fund is established,
 3 40 separate and apart from all other public moneys or funds of
 3 41 the state, under the control of the department of justice.
 3 42 The department of justice shall deposit moneys received
 3 43 by the department from the joint state-federal mortgage
 4 1 servicing settlement into the fund. The department of
 4 2 justice is authorized to make expenditures of moneys in the
 4 3 fund consistent with the terms of the consent decree signed
 4 4 in federal court on April 5, 2012. Any unencumbered or
 4 5 unobligated moneys remaining in the fund on June 30, 2015,
 4 6 shall be transferred to the general fund of the state.

Creates the Mortgage Servicing Settlement Fund under the control of the Department of Justice. Requires the funds to be used for purposes consistent with the terms of the Joint State-Federal Mortgage Servicing Settlement Consent Decree. Requires any moneys remaining in the Fund at the close of FY 2015 to revert to the General Fund.

DETAIL: Iowa's share of the settlement is approximately \$14,000,000.

4 7 2. A banking division mortgage servicing settlement fund is
 4 8 established, separate and apart from all other public moneys
 4 9 or funds of the state, under the control of the division of
 4 10 banking of the department of commerce. The banking division
 4 11 shall deposit moneys received by the division from the joint
 4 12 state-federal mortgage servicing settlement into the fund.
 4 13 Moneys deposited in the fund are appropriated to the banking
 4 14 division to be used as provided in a financial plan developed
 4 15 by the superintendent of banking and approved by the department
 4 16 of management to support state financial regulation, including

Creates the Banking Division Mortgage Servicing Settlement Fund under the control of the Banking Division of the Department of Commerce. Requires that moneys received by the Division from the Joint State-Federal Mortgage Servicing Settlement be deposited in the Fund. Moneys in the Fund are to be used for services regulated by the Banking Division including; mortgage lending, real estate appraisal, state chartered banks, and other financial services. Allows the funds to be used for financial literacy efforts. Requires any moneys remaining in the Fund at the close of FY 2014 to revert to the General Fund.

4 17 oversight of mortgage lending and mortgage servicing, real
 4 18 estate and real estate appraisal, state chartered banks,
 4 19 and other financial services regulated by the division of
 4 20 banking. Moneys in the fund may also be used to support
 4 21 financial literacy efforts. The financial plan may be updated
 4 22 periodically as provided by the superintendent and approved by
 4 23 the department of management. Notwithstanding section 8.33,
 4 24 moneys in the fund that remain unencumbered or unobligated at
 4 25 the close of a fiscal year shall not revert but shall remain
 4 26 available for expenditure for the purposes designated until
 4 27 the close of the fiscal year that begins July 1, 2014. Any
 4 28 unencumbered or unobligated moneys remaining in the fund on
 4 29 June 30, 2015, shall be transferred to the general fund of the
 4 30 state.

4 31 3. There is appropriated from the mortgage servicing
 4 32 settlement fund to the department of management for the fiscal
 4 33 year beginning July 1, 2012, and ending June 30, 2013, the
 4 34 following amount, or so much thereof as is necessary, to be
 4 35 used for the purposes designated:
 4 36 For deposit in the rebuild Iowa infrastructure fund:
 4 37 \$ 1,000,000

Mortgage Servicing Settlement Fund appropriation to the Department of Management for deposit in the Rebuild Iowa Infrastructure Fund (RIIF).

4 38 4. a. The department of justice shall submit a report to
 4 39 the general assembly detailing the expenditure of moneys from
 4 40 the mortgage servicing settlement fund by the department of
 4 41 justice for the previous calendar year and how the expenditures
 4 42 related to the implementation, monitoring, or enforcement
 4 43 of the settlement and how expenditures in the current and
 5 1 succeeding calendar year will be used for implementation,
 5 2 monitoring, or enforcement of the settlement. The initial
 5 3 report shall be submitted on or before January 15, 2013.

Requires the Department of Justice to submit a report to the General Assembly on the expenditure of moneys from the Mortgage Servicing Settlement Fund by January 15, 2013.

5 4 b. The division of banking shall submit a report to the
 5 5 general assembly detailing the expenditure of moneys from the
 5 6 banking division mortgage servicing settlement fund by the
 5 7 division of banking for the previous calendar year and how
 5 8 the expenditures related to the implementation, monitoring,
 5 9 or enforcement of the settlement and how expenditures in
 5 10 the current and succeeding calendar year will be used for
 5 11 implementation, monitoring, or enforcement of the settlement.
 5 12 The initial report shall be submitted on or before January 15,
 5 13 2013.

Requires the Division on Banking to submit a report to the General Assembly on the expenditure of moneys from the Division on Banking Mortgage Servicing Settlement Fund by January 15, 2013.

5 14 Sec. 8. DEPARTMENT OF PUBLIC HEALTH — IOWA YOUTH SUICIDE
 5 15 PREVENTION PROGRAM. There is appropriated from the general
 5 16 fund of the state to the department of public health for the

5 17 fiscal year beginning July 1, 2012, and ending June 30, 2013,
5 18 the following amount, or so much thereof as is necessary, to be
5 19 used for the purposes designated:

5 20 To contract for a program to develop an Iowa youth suicide
5 21 prevention program:
5 22 \$ 50,000

5 23 1. The department shall establish a request for proposals
5 24 process which shall be based upon specifications established
5 25 under a suicide prevention plan for youth who are targets
5 26 of bullying, which was developed in partnership with the
5 27 department during the 2011-2012 fiscal year and shall
5 28 include but is not limited to an antibullying internet site,
5 29 internet-based communications including texting capabilities,
5 30 and a telephone hotline.

5 31 2. The department shall submit to the general assembly
5 32 a progress report on or before January 15, 2013, providing a
5 33 detailed analysis of the program, its budgetary requirements,
5 34 and the department's findings and recommendations for
5 35 continuation of the program.

5 36 Sec. 9. PLUMBERS — LICENSE EXTENSIONS. Until January 1,
5 37 2013, the plumbing and mechanical systems board shall grant a
5 38 one-time renewal of an expired license if the person holding
5 39 the expired license demonstrates successful passage of a
5 40 municipal or block examination. For any licensee receiving a
5 41 renewal under this section, the board shall clearly state in
5 42 any correspondence for succeeding license renewals that the
5 43 provisions of Code section 105.20 shall apply.

Requires the Plumbing and Mechanical Systems Board to grant a onetime renewal of an expired license on the condition that the person with the expired license pass a required examination. Requires that the one-time license renewal can only be granted until January 1, 2013.

6 1 Sec. 10. 2007 Iowa Acts, chapter 219, section 2, subsection
6 2 2, paragraph a, as enacted by 2011 Iowa Acts, chapter 133,
6 3 section 32, is amended to read as follows:

6 4 a. Notwithstanding section 8.33, moneys appropriated
6 5 in section 1, subsection 1, paragraphs "a" and "f" of this
6 6 division of this Act that remain unencumbered or unobligated at
6 7 the close of the fiscal year for which they were appropriated
6 8 shall not revert but shall remain available for the purposes
6 9 designated until the close of the fiscal year that begins July
6 10 1, ~~2011~~ 2012, or until the project for which the appropriation
6 11 was made is completed, whichever is earlier.

CODE: Extends the reversion of the FY 2008 RIIF appropriations to the Department of Administrative Services (DAS) for costs associated with leases and relocation of State agencies located off the Capitol Complex and with the restoration and development of the West Capitol Terrace through the end of FY 2013.

DETAIL: The DAS received appropriations of \$1,824,500 for leases and relocation and \$1,600,000 for Phase II of the restoration and development of the West Capitol Terrace. The relocation and tenant improvement work, including work at the Iowa and Wallace Buildings, has been delayed while the DAS evaluates use of downtown space, and the Iowa and Wallace Buildings. Pending direction from the Governor and the General Assembly on the potential demolition of the Iowa Building and remodeling of the Wallace Building, DAS will complete the use of these funds. Additional work on the West Capitol Terrace project was delayed until the DAS received further direction on the demolition or sale of 707/709 E. Locust Street (Rowhouse and

<p>6 12 Sec. 11. 2010 Iowa Acts, chapter 1193, section 29, 6 13 subsection 2, as enacted by 2011 Iowa Acts, chapter 127, 6 14 section 54, is amended to read as follows: 6 15 2. Notwithstanding section 8.33, moneys appropriated in 6 16 this section that remain unencumbered or unobligated at the 6 17 close of the fiscal year ending June 30, 2011, shall not revert 6 18 but shall remain available for expenditure for the purposes 6 19 designated until the close of the fiscal year ending June 30, 6 20 2012 <u>2013</u>.</p> <p>6 21 Sec. 12. 2011 Iowa Acts, chapter 127, section 72, subsection 6 22 4, paragraph b, unnumbered paragraph 1, as amended by 2012 Iowa 6 23 Acts, Senate File 2313, section 13, if enacted, is amended to 6 24 read as follows: 6 25 The department shall, in coordination with the health 6 26 facilities division, make the following information available 6 27 to the public <u>by December 31, 2012</u>, as part of the department's 6 28 development efforts to revise the department's internet 6 29 website:</p> <p>6 30 Sec. 13. 2012 Iowa Acts, House File 675, section 28, 6 31 subsection 2, is amended to read as follows: 6 32 2. The notice provisions contained in this Act <u>relating to</u> 6 33 <u>residential construction</u> apply only to material furnished or 6 34 labor performed after the effective date of this Act.</p> <p>6 35 Sec. 14. 2012 Iowa Acts, Senate File 2289, as enacted, is 6 36 amended by adding the following new section: 6 37 SEC. ____ EFFECTIVE UPON ENACTMENT. This Act, being deemed 6 38 of immediate importance, takes effect upon enactment.</p> <p>6 39 Sec. 15. NEW SECTION 15E.71 EXECUTIVE COUNCIL ACTION. 6 40 Notwithstanding section 7D.29, subsection 1, the executive 6 41 council in full consultation with the attorney general, 6 42 and with the agreement of the attorney general, shall take 6 43 any action deemed necessary to protect the interests of the</p>	<p>Community College Trustees buildings). The Rowhouse is being sold and will be moved to the East Village. The Community College Trustees building will be demolished. Once action on the properties is completed in 2012, the Phase II work for the West Capitol Terrace will continue. The two DAS appropriations received an extension on reversions in the 2011 Legislative Session.</p> <p>CODE: Extends the carry forward of the \$2,300,000 FY 2011 General Fund appropriation to the DAS for implementing the government information technology services provisions in SF 2088 (Government Reorganization and Efficiency Act) to the end of FY 2013.</p> <p>DETAIL: This is the second year for the carry forward. The amount carried forward into FY 2012 was \$1,455,251. Through March 2012, \$226,840 has been expended. It is projected that \$1,153,000 will carry forward to FY 2013.</p> <p>CODE: Adds a specific date of December 31, 2012, for the Department of Inspections and Appeals (DIA) to provide information related to health facilities inspections available to the public on their website.</p> <p>DETAIL: The original language allowed the DIA until the end of FY 2013, so this change moves up the deadline by six months.</p> <p>CODE: Technical clarification concerning mechanics' liens to conform the Iowa Code to the current practice.</p> <p>Adds effective on enactment language to SF 2289 (Disaster Case Management Act) making the provisions retroactive to April 12, 2012.</p> <p>DETAIL: This change will allow the changes made in SF 2289 to the Disaster and Individual Assistance Grant Program to cover tornado damage that occurred on April 14, 2012.</p> <p>CODE: Allows the Executive Council to take any action deemed necessary to protect the interests of the State in regards to certificates, tax credits, entities created, or action taken in relation to the Iowa Capital Investment Board and the Iowa Fund of Funds.</p>
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7 1 state with respect to any certificates, tax credits, entities
 7 2 created, or action taken in relation to this division. Such
 7 3 actions may include but are not limited to initiation of legal
 7 4 action, commencement of special investigations, institution
 7 5 of special audits of any involved entity, or establishment of
 7 6 receiverships. If such action is taken, the council may incur
 7 7 the necessary expense to perform such a duty or cause such a
 7 8 duty to be performed, and pay the same out of any money in the
 7 9 state treasury not otherwise appropriated.

7 10 Sec. 16. Section 16.27, subsections 4 and 5, Code 2011, are
 7 11 amended by striking the subsections.

CODE: Eliminates certain bond reserve fund reporting requirements and certain repayment requirements of the Iowa Finance Authority (IFA).

FISCAL IMPACT: No fiscal impact.

7 12 Sec. 17. Section 16.27, subsection 6, Code 2011, is amended
 7 13 to read as follows:

7 14 6. The authority shall cause to be delivered to the
 7 15 legislative fiscal committee within ninety days of the close of
 7 16 its fiscal year its annual report certified by an independent
 7 17 certified public accountant (who may be the accountant or a
 7 18 member of the firm of accountants who regularly audits the
 7 19 books and accounts of the authority) selected by the authority.
 7 20 ~~In the event that the principal amount of any bonds or notes~~
 7 21 ~~deposited in a bond reserve fund is withdrawn for payment of~~
 7 22 ~~principal or interest thereby reducing the amount of that fund~~
 7 23 ~~to less than the bond reserve fund requirement, the authority~~
 7 24 ~~shall immediately notify the general assembly of this event and~~
 7 25 ~~shall thereafter take steps to restore such bond reserve to the~~
 7 26 ~~bond reserve fund requirement for that fund from any amounts~~
 7 27 ~~available, other than principal of a bond issue, which are not~~
 7 28 ~~pledged to the payment of other bonds or notes.~~

CODE: Removes the "Moral Obligation" provision from the Iowa Code section pertaining to debt service requirements on IFA bonds.

7 29 Sec. 18. NEW SECTION 17A.6A RULEMAKING INTERNET SITE.

7 30 1. Subject to the direction of the administrative rules
 7 31 coordinator, each agency shall make available to the public
 7 32 a uniform, searchable, and user-friendly rules database,
 7 33 published on an internet site.

7 34 2. An agency's rulemaking internet site shall also make
 7 35 available to the public all of the following:

7 36 a. A brief summary of the rulemaking process, including a
 7 37 description of any opportunity for public participation in the
 7 38 process.

7 39 b. Process forms for filing comments or complaints
 7 40 concerning proposed or adopted rules.

CODE: Directs each agency to make available to the public a uniform, searchable, and user-friendly internet-based administrative rules database. The Administrative Rules Coordinator is directed to create a uniform format for the administrative rules internet sites. The internet sites must also include:

- Brief summary of the rulemaking process and opportunities for public input.
- Comment or complaint forms.
- Forms and instructions for filing a petition for rulemaking, petition for a declaratory order, and a request of a waiver of an administrative rule.

7 41 c. Process forms and instructions for filing a petition for
 7 42 rulemaking, a petition for a declaratory order, or a request
 7 43 for a waiver of an administrative rule.
 8 1 d. Any other material prescribed by the administrative rules
 8 2 coordinator.
 8 3 3. To the extent practicable, the administrative rules
 8 4 coordinator shall create a uniform format for rulemaking
 8 5 internet sites.

8 6 Sec. 19. Section 17A.7, subsection 2, Code 2011, is amended
 8 7 by striking the subsection and inserting in lieu thereof the
 8 8 following:
 8 9 2. Beginning July 1, 2012, over each five-year period of
 8 10 time, an agency shall conduct an ongoing and comprehensive
 8 11 review of all of the agency's rules. The goal of the review is
 8 12 the identification and elimination of all rules of the agency
 8 13 that are outdated, redundant, or inconsistent or incompatible
 8 14 with statute or its own rules or those of other agencies.
 8 15 An agency shall commence its review by developing a plan of
 8 16 review in consultation with major stakeholders and constituent
 8 17 groups. When the agency completes its five-year review of its
 8 18 rules, the agency shall provide a summary of the results to the
 8 19 administrative rules coordinator and the administrative rules
 8 20 review committee.

8 21 Sec. 20. Section 17A.8, subsection 4, Code 2011, is amended
 8 22 to read as follows:
 8 23 4. a. The committee shall ~~choose a chairperson from its~~
 8 24 ~~membership and~~ prescribe its rules of procedure. The committee
 8 25 may employ a secretary or may appoint the administrative code
 8 26 editor or a designee to act as secretary.
 8 27 b. The chairperson of the committee shall be chosen as
 8 28 provided in this paragraph. For the term commencing with the
 8 29 convening of the first regular session of each general assembly
 8 30 and ending upon the convening of the second regular session
 8 31 of that general assembly, the chairperson shall be chosen by
 8 32 the committee from its members who are members of the house of
 8 33 representatives. For the term commencing with the convening
 8 34 of the second regular session of each general assembly and
 8 35 ending upon the convening of the first regular session of the
 8 36 next general assembly, the chairperson shall be chosen by the
 8 37 committee from its members who are members of the senate. A
 8 38 vacancy shall be filled in the same manner as the original
 8 39 appointment and shall be for the remainder of the unexpired
 8 40 term of the vacancy.

- Other materials prescribed by the Administrative Rules Coordinator.

FISCAL IMPACT: Minimal impact to the General Fund. Most agencies currently have sections of their websites dedicated to the administrative rules process. Agencies may need to update, improve, or consolidate sections of their website to conform to the uniform format created by the Administrative Rules Coordinator.

CODE: Removes Iowa Code language pertaining to requests for a formal review of agencies' administrative rules and inserts language requiring a complete, formal review of agencies' administrative rules every five years. A plan of review is to be created with input from major stakeholders and constituent groups. At the conclusion of a five-year review, a summary report is to be provided to the Administrative Rules Coordinator and Administrative Rules Review Committee.

FISCAL IMPACT: Minimal fiscal impact to the General Fund. Most agencies currently review administrative rules on an ongoing basis and could meet the five-year review process with little or no additional resources.

CODE: Amends the process for selecting the Administrative Rules Review Committee Chairperson. The Chairperson during the first regular session of each General Assembly is to be chosen by the members from the House of Representatives. The Chairperson during the second regular session of each General Assembly is to be chosen by the members from the Senate. Vacancies are to be filled in the same manner.

8 41 Sec. 21. Section 97B.52A, subsection 1, paragraph c,
8 42 subparagraph (2), subparagraph division (b), Code 2011, is
8 43 amended to read as follows:

9 1 (b) For a member whose first month of entitlement is July
9 2 2004 or later, but before July ~~2012~~ 2014, covered employment
9 3 does not include employment as a licensed health care
9 4 professional by a public hospital as defined in section 249J.3,
9 5 with the exception of public hospitals governed pursuant to
9 6 chapter 226.

9 7 Sec. 22. Section 123.49, subsection 2, paragraph d, Code
9 8 Supplement 2011, is amended to read as follows:

9 9 d. (1) Keep on premises covered by a liquor control license
9 10 any alcoholic liquor in any container except the original
9 11 package purchased from the division, and except mixed drinks
9 12 or cocktails mixed on the premises for immediate consumption
9 13 on the licensed premises or as otherwise provided by this
9 14 paragraph "d". This prohibition does not apply to common
9 15 carriers holding a class "D" liquor control license.
9 16 (2) Mixed drinks or cocktails mixed on the premises that are
9 17 not for immediate consumption may be consumed on the licensed
9 18 premises subject to the requirements of this subparagraph
9 19 pursuant to rules adopted by the division. The rules shall
9 20 provide that the mixed drinks or cocktails be stored, for
9 21 no longer than seventy-two hours, in a labeled container in
9 22 a quantity that does not exceed three gallons. The rules
9 23 shall also provide that added flavors and other nonbeverage
9 24 ingredients included in the mixed drinks or cocktails shall not
9 25 include hallucinogenic substances or added caffeine or other
9 26 added stimulants including but not limited to guarana, ginseng,
9 27 and taurine. In addition, the rules shall require that the
9 28 licensee keep records as to when the contents in a particular
9 29 container were mixed and the recipe used for that mixture.

9 30 Sec. 23. Section 256C.4, subsection 1, Code 2011, is amended
9 31 by adding the following new paragraphs:

9 32 NEW PARAGRAPH g. For the fiscal year beginning July
9 33 1, 2011, and each succeeding fiscal year, of the amount of
9 34 preschool foundation aid received by a school district for
9 35 a fiscal year in accordance with section 257.16, not more
9 36 than five percent may be used by the school district for
9 37 administering the district's approved local program.

9 38 NEW PARAGRAPH h. For the fiscal year beginning July
9 39 1, 2012, and each succeeding fiscal year, of the amount of
9 40 preschool foundation aid received by a school district for a
9 41 fiscal year in accordance with section 257.16, not less than

CODE: Extends the bona fide retirement exception under the Iowa Public Employees Retirement System (IPERS) for licensed health care professionals for two years.

DETAIL: Current law allows licensed health care professionals to retire with IPERS benefits and return to work in one month. The exception sunsets June 30, 2012. This legislation extends the exception for two years.

CODE: Permits bars and restaurants with a liquor license to create "infused spirits." These are currently prohibited. This is a process of mixing liquors and various flavorings and ingredients to create new cocktails and drinks and aging the mixture for up to 72 hours. The volumes that may be mixed, labeling, and recordkeeping are to be specified in administrative rules.

CODE: Beginning in FY 2012, up to 5.00% of preschool foundation aid received by a school district may be used for administering the Program. Beginning in FY 2013, at least 95.00% of the preschool formula foundation aid is to be paid to the community-based provider for the approved local program. Additionally, beginning in FY 2012, not more than 5.00% of the funding paid to the community-based provider may be used for provider administrative costs.

Based on estimated FY 2013 preschool formula aid total of \$59,700,000:

- Approximately \$3,000,000 may be used by school districts for the costs of administration.

9 42 ninety-five percent of the per pupil amount shall be passed
 9 43 through to a community-based provider for each pupil enrolled
 10 1 in the district's approved local program. For the fiscal year
 10 2 beginning July 1, 2011, and each succeeding fiscal year, not
 10 3 more than five percent of the amount of preschool foundation
 10 4 aid passed through to a community-based provider may be used by
 10 5 the community-based provider for administrative costs.

- Approximately \$56,700,000 will be used for program funding by the school district or paid to the community-based provider.
- The amount allowed for the community-based provider administrative costs will not exceed \$2,800,000 in FY 2013.

FISCAL IMPACT: There is no fiscal impact as a result of this Section. Preschool formula aid funding and allocation amounts to school districts will not change.

10 6 Sec. 24. Section 257.35, subsection 7, Code Supplement
 10 7 2011, is amended to read as follows:
 10 8 7. Notwithstanding subsection 1, and in addition to the
 10 9 reduction applicable pursuant to subsection 2, the state aid
 10 10 for area education agencies and the portion of the combined
 10 11 district cost calculated for these agencies for the fiscal year
 10 12 beginning July 1, 2012, and ending June 30, 2013, shall be
 10 13 reduced by the department of management by ~~ten~~ twenty million
 10 14 dollars. The reduction for each area education agency shall be
 10 15 prorated based on the reduction that the agency received in the
 10 16 fiscal year beginning July 1, 2003.

CODE: Reduces the FY 2013 State aid funding to area education agencies (AEAs) by an additional \$10,000,000 (from \$10,000,000 to \$20,000,000).

DETAIL: In addition to the \$20,000,000 State aid reduction for FY 2013, the AEAs have an annual statutory reduction of \$7,500,000. The State aid reduction to AEAs will total \$27,500,000 and will result in no change compared to FY 2012.

FISCAL IMPACT: The fiscal impact of the State aid reduction to AEAs will reduce General Fund expenditures by an additional \$10,000,000 in FY 2013 compared to funding previously enacted for FY 2013.

10 17 Sec. 25. Section 257.37, subsections 1 and 2, Code 2011, are
 10 18 amended to read as follows:
 10 19 1. For the budget year beginning July 1, 1991, and
 10 20 succeeding budget years, the total amount funded in each area
 10 21 for media services shall be computed as provided in this
 10 22 subsection. For the budget year beginning July 1, 1991, the
 10 23 total amount funded in each area for media services in the base
 10 24 year, ~~including the cost for media resource material which~~
 10 25 ~~shall only be used for the purchase or replacement of material~~
 10 26 ~~required in section 273.6, subsection 1, paragraphs "a", "b",~~
 10 27 ~~and "c",~~ shall be divided by the enrollment served in the base
 10 28 year to provide an area media services cost per pupil in the
 10 29 base year, and the department of management shall compute the
 10 30 state media services cost per pupil in the base year which is
 10 31 equal to the average of the area media services costs per pupil
 10 32 in the base year. For the budget year beginning July 1, 1991,
 10 33 and succeeding budget years, the department of management shall
 10 34 compute the allowable growth for media services in the budget
 10 35 year by multiplying the state media services cost per pupil
 10 36 in the base year times the state percent of growth for the
 10 37 budget year, and the total amount funded in each area for media
 10 38 services cost in the budget year equals the area media services

CODE: Removes the requirement that 30.00% of funding for media services be spent on media resource materials. Although there is no fiscal impact, this provision may increase the amount of area education agency funding available for special education support services within each AEA.

10 39 cost per pupil in the base year plus the allowable growth for
 10 40 media services in the budget year times the enrollment served
 10 41 in the budget year. Funds shall be paid to area education
 10 42 agencies as provided in section 257.35.

10 43 2.—~~Thirty~~ Up to thirty percent of the budget of an area
 11 1 for media services ~~shall~~ may be expended for media resource
 11 2 material ~~which shall only be used for~~ including the purchase or
 11 3 replacement of material required in section 273.6, subsection
 11 4 1. Funds shall be paid to area education agencies as provided
 11 5 in section 257.35.

11 6 Sec. 26. Section 261.93, Code 2011, is amended to read as
 11 7 follows:

11 8 261.93 PROGRAM ESTABLISHED — WHO QUALIFIED.

11 9 1. An Iowa grant program is established.

11 10 2. a. A grant may be awarded to a resident of Iowa who is
 11 11 admitted and in attendance as a full-time or part-time resident
 11 12 student at an accredited higher education institution and who
 11 13 establishes financial need.

11 14 b. Top priority in awarding program grants shall be given to
 11 15 a qualified student who is a resident of Iowa: is under the age
 11 16 of twenty-six, or the age of thirty if the student is a veteran
 11 17 who is eligible for benefits, or has exhausted the benefits,
 11 18 under the federal Post-9/11 Veterans Educational Assistance Act
 11 19 of 2008; is not a convicted felon as defined in section 910.15;
 11 20 and who meets any of the following criteria:

11 21 (1) Is the child of a peace officer, as defined in section
 11 22 97A.1, who was killed in the line of duty as determined by
 11 23 the board of trustees of the Iowa department of public safety
 11 24 peace officers' retirement, accident, and disability system in
 11 25 accordance with section 97A.6, subsection 16.

11 26 (2) Is the child of a police officer or a fire fighter, as
 11 27 defined in section 411.1, who was killed in the line of duty as
 11 28 determined by the statewide fire and police retirement system
 11 29 in accordance with section 411.6, subsection 15.

11 30 (3) Is the child of a sheriff or deputy sheriff as defined
 11 31 in section 97B.49C, who was killed in the line of duty as
 11 32 determined by the Iowa public employees' retirement system in
 11 33 accordance with section 97B.52, subsection 2.

11 34 (4) Is the child of a fire fighter included under section
 11 35 97B.49B, who was killed in the line of duty as determined by
 11 36 the Iowa public employees' retirement system in accordance with
 11 37 section 97B.52, subsection 2.

11 38 3. Grants awarded shall be distributed to the appropriate
 11 39 accredited higher education institution for payment of
 11 40 educational expenses, including tuition, room, board, and

CODE: Requires community colleges to waive tuition and mandatory fees for the surviving children of public safety peace officers, police officers, sheriffs, fireman, and deputy sheriffs that have died in the line of the duty.

FISCAL IMPACT: Based on FY 2012 tuition rates, the cost per qualifying student will range from \$3,072 at the least expensive community college to \$6,436 at the University of Iowa. The number of qualifying students in FY 2013 is estimated to be between three and five. The fiscal impact of this provision in FY 2013 is estimated to range from \$9,216 to \$32,180.

11 41 mandatory fees, with any balance to be distributed to the
11 42 student for whom the grant is awarded.

11 43 Sec. 27. Section 261.93A, Code 2011, is amended to read as
12 1 follows:

12 2 261.93A APPROPRIATION — PERCENTAGES.

12 3 1. Of the funds appropriated to the college student aid
12 4 commission to be allocated for the Iowa grant program for each
12 5 fiscal year, ~~thirty-seven moneys shall be distributed for~~
12 6 grants awarded to qualified students who meet the criteria
12 7 established pursuant to section 261.93, subsection 2, and the
12 8 funds remaining shall be distributed as follows:

12 9 a. ~~Thirty-seven~~and six-tenths percent shall be reserved for
12 10 students attending regents institutions, ~~twenty-five,~~

12 11 b. ~~Twenty-five~~and nine-tenths percent shall be reserved for
12 12 students attending community colleges, ~~and thirty-six,~~

12 13 c. ~~Thirty-six~~and five-tenths percent shall be reserved for
12 14 students attending private colleges and universities.

12 15 2. Funds appropriated for the Iowa grant program shall be
12 16 used to supplement, not supplant, funds appropriated for other
12 17 existing programs at the eligible institutions.

12 18 Sec. 28. Section 261.95, subsection 1, Code 2011, is amended
12 19 to read as follows:

12 20 1. The amount of a grant to a qualified full-time student
12 21 for an academic year shall be ~~the~~ as follows:

12 22 a. For a student who qualifies under section 261.93,
12 23 subsection 2, paragraph "a", the lesser of the student's
12 24 financial need for that period or up to one thousand dollars.

12 25 b. For a student who qualifies under section 261.93,
12 26 subsection 2, paragraph "b", the lesser of the student's
12 27 financial need for that period or not more than the resident
12 28 tuition rate established for institutions of higher learning
12 29 under the control of the state board of regents.

12 30 Sec. 29. Section 321.20B, subsection 6, Code 2011, is
12 31 amended to read as follows:

12 32 6. This section does not apply to a ~~snowmobile or~~
12 33 ~~all-terrain vehicle or to a~~ motor vehicle identified in section
12 34 321.18, ~~subsections 1 through 6, and subsection 1, 2, 3, 4, 5,~~
12 35 ~~6, or~~ 8.

12 36 Sec. 30. Section 418.4, subsection 3, paragraph b, as
12 37 enacted by 2012 Iowa Acts, Senate File 2217, section 5, is
12 38 amended to read as follows:

12 39 b. For projects proposing to use sales tax increment
12 40 revenues or approved by the board to use sales tax increment

CODE: Requires Iowa Grant funds to first be awarded to qualified children of peace officers, police officers, firefighters, sheriffs, or deputies that have been totally and permanently disabled or killed in the line of duty, before the remaining funds are allocated to Regents universities, community colleges, and private colleges and universities.

CODE: Requires individuals that own snowmobiles and all-terrain vehicles to maintain proof of financial responsibility and liability.

CODE: Requires projects that receive funding from the Sales Tax Increment Fund as outlined in SF 2217 (FY 2013 Flood Mitigation Act) to receive at least 20.00% of the total project cost from a federal financial assistance program administered by the federal Environmental Protection Agency, the federal Water Resources Development Act, the

12 41 revenues, the project, or an earlier phase of the project,
 12 42 has been approved to receive financial assistance in an
 12 43 amount equal to at least twenty percent of the total project
 13 1 cost or thirty million dollars, whichever is less, under a
 13 2 financial assistance program administered by the United States
 13 3 environmental protection agency, the federal Water Resources
 13 4 Development Act, the federal Clean Water Act as defined in
 13 5 section 455B.291, or other federal program providing assistance
 13 6 specifically for hazard mitigation.

federal Clean Water Act, or another federal program that provides funding specifically for hazard mitigation.

13 7 Sec. 31. Section 422.11D, subsection 2, Code 2011, is
 13 8 amended to read as follows:
 13 9 2. An individual may claim a historic preservation and
 13 10 cultural and entertainment district tax credit allowed a
 13 11 partnership, limited liability company, S corporation, estate,
 13 12 or trust electing to have the income taxed directly to the
 13 13 individual. The amount claimed by the individual shall be
 13 14 based upon the pro rata share of the individual's earnings
 13 15 of a partnership, limited liability company, S corporation,
 13 16 estate, or trust except when low-income housing tax credits
 13 17 authorized under section 42 of the Internal Revenue Code are
 13 18 used to assist in the financing of the housing development in
 13 19 which case the amount claimed by a partner if the business is a
 13 20 partnership, a shareholder if the business is an S corporation,
 13 21 or a member if the business is a limited liability company
 13 22 shall be based on the amounts designated by the eligible
 13 23 partnership, S corporation, or limited liability company.
 13 24 For tax credits reserved for a fiscal year beginning on or
 13 25 after July 1, 2012, the amount claimed by a partner if the
 13 26 business is a partnership, a shareholder if the business is
 13 27 an S corporation, or a member if the business is a limited
 13 28 liability company shall be based on the amounts designated by
 13 29 the eligible partnership, S corporation, or limited liability
 13 30 company.

CODE: Beginning July 1, 2012, permits State Historic Tax Credits awarded to the members or shareholders of a partnership, limited liability company, S corporation, estate, or trust to be allocated to the members and shareholders at the discretion of the business. Currently, the tax credits are required to be allocated based on the pro rata share of an individual's earnings from the business.

FISCAL IMPACT: State Historic Preservation Tax Credits are fully refundable so it is assumed that under current law all tax credits that are issued are redeemed. This change will not alter that assumption so the change has no fiscal impact.

13 31 Sec. 32. Section 476C.3, subsection 4, paragraph b, Code
 13 32 Supplement 2011, is amended to read as follows:
 13 33 b. The maximum amount of energy production capacity
 13 34 equivalent of all other facilities the board may find eligible
 13 35 under this chapter shall not exceed a combined output of
 13 36 fifty-three megawatts of nameplate generating capacity and
 13 37 one hundred sixty-seven billion British thermal units of heat
 13 38 for a commercial purpose. Of the maximum amount of energy
 13 39 production capacity equivalent of all other facilities found
 13 40 eligible under this chapter, no more than ten megawatts of
 13 41 nameplate generating capacity or energy production capacity

CODE: Modifies a 10 megawatt capacity set-aside that is currently in the wind energy production tax credit law. The set-aside remains at 10 megawatt, but the specific requirements that a facility must meet in order to qualify for the set-aside are amended.

13 42 equivalent shall be allocated to any one facility. Of the
 13 43 maximum amount of energy production capacity equivalent of all
 14 1 other facilities found eligible under this chapter, fifty-five
 14 2 billion British thermal units of heat for a commercial purpose
 14 3 shall be reserved for an eligible facility that is a refuse
 14 4 conversion facility for processed, engineered fuel from a
 14 5 multicounty solid waste management planning area. The maximum
 14 6 amount of energy production capacity the board may find
 14 7 eligible for a single refuse conversion facility is fifty-five
 14 8 billion British thermal units of heat for a commercial purpose.
 14 9 ~~Of the maximum amount of energy production capacity equivalent~~
 14 10 ~~of all other facilities found eligible under this chapter, an~~
 14 11 ~~amount equivalent to ten megawatts of nameplate generating~~
 14 12 ~~capacity shall be reserved for eligible renewable energy~~
 14 13 ~~facilities incorporated within or associated with an ethanol~~
 14 14 ~~cogeneration plant engaged in the sale of ethanol to states to~~
 14 15 ~~meet a low carbon fuel standard.~~
 14 16 Sec. 33. Section 476C.3, Code Supplement 2011, is amended by
 14 17 adding the following new subsection:
 14 18 NEW SUBSECTION 4A. Notwithstanding the definition
 14 19 of "eligible renewable energy facility" in section 476C.1,
 14 20 subsection 6, unnumbered paragraph 1, of the maximum amount of
 14 21 energy production capacity equivalent of all other facilities
 14 22 found eligible pursuant to subsection 4, paragraph "b", an
 14 23 amount equivalent to ten megawatts of nameplate generating
 14 24 capacity shall be reserved for natural gas cogeneration
 14 25 facilities incorporated within or associated with an ethanol
 14 26 plant to assist the ethanol plant in meeting a low carbon fuel
 14 27 standard.

14 28 Sec. 34. Section 507.14, subsection 4, Code 2011, is amended
 14 29 to read as follows:
 14 30 4. Confidential documents, materials, information,
 14 31 administrative or judicial orders, or other actions may be
 14 32 disclosed to a regulatory official of any state, federal
 14 33 agency, or foreign country provided that the recipients are
 14 34 required, under their law, to maintain their confidentiality.
 14 35 Confidential records may be disclosed to the national
 14 36 association of insurance commissioners, the international
 14 37 association of insurance supervisors, and the bank for
 14 38 international settlements provided that the ~~association~~
 14 39 ~~certifies associations and bank certify~~ by written statement
 14 40 that the confidentiality of the records will be maintained.
 14 41 Sec. 35. Section 511.8, subsection 19, Code Supplement
 14 42 2011, is amended to read as follows:
 14 43 19. OTHER FOREIGN GOVERNMENT OR CORPORATE OBLIGATIONS.

CODE: Amends the requirements for maintaining confidential documents and records during the examination of a domestic or foreign insurer to include the International Association of Insurance Supervisors (IAIS) and the Bank for International Settlements (BIS). These entities are required to maintain the confidentiality.

DETAIL: The IAIS is an organization for insurance regulators and supervisors from 140 countries. The IAIS promotes globally consistent supervision of the insurance industry in order to develop and maintain fair, safe, and stable insurance markets for the benefit and protection of policyholders, and to contribute to global financial stability. The BIS is an intergovernmental organization of central banks that promote international monetary and financial cooperation and serves as a bank for central banks, providing banking services to central banks or to international organizations like itself. As an organization of central banks, the BIS seeks to make monetary policy more predictable and

15 1 a. Bonds or other evidences of indebtedness, not to
 15 2 include currency, issued, assumed, or guaranteed by a foreign
 15 3 government other than Canada, or by a corporation incorporated
 15 4 under the laws of a foreign government other than Canada. Such
 15 5 governmental obligations must be valid, legally authorized
 15 6 and issued, and on the date of acquisition have predominantly
 15 7 investment qualities and characteristics as provided by
 15 8 rule. Such corporate obligations must meet the qualifications
 15 9 established in subsection 5 for bonds and other evidences of
 15 10 indebtedness issued, assumed, or guaranteed by a corporation
 15 11 incorporated under the laws of the United States or Canada.
 15 12 Foreign investments authorized by this subsection are not
 15 13 eligible in excess of ~~twenty~~ twenty-five percent of the
 15 14 legal reserve of the life insurance company or association.
 15 15 Investments in obligations of a foreign government, other
 15 16 than Canada ~~and~~ the United Kingdom, and foreign governments
 15 17 rated AAA by Standard and Poor's division of McGraw-Hill
 15 18 companies, inc., or Aaa by Moody's investors services, inc.,
 15 19 are not eligible in excess of two percent of the legal reserve
 15 20 in the securities of foreign governments of any one foreign
 15 21 nation. Investments in obligations of the United Kingdom are
 15 22 not eligible in excess of four percent of the legal reserve.
 15 23 Investments in obligations of foreign governments rated either
 15 24 AAA by Standard and Poor's division of McGraw-Hill companies,
 15 25 inc., or Aaa by Moody's investors services, inc., are not
 15 26 eligible in excess of five percent of the legal reserve.
 15 27 Investments in a corporation incorporated under the laws of a
 15 28 foreign government other than Canada are not eligible in excess
 15 29 of two percent of the legal reserve in the securities of any
 15 30 one foreign corporation.
 15 31 b. Eligible investments in foreign obligations under this
 15 32 subsection are limited to the types of obligations specifically
 15 33 referred to in this subsection. This subsection in no way
 15 34 limits or restricts investments in Canadian obligations and
 15 35 securities specifically authorized in other subsections of this
 15 36 section.
 15 37 c. This subsection shall not authorize investment in
 15 38 evidences of indebtedness issued, assumed, or guaranteed by a
 15 39 foreign government which engages in a consistent pattern of
 15 40 gross violations of human rights.

transparent among its 58 member central banks.

15 41 Sec. 36.NEW SECTION 514C.29 SERVICES PROVIDED BY A DOCTOR
 15 42 OF CHIROPRACTIC.
 15 43 1. Notwithstanding the uniformity of treatment requirements
 16 1 of section 514C.6, a policy, contract, or plan providing
 16 2 for third-party payment or prepayment of health or medical

CODE: Adds services provided by chiropractors to the Iowa Code chapter relating to special health and accident insurance coverage. Prohibits insurers from imposing a copayment for chiropractic services greater than that charged for medical and osteopathic physicians for similar diagnoses. Specifies the classes of insurance covered by this

16 3 expenses shall not impose a copayment or coinsurance amount on
 16 4 an insured for services provided by a doctor of chiropractic
 16 5 licensed pursuant to chapter 151 that is greater than the
 16 6 copayment or coinsurance amount imposed on the insured for
 16 7 services provided by a person engaged in the practice of
 16 8 medicine and surgery or osteopathic medicine and surgery under
 16 9 chapter 148 for the same or a similar diagnosed condition even
 16 10 if a different nomenclature is used to describe the condition
 16 11 for which the services are provided.

16 12 2. This section applies to the following classes of
 16 13 third-party payment provider policies, contracts, or plans
 16 14 delivered, issued for delivery, continued, or renewed in this
 16 15 state on or after July 1, 2012:

16 16 a. Individual or group accident and sickness insurance
 16 17 providing coverage on an expense-incurred basis.

16 18 b. An individual or group hospital or medical service
 16 19 contract issued pursuant to chapter 509, 514, or 514A.

16 20 c. An individual or group health maintenance organization
 16 21 contract regulated under chapter 514B.

16 22 d. A plan established pursuant to chapter 509A for public
 16 23 employees.

16 24 e. An organized delivery system licensed by the director of
 16 25 public health.

16 26 3. This section shall not apply to accident-only,
 16 27 specified disease, short-term hospital or medical, hospital
 16 28 confinement indemnity, credit, dental, vision, Medicare
 16 29 supplement, long-term care, basic hospital and medical-surgical
 16 30 expense coverage as defined by the commissioner, disability
 16 31 income insurance coverage, coverage issued as a supplement
 16 32 to liability insurance, workers' compensation or similar
 16 33 insurance, or automobile medical payment insurance.

16 34 Sec. 37. Section 598.41, subsection 3, Code 2011, is amended
 16 35 by adding the following new paragraph:

16 36 NEW PARAGRAPH k. Whether a parent has allowed a person
 16 37 custody or control of, or unsupervised access to a child after
 16 38 knowing the person is required to register or is on the sex
 16 39 offender registry as a sex offender under chapter 692A.

16 40 Sec. 38. REPEAL. 2012 Iowa Acts, House File 2168, section
 16 41 5, is repealed.

16 42 Sec. 39. HOUSING ENTERPRISE ZONE TAX CREDIT ISSUANCE.

16 43 1. Notwithstanding section 15E.193B, subsection 4, the
 17 1 authority may issue a tax credit to an eligible housing

section and those that are not covered.

CODE: Requires the court to consider whether a parent has allowed a person on the sex offender registry to have custody, control, or unsupervised access to a child. This provision applies if the parent knows the person is required to register as a sex offender, when considering child custody arrangements.

CODE: Repeals a Section enacted in HF 2168 regarding the authorization deposit of public funds to conform the Iowa Code to the current practice.

Allows the Economic Development Authority (EDA) to issue tax credits to a business for a project that was not completed within two years from the project start date because the city failed to file the appropriate

17 2 business for a project not completed within two years from
 17 3 the time the business began construction if a city failed to
 17 4 file the appropriate paperwork with the authority requesting
 17 5 an extension for the project pursuant to section 15E.193B,
 17 6 subsection 4.
 17 7 2. The authorization described in subsection 1 only applies
 17 8 to projects for which a city failed to file an extension
 17 9 between January 1, 2007, and January 1, 2008, and only to
 17 10 benefits earned for a project between February 8, 2005, and
 17 11 February 8, 2008.

paperwork to obtain an extension. The project must be within a city that failed to file an extension between January 1, 2007, and January 1, 2008, and only for benefits earned for work done on the project between February 8, 2005, and February 8, 2008.

FISCAL IMPACT: Minimal fiscal impact.

17 12 Sec. 40. CODE EDITOR DIRECTIVE. Sections 572.1, 572.8,
 17 13 572.10, 572.13, 572.18, 572.22, and 572.24, Code and Code
 17 14 Supplement 2011, as amended by 2012 Iowa Acts, House File 675,
 17 15 sections 2, 4, 6, 8, 15, 16, and 18, if enacted, are amended as
 17 16 follows:
 17 17 1. By striking from the sections the words "state
 17 18 construction registry" and inserting in lieu thereof the words
 17 19 "mechanics' notice and lien registry".

CODE: Technical clarification concerning mechanics' liens to conform the Iowa Code to the current practice.

17 20 Sec. 41. CODE EDITOR DIRECTIVE. Sections 572.13A, 572.13B,
 17 21 and 572.34, if enacted by 2012 Iowa Acts, House File 675,
 17 22 sections 9, 10, and 25, are amended as follows:
 17 23 1. By striking from the sections the words "state
 17 24 construction registry" and inserting in lieu thereof the words
 17 25 "mechanics' notice and lien registry".

CODE: Technical clarification concerning mechanics' liens to conform the Code to the current practice.

17 26 Sec. 42. EFFECTIVE UPON ENACTMENT. The following provision
 17 27 or provisions of this division of this Act, being deemed of
 17 28 immediate importance, take effect upon enactment:
 17 29 1. The section of this division of this Act enacting section
 17 30 256C.4, subsection 1, paragraphs "g" and "h".
 17 31 2. The section of this division of this Act amending section
 17 32 418.4, subsection 3, paragraph "b", as enacted by 2012 Iowa
 17 33 Acts, Senate File 2217, section 5.
 17 34 3. The section of this division of this Act amending 2012
 17 35 Iowa Acts, Senate File 2289.
 17 36 4. The section of this division of this Act amending 2010
 17 37 Iowa Acts, chapter 1193, section 29, subsection 2, as enacted
 17 38 by 2011 Iowa Acts, chapter 127, section 54.
 17 39 5. The section of this division of this Act amending 2007
 17 40 Iowa Acts, chapter 219, section 2, subsection 2, paragraph a,
 17 41 as enacted by 2011 Iowa Acts, chapter 133, section 32.
 17 42 6. The section of this division of this Act relating to
 17 43 joint state-federal mortgage servicing settlement moneys.

The following Sections are effective on enactment:

- Section 7: Permits the Attorney General to spend moneys received pursuant to the Joint State Federal Mortgage Servicing Settlement Consent Decree.
- Section 10: Extends the reversion date of two FY 2008 RIIF appropriations to the DAS.
- Section 11: Extends the carry forward of an FY 2011 General Fund appropriation to the DAS for information technology.
- Section 14: Provisions making SF 2289 (Disaster Case Management Act) effective on enactment and retroactively applicable.
- Section 23: Limits preschool foundation aid administrative expenses.
- Section 30: Requirements on projects that receive funding from the Sales Tax Increment Fund.

18 1 Sec. 43. EFFECTIVE DATE. The sections of this division

Specifies Iowa Code sections that are effective January 1, 2013.

18 2 of this Act amending sections 572.1, 572.8, 572.10, 572.13,
 18 3 572.13A, 572.13B, 572.18, 572.22, 572.24, and 572.34, take
 18 4 effect January 1, 2013.

18 5 Sec. 44. RETROACTIVE APPLICABILITY. The following
 18 6 provision or provisions of this division of this Act apply
 18 7 retroactively to April 19, 2012:
 18 8 1. The section of this division of this Act amending section
 18 9 418.4, subsection 3, paragraph “b”, as enacted by 2012 Iowa
 18 10 Acts, Senate File 2217, section 5.

The changes to SF 2217 (FY 2013 Flood Mitigation Act) for projects receiving funds from the Sales Tax Increment Fund are retroactive to April 19, 2012.

18 11 Sec. 45. RETROACTIVE APPLICABILITY. The following
 18 12 provision or provisions of this division of this Act apply
 18 13 retroactively to April 12, 2012:
 18 14 1. The section of this division of this Act amending 2012
 18 15 Iowa Acts, Senate File 2289.

The changes to SF 2289 (Disaster Case Management Act) are retroactive to April 12, 2012.

18 16 DIVISION III
 18 17 CORRECTIVE PROVISIONS

18 18 Sec. 46. Section 9B.2, subsection 10, paragraph a, if
 18 19 enacted by 2012 Iowa Acts, Senate File 2265, section 2, is
 18 20 amended to read as follows:
 18 21 a. “Personal appearance” means an act of a party to
 18 22 physically appear within the presence of a ~~notary public~~
 18 23 notarial officer at the time the ~~notarization occurs~~ notarial
 18 24 act is performed.

CODE: Makes a technical correction to SF 2265 relating to notarial acts, fees, and effective date provisions.

18 25 Sec. 47. Section 105.2, subsection 8, Code Supplement 2011,
 18 26 as amended by 2012 Iowa Acts, House File 2285, section 1, if
 18 27 enacted, is amended to read as follows:
 18 28 8. “Hydronic” means a heating or cooling system that
 18 29 transfers heating or cooling by circulating fluid through
 18 30 a closed system, including boilers, pressure vessels,
 18 31 refrigerated equipment in connection with chilled water
 18 32 systems, all steam piping, hot or chilled water piping together
 18 33 with all control devices and accessories, installed as part
 18 34 of, or in connection with, any heating or cooling system or
 18 35 appliance whose primary purpose is to provide comfort using
 18 36 a liquid, water, or steam as the heating or cooling media.
 18 37 “Hydronic” includes all low-pressure and high-pressure systems
 18 38 and all natural, propane, liquid propane, or other gas lines
 18 39 associated with any component of a hydronic system. For
 18 40 purposes of this definition, “primary purpose is to provide
 18 41 comfort” means a system or appliance in which at least fifty-one
 18 42 percent of the capacity generated by its operation, on an
 18 43 annual average, is dedicated to comfort heating or cooling.

CODE: Makes a technical correction to HF 2285 relating to the definition of hydronic for the purposes of plumber, mechanical professional, and contractor licensing.

19 1 Sec. 48. Section 135.156E, subsection 1, paragraph b, if
19 2 enacted by 2012 Iowa Acts, Senate File 2318, section 14, is
19 3 amended to read as follows:

19 4 b. Require authentication controls to verify the ~~identify~~
19 5 identity and role of the participant using the Iowa health
19 6 information network.

CODE: Makes technical corrections to SF 2318 relating to the Iowa Health Information Network.

19 7 Sec. 49. Section 135C.6, subsection 8, paragraphs a and
19 8 b, Code 2011, as amended by 2012 Iowa Acts, Senate File 2247,
19 9 section 15, are amended to read as follows:

19 10 a. Residential programs providing care to not more than
19 11 four individuals and receiving moneys appropriated to the
19 12 department of human services under provisions of a federally
19 13 approved home and community-based services waiver for persons
19 14 with an intellectual ~~disabilities~~ disability or other medical
19 15 assistance program under chapter 249A. In approving a
19 16 residential program under this paragraph, the department of
19 17 human services shall consider the geographic location of the
19 18 program so as to avoid an overconcentration of such programs
19 19 in an area. In order to be approved under this paragraph,
19 20 a residential program shall not be required to involve the
19 21 conversion of a licensed residential care facility for persons
19 22 with an intellectual disability.

19 23 b. Not more than forty residential care facilities for
19 24 persons with an intellectual disability that are licensed
19 25 to serve not more than five individuals may be authorized
19 26 by the department of human services to convert to operation
19 27 as a residential program under the provisions of a medical
19 28 assistance home and community-based services waiver for persons
19 29 with an intellectual ~~disabilities~~ disability. A converted
19 30 residential program operating under this paragraph is subject
19 31 to the conditions stated in paragraph "a" except that the
19 32 program shall not serve more than five individuals.

CODE: Makes technical corrections to SF 2247 relating to terminology changes in reference to mental retardation.

19 33 Sec. 50. Section 144D.3, subsection 4, as enacted by 2012
19 34 Iowa Acts, House File 2165, section 4, is amended to read as
19 35 follows:

19 36 4. In the absence of actual notice of the revocation
19 37 of a POST form, a health care provider, hospital, health
19 38 care facility, or any other person who complies with a POST
19 39 form shall not be subject to civil or criminal liability or
19 40 professional disciplinary action for actions taken under
19 41 this chapter which are in accordance with reasonable medical
19 42 standards. A health care provider, hospital, health care
19 43 facility, or other person against whom criminal or civil
20 1 liability or professional disciplinary action is asserted

CODE: Makes a technical correction to HF 2165 relating to physician orders for scopes of treatment.

20 2 because of conduct in compliance with this chapter may
20 3 interpose the restriction on liability in this ~~paragraph~~
20 4 subsection as an absolute defense.

CODE: Makes a technical correction to SF 2248 relating to professionals authorized to prescribe respiratory care services.

20 5 Sec. 51. Section 152B.2, subsection 1, paragraph a,
20 6 subparagraph (2), Code 2011, as amended by 2012 Iowa Acts,
20 7 Senate File 2248, section 2, if enacted, is amended to read as
20 8 follows:

20 9 (2) Direct and indirect respiratory care services including
20 10 but not limited to the administration of pharmacological and
20 11 diagnostic and therapeutic agents related to respiratory
20 12 care procedures necessary to implement a treatment, disease
20 13 prevention, pulmonary rehabilitative, or diagnostic regimen
20 14 prescribed by a licensed physician; or surgeon; or a qualified
20 15 health care professional prescriber.

CODE: Makes a technical correction to SF 2248 relating to professionals authorized to prescribe respiratory care services.

20 16 Sec. 52. Section 152B.3, subsection 1, unnumbered paragraph
20 17 1, Code 2011, as amended by 2012 Iowa Acts, Senate File 2248,
20 18 section 5, if enacted, is amended to read as follows:

20 19 The performance of respiratory care shall be in accordance
20 20 with the prescription of a licensed physician; or surgeon; or
20 21 a qualified health care professional prescriber and includes
20 22 but is not limited to the diagnostic and therapeutic use of the
20 23 following:

CODE: Makes a technical correction to SF 2248 relating to professionals authorized to prescribe respiratory care services.

20 24 Sec. 53. Section 152B.3, subsection 2, Code 2011, as amended
20 25 by 2012 Iowa Acts, Senate File 2248, section 6, if enacted, is
20 26 amended to read as follows:

20 27 2. A respiratory care practitioner may transcribe and
20 28 implement a written or verbal order from a licensed physician;
20 29 or surgeon; or a qualified health care professional prescriber
20 30 pertaining to the practice of respiratory care.

CODE: Makes a technical correction to SF 2248 relating to professionals authorized to prescribe respiratory care services.

20 31 Sec. 54. Section 152B.4, Code 2011, as amended by 2012 Iowa
20 32 Acts, Senate File 2248, section 7, if enacted, is amended to
20 33 read as follows:

20 34 152B.4 LOCATION OF RESPIRATORY CARE.

20 35 The practice of respiratory care may be performed in a
20 36 hospital as defined in section 135B.1, subsection 3, and other
20 37 settings where respiratory care is to be provided in accordance
20 38 with a prescription of a licensed physician; or surgeon; or a
20 39 qualified health care professional prescriber. Respiratory
20 40 care may be provided during transportation of a patient and
20 41 under circumstances where an emergency necessitates respiratory
20 42 care.

CODE: Makes technical corrections to SF 2311 relating to the

20 43 Sec. 55. Section 161A.63, Code 2011, as amended by 2012 Iowa

21 1 Acts, Senate File 2311, section 16, if enacted, is amended to
 21 2 read as follows:
 21 3 161A.63 RIGHT OF PURCHASER OF AGRICULTURAL LAND TO OBTAIN
 21 4 INFORMATION.
 21 5 A prospective purchaser of an interest in agricultural land
 21 6 located in this state is entitled to obtain from the seller,
 21 7 or from the office of the soil and water conservation district
 21 8 in which the land is located, a copy of the most recently
 21 9 updated farm unit soil conservation plan, developed pursuant
 21 10 to section 161A.62, subsection 2, which ~~are~~ is applicable to
 21 11 the agricultural land proposed to be purchased. A prospective
 21 12 purchaser of an interest in agricultural land located in this
 21 13 state is entitled to obtain additional copies ~~of either or both~~
 21 14 of the ~~documents~~ document referred to in this section from the
 21 15 office of the soil and water conservation district in which
 21 16 the land is located, promptly upon request, at a fee not to
 21 17 exceed the cost of reproducing them. All persons who identify
 21 18 themselves to the commissioners or staff of a soil and water
 21 19 conservation district as prospective purchasers of agricultural
 21 20 land in the district shall be given information, prepared in
 21 21 accordance with rules of the department, which clearly explains
 21 22 the provisions of section 161A.76.

administration of the Department of Agriculture and Land Stewardship (DALs) and the right of a purchaser of agricultural land to obtain information.

21 23 Sec. 56. Section 203C.14, Code 2011, as amended by 2012 Iowa
 21 24 Acts, Senate File 2311, section 107, if enacted, is amended to
 21 25 read as follows:
 21 26 203C.14 SUIT — CLAIMS — NOTICE OF REVOCATION.
 21 27 1. A person injured by the breach of an obligation of a
 21 28 warehouse operator, for the performance of which a bond on
 21 29 agricultural products other than bulk grain, a deficiency
 21 30 bond, or an irrevocable letter of credit has been given under
 21 31 any of the provisions of this chapter, may sue on the bond on
 21 32 agricultural products other than bulk grain, deficiency bond,
 21 33 or irrevocable letter of credit in the person's own name in
 21 34 a court of competent jurisdiction to recover any damages the
 21 35 person has sustained by reason of the breach.
 21 36 2. a. Upon the cessation of a warehouse operator's license
 21 37 due to revocation, cancellation, or expiration, a claim against
 21 38 the warehouse operator arising under this chapter shall be
 21 39 made in writing with the warehouse operator, with the issuer
 21 40 of a bond on agricultural products other than bulk grain, a
 21 41 deficiency bond, or an irrevocable letter of credit, and, if
 21 42 the claim relates to bulk grain, with the department. The
 21 43 claim must be made within one hundred twenty days after the
 22 1 cessation of the license. The failure to make a timely claim
 22 2 relieves the issuer and, if the claim relates to bulk grain,

CODE: Makes technical corrections to SF 2311 relating to the administration of the DALs and notices of revocation.

22 3 the grain depositors and sellers indemnity fund provided in
 22 4 chapter 203D of all obligations to the claimant.
 22 5 ~~3.~~ b. Upon revocation of a warehouse license, the
 22 6 department shall cause notice of the revocation to be published
 22 7 once each week for two consecutive weeks in a newspaper of
 22 8 general circulation in each of the counties in which the
 22 9 licensee maintains a business location and in a newspaper
 22 10 of general circulation within the state. The notice shall
 22 11 state the name and address of the warehouse operator and the
 22 12 effective date of revocation. The notice shall also state that
 22 13 any claims against the warehouse operator shall be made in
 22 14 writing and sent by ordinary mail to the warehouse operator, to
 22 15 the issuer of a bond on agricultural products other than bulk
 22 16 grain, deficiency bond, or an irrevocable letter of credit,
 22 17 and to the department within one hundred twenty days after
 22 18 revocation, and the notice shall state that the failure to make
 22 19 a timely claim does not relieve the warehouse operator from
 22 20 liability to the claimant.
 22 21 c. This ~~paragraph~~ subsection does not apply if a receiver is
 22 22 appointed as provided in this chapter pursuant to a petition
 22 23 which is filed by the department prior to the expiration of
 22 24 one hundred twenty days after ~~revocation, termination, or~~
 22 25 ~~cancellation~~ cessation of warehouse operator's license.

22 26 Sec. 57. Section 249A.12, subsection 5, paragraph a,
 22 27 unnumbered paragraph 1, Code 2011, as amended by 2012 Iowa
 22 28 Acts, Senate File 2247, section 101, is amended to read as
 22 29 follows:
 22 30 The mental health and disability services commission shall
 22 31 recommend to the department the actions necessary to assist in
 22 32 the transition of individuals being served in an intermediate
 22 33 care facility for persons with an intellectual disability,
 22 34 who are appropriate for the transition, to services funded
 22 35 under a medical assistance home and community-based services
 22 36 waiver for persons with an intellectual disability in a
 22 37 manner which maximizes the use of existing public and private
 22 38 facilities. The actions may include but are not limited to
 22 39 submitting any of the following or a combination of any of the
 22 40 following as a request for a revision of the medical assistance
 22 41 home and community-based services waiver for persons with an
 22 42 intellectual ~~disabilities~~ disability:

22 43 Sec. 58. Section 261.115, subsection 3, paragraphs c and d,
 23 1 if enacted by 2012 Iowa Acts, House File 2458, section 1, are
 23 2 amended to read as follows:
 23 3 c. Complete ~~their~~ the residency program requirement with an

CODE: Makes a technical correction to SF 2247 relating to terminology changes in statutory references to mental retardation.

CODE: Makes a technical correction to HF 2458 relating to the establishment of a rural Iowa primary care loan repayment program and trust fund.

23 4 Iowa-based residency program.
 23 5 d. Within nine months of graduating from ~~their~~ the residency
 23 6 program and receiving a permanent license in accordance with
 23 7 paragraph “b”, engage in the full-time practice of medicine
 23 8 and surgery or osteopathic medicine and surgery specializing
 23 9 in family medicine, pediatrics, psychiatry, internal medicine,
 23 10 or general surgery for a period of sixty consecutive months
 23 11 in the service commitment area specified under subsection 6,
 23 12 unless the loan repayment recipient receives a waiver from the
 23 13 commission to complete the months of practice required under
 23 14 the agreement in another service commitment area pursuant to
 23 15 subsection 6.

23 16 Sec. 59. Section 261.115, subsection 8, if enacted by 2012
 23 17 Iowa Acts, House File 2458, section 1, is amended to read as
 23 18 follows:
 23 19 8. PART-TIME PRACTICE — AGREEMENT AMENDED. A person who
 23 20 entered into an agreement pursuant to subsection 3 may apply
 23 21 to the commission to amend the agreement to allow the person
 23 22 to engage in less than the full-time practice specified in
 23 23 the agreement and under subsection 3, paragraph “d”. If the
 23 24 commission determines exceptional circumstances exist, the
 23 25 commission and the person may consent to amend the agreement
 23 26 under which the person shall engage in less than full-time
 23 27 practice of medicine and surgery or osteopathic medicine
 23 28 and surgery specializing in family medicine, pediatrics,
 23 29 psychiatry, internal medicine, or general surgery in a service
 23 30 commitment area for an extended period of part-time practice
 23 31 determined by the commission to be proportional to the amount
 23 32 of full-time practice remaining under the original agreement.

23 33 Sec. 60. Section 261.115, subsection 9, paragraph b, if
 23 34 enacted by 2012 Iowa Acts, House File 2458, section 1, is
 23 35 amended to read as follows:
 23 36 b. Except for a postponement under paragraph “a”,
 23 37 subparagraph (6), an obligation to engage in practice under an
 23 38 agreement entered into pursuant to subsection 3, shall not be
 23 39 postponed for more than two years from the time the full-time
 23 40 practice was to have commenced under the agreement.

23 41 Sec. 61. Section 273.2, subsection 3, Code Supplement 2011,
 23 42 as amended by 2012 Iowa Acts, Senate File 2203, section 38, if
 23 43 enacted, is amended to read as follows:
 24 1 3. The area education agency board shall furnish
 24 2 educational services and programs as provided in ~~sections~~
 24 3 section 273.1, this section, sections 273.3 to 273.9, and
 24 4 chapter 256B to the pupils enrolled in public or nonpublic

CODE: Makes a technical correction to HF 2458 relating to the establishment of a rural Iowa primary care loan repayment program and trust fund.

CODE: Makes a technical correction to SF 2203 (Nonsubstantive Code Correction Act).

24 5 schools located within its boundaries which are on the list of
24 6 accredited schools pursuant to section 256.11. The programs
24 7 and services provided shall be at least commensurate with
24 8 programs and services existing on July 1, 1974. The programs
24 9 and services provided to pupils enrolled in nonpublic schools
24 10 shall be comparable to programs and services provided to pupils
24 11 enrolled in public schools within constitutional guidelines.

24 12 Sec. 62. Section 321.188, subsection 6, paragraph c, if
24 13 enacted by 2012 Iowa Acts, House File 2403, section 1, is
24 14 amended to read as follows:
24 15 c. An applicant who obtains a skills test waiver under this
24 16 subsection shall take and successfully pass the knowledge test
24 17 required pursuant to subsection ~~2~~ 1.

CODE: Makes a technical correction to HF 2403 relating to requirements for a commercial driver's license for persons transitioning from military service.

24 18 Sec. 63. Section 321.323A, subsection 3, paragraph c,
24 19 subparagraph (1), if enacted by 2012 Iowa Acts, House File
24 20 2228, section 3, is amended to read as follows:
24 21 (1) For a violation causing damage to the property of
24 22 another person, but not resulting in bodily injury to or
24 23 death of ~~to~~ another person, the department shall suspend the
24 24 violator's driver's license or operating privileges for ninety
24 25 days.

CODE: Makes a technical correction to HF 2228 relating to requirements for a motor vehicle operator to have control of the vehicle at all times and to change lanes or reduce speed in specific situations.

24 26 Sec. 64. Section 321.457, subsection 2, paragraph n,
24 27 subparagraph (4), if enacted by 2012 Iowa Acts, House File
24 28 2428, section 1, is amended to read as follows:
24 29 (4) For purposes of this paragraph "n", "full trailer" means
24 30 as defined in 49 C.F.R. ~~§ 390~~ 390.5.

CODE: Makes a technical correction to HF 2428 relating to movement of certain combinations of vehicles on economic export corridors established by the Department of Transportation.

24 31 Sec. 65. Section 3211.7, subsection 3, Code 2011, as amended
24 32 by 2012 Iowa Acts, House File 2467, section 39, is amended to
24 33 read as follows:
24 34 3. Duplicate registrations may be issued by a county
24 35 recorder or a license agent ~~and upon~~ upon the payment of a five
24 36 dollar fee plus a writing fee as provided in section 3211.29.

CODE: Makes a technical correction to HF 2467 relating to duplicate registrations.

24 37 Sec. 66. Section 322.5, subsection 6, paragraph b,
24 38 subparagraph (2), if enacted by 2012 Iowa Acts, Senate File
24 39 2249, section 4, is amended to read as follows:
24 40 (2) The state in which the person is licensed as a motor
24 41 vehicle dealer allows a motor vehicle dealer licensed in Iowa
24 42 to be issued a permit substantially similar to the temporary
24 43 permit authorized under this ~~section~~ subsection.

CODE: Makes a technical correction to SF 2249 relating to motor vehicle dealers at events and the definition of travel trailers for the purpose of dealer requirements.

25 1 Sec. 67. Section 326.3, subsection 19, if enacted by 2012
25 2 Iowa Acts, Senate File 2216, section 18, is amended to read as

CODE: Makes technical corrections to SF 2216 relating to the registration and implementation of commercial motor vehicles under

<p>25 3 follows:</p> <p>25 4 19. "Operational records" means source documents that</p> <p>25 5 evidence distance traveled by a fleet in each member</p> <p>25 6 jurisdiction, such as fuel <u>fuel</u> reports, trip sheets, and</p> <p>25 7 driver logs, including those which may be generated through</p> <p>25 8 on-board devices and maintained electronically, as required by</p> <p>25 9 the audit procedures manual.</p>	<p>the international registration plan.</p>
<p>25 10 Sec. 68. Section 418.4, subsection 1, paragraph b, if</p> <p>25 11 enacted by 2012 Iowa Acts, Senate File 2217, section 5, is</p> <p>25 12 amended to read as follows:</p> <p>25 13 b. A governmental entity as defined in section 418.1,</p> <p>25 14 subsection 4, paragraph "c", shall have the power to construct,</p> <p>25 15 acquire, own, repair, improve, operate, and maintain a project,</p> <p>25 16 may sue and be sued, contract, and acquire and hold real and</p> <p>25 17 personal property, subject to the limitation in paragraph</p> <p>25 18 "c", and <u>shall have</u> such other powers as may be included</p> <p>25 19 in the chapter 28E agreement. Such a governmental entity</p> <p>25 20 may contract with a city or the county participating in the</p> <p>25 21 chapter 28E agreement to perform any governmental service,</p> <p>25 22 activity, or undertaking that the city or county is authorized</p> <p>25 23 by law to perform, including but not limited to contracts for</p> <p>25 24 administrative services.</p>	<p>CODE: Makes technical corrections to SF 2217 relating to the establishment of a flood mitigation program, establishing a flood mitigation board, and authorizing the use of certain sales tax revenues and other assistance for flood mitigation projects.</p>
<p>25 25 Sec. 69. Section 418.5, subsection 7, if enacted by 2012</p> <p>25 26 Iowa Acts, Senate File 2217, section 6, is amended to read as</p> <p>25 27 follows:</p> <p>25 28 7. A majority of the board <u>voting members</u> constitutes a</p> <p>25 29 quorum.</p>	<p>CODE: Makes technical corrections to SF 2217 relating to the establishment of a flood mitigation program, establishing a flood mitigation board, and authorizing the use of certain sales tax revenues and other assistance for flood mitigation projects.</p>
<p>25 30 Sec. 70. Section 418.9, subsection 2, paragraph g, if</p> <p>25 31 enacted by 2012 Iowa Acts, Senate File 2217, section 10, is</p> <p>25 32 amended to read as follows:</p> <p>25 33 g. Whether the project plan is consistent with the</p> <p>25 34 applicable comprehensive, countywide emergency operations plan</p> <p>25 35 in effect and other applicable local hazard mitigation plans.</p>	<p>CODE: Makes technical corrections to SF 2217 relating to the establishment of a flood mitigation program, establishing a flood mitigation board, and authorizing the use of certain sales tax revenues and other assistance for flood mitigation projects.</p>
<p>25 36 Sec. 71. Section 504.719, subsection 3, as enacted by 2012</p> <p>25 37 Iowa Acts, Senate File 2260, section 8, is amended to read as</p> <p>25 38 follows:</p> <p>25 39 3. An inspector may, but is not required to, be a director,</p> <p>25 40 member of a designated body, member, officer, or employee of</p> <p>25 41 the corporation. A person who is a candidate for an office</p> <p>25 42 to be filled at the meeting shall not be an inspector at that</p> <p>25 43 meeting.</p>	<p>CODE: Makes technical corrections to SF 2260 relating to the revision of the Iowa Nonprofit Corporation Act.</p>
<p>26 1 Sec. 72. Section 508.37, subsection 5, paragraph c, Code</p>	<p>CODE: Makes a technical correction to SF 2203 relating to</p>

26 2 2011, as amended by 2012 Iowa Acts, Senate File 2203, section
 26 3 105, if enacted, is amended to read as follows:
 26 4 c. The adjusted premiums for a policy providing term
 26 5 insurance benefits by rider or supplemental policy provision
 26 6 shall be equal to (1) the adjusted premiums for an otherwise
 26 7 similar policy issued at the same age without such term
 26 8 insurance benefits, increased during the period for which
 26 9 premiums for such term insurance benefits are payable,
 26 10 by (2) the adjusted premiums for such term insurance, the
 26 11 foregoing items (1) and (2) being calculated separately and
 26 12 as specified in paragraphs “a” and “b” of this subsection
 26 13 except that, for the purposes of ~~of~~ paragraph “a”, subparagraph
 26 14 (1), subparagraph divisions (b), (c), and (d), the amount of
 26 15 insurance or equivalent uniform amount of insurance used in
 26 16 the calculation of the adjusted premiums referred to in item
 26 17 (2) in this paragraph shall be equal to the excess of the
 26 18 corresponding amount determined for the entire policy over the
 26 19 amount used in the calculation of the adjusted premiums in item
 26 20 (1) in this paragraph.

nonsubstantive statutory corrections and effective dates.

26 21 Sec. 73. Section 515I.1, subsection 2, if enacted by 2012
 26 22 Iowa Acts, House File 2145, section 1, is amended to read as
 26 23 follows:
 26 24 2. This ~~division chapter~~ shall be liberally construed to
 26 25 promote these purposes.

CODE: Makes a technical correction to HF 2145 relating to regulations, penalties, provisions, and repeals to permit access to surplus lines insurance in Iowa.

26 26 Sec. 74. Section 536A.10, Code 2011, as amended by 2012 Iowa
 26 27 Acts, Senate File 2203, section 139, if enacted, is amended to
 26 28 read as follows:
 26 29 536A.10 ISSUANCE OF LICENSE.
 26 30 1.—~~¶~~ The superintendent shall approve the application and
 26 31 issue to the applicant a license to engage in the industrial
 26 32 loan business in accordance with the provisions of this
 26 33 chapter, if the superintendent shall find:
 26 34 a. That the financial responsibility, experience, character
 26 35 and general fitness of the applicant and of the officers
 26 36 thereof are such as to command the confidence of the community,
 26 37 and to warrant the belief that the business will be operated
 26 38 honestly, fairly and efficiently within the purpose of this
 26 39 chapter;
 26 40 b. That a reasonable necessity exists for a new industrial
 26 41 loan company in the community to be served;
 26 42 c. That the applicant has available for the operation of the
 26 43 business at the specified location paid-in capital and surplus
 27 1 as required by section 536A.8; and
 27 2 d. That the applicant is a corporation organized for

CODE: Makes a technical correction to SF 2203 relating to nonsubstantive statutory corrections and effective dates.

27 3 pecuniary profit under the laws of the state of Iowa.
 27 4 ~~2.—The superintendent shall approve the application and~~
 27 5 ~~issue to the applicant a license to engage in the industrial~~
 27 6 ~~loan business in accordance with the provisions of this~~
 27 7 ~~chapter.~~ The superintendent shall approve or deny an
 27 8 application for a license within one hundred twenty days from
 27 9 the date of the filing of such application.

27 10 Sec. 75. Section 602.9202, subsection 4, Code 2011, as
 27 11 amended by 2012 Iowa Acts, Senate File 2285, section 106, is
 27 12 amended to read as follows:

27 13 4. "Senior judge retirement age" means seventy-eight years
 27 14 of age or, if the senior judge is reappointed as a senior judge
 27 15 for an additional one-year term upon attaining seventy-eight
 27 16 years of age, and then to a succeeding one-year term. pursuant
 27 17 to section 602.9203, eighty years of age.

CODE: Makes a technical correction to SF 2285 relating to statutory corrections.

27 18 Sec. 76. Section 617.11, subsection 3, unnumbered paragraph
 27 19 1, if enacted by 2012 Iowa Acts, House File 2370, section 1, is
 27 20 amended to read as follows:

27 21 If a claim of interest against the property is acquired prior
 27 22 to the indexing of a petition or municipal infraction citation
 27 23 affecting real estate and filed by a city and such claim is
 27 24 not indexed or filed of record prior to the indexing of the
 27 25 petition or citation, it is subject to the pending action
 27 26 as provided in subsection 1, unless either of the following
 27 27 occurs:

CODE: Makes a technical correction to HF 2370 relating to real estate and mortgage foreclosure civil actions.

27 28 Sec. 77. EFFECTIVE DATE. The section of this division of
 27 29 this Act amending section 9B.2, subsection 10, paragraph a,
 27 30 takes effect January 1, 2013.

The Section making a technical correction to SF 2265 relating to notarial acts, fees, and effective date provisions is effective on January 1, 2013.

27 31 Sec. 78. EFFECTIVE UPON ENACTMENT. The section of this
 27 32 division of this Act amending section 105.2, subsection
 27 33 8, being deemed of immediate importance, takes effect upon
 27 34 enactment.

The Section making a technical correction to HF 2285 relating to the definition of hydronic for the purposes of plumber, mechanical professional, and contractor licensing is effective on enactment.

27 35 Sec. 79. RETROACTIVE APPLICABILITY. The section of this
 27 36 division of this Act amending section 105.2, subsection 8,
 27 37 applies retroactively to the effective date of 2012 Iowa Acts,
 27 38 House File 2285.

The Section making the technical correction to HF 2285 relating to the definition of hydronic for the purposes of plumber, mechanical professional, and contractor licensing is retroactive to March 29, 2012.

27 39 Sec. 80. EFFECTIVE UPON ENACTMENT. The section of this
 27 40 division of this Act amending section 135.156E, subsection 1,
 27 41 paragraph "b", being deemed of immediate importance, takes
 27 42 effect upon enactment.

The Section making a technical correction to SF 2318 relating to the Iowa Health Information Network is effective on enactment.

<p>27 43 Sec. 81. RETROACTIVE APPLICABILITY. The section of this 28 1 division of this Act amending section 135.156E, subsection 1, 28 2 paragraph "b", applies retroactively to the effective date of 28 3 2012 Iowa Acts, Senate File 2318.</p>	<p>The Section making a technical correction to SF 2318 relating to the Iowa Health Information Network is retroactive to the enactment date of SF 2318.</p>
<p>28 4 Sec. 82. EFFECTIVE UPON ENACTMENT. The section of this 28 5 division of this Act amending section 322.5, subsection 6, 28 6 paragraph "b", subparagraph (2), being deemed of immediate 28 7 importance, takes effect upon enactment.</p>	<p>The Section making a technical correction to SF 2249 relating to a motor vehicle dealers at events and the definition of travel trailers for the purpose of dealer requirements is effective on enactment.</p>
<p>28 8 Sec. 83. RETROACTIVE APPLICABILITY. The section of this 28 9 division of this Act amending section 322.5, subsection 6, 28 10 paragraph "b", subparagraph (2), applies retroactively to the 28 11 effective date of 2012 Iowa Acts, Senate File 2249.</p>	<p>The Section making a technical correction to SF 2249 relating to a motor vehicle dealers at events and the definition of travel trailers for the purpose of dealer requirements is effective on enactment.</p>
<p>28 12 Sec. 84. EFFECTIVE UPON ENACTMENT. The sections of this 28 13 division of this Act amending section 418.4, subsection 28 14 1, paragraph "b", section 418.5, subsection 7, and section 28 15 418.9, subsection 2, paragraph "g", being deemed of immediate 28 16 importance, take effect upon enactment.</p>	<p>The Section making a technical correction to SF 2217 relating to the establishment of a flood mitigation program, establishing a flood mitigation board, and authorizing the use of certain sales tax revenues and other assistance for flood mitigation projects is effective on enactment.</p>
<p>28 17 Sec. 85. RETROACTIVE APPLICABILITY. The sections of 28 18 this division of this Act amending section 418.4, subsection 28 19 1, paragraph "b", section 418.5, subsection 7, and section 28 20 418.9, subsection 2, paragraph "g", apply retroactively to the 28 21 effective date of 2012 Iowa Acts, Senate File 2217.</p>	<p>The Section making a technical correction to SF 2217 relating to the establishment of a flood mitigation program, establishing a flood mitigation board, and authorizing the use of certain sales tax revenues and other assistance for flood mitigation projects is retroactive to the date SF 2217 is enacted.</p>
<p>28 22 Sec. 86. EFFECTIVE UPON ENACTMENT. The section of this 28 23 division of this Act amending section 515I.1, subsection 28 24 2, being deemed of immediate importance, takes effect upon 28 25 enactment.</p>	<p>The Section making a technical correction to HF 2145 relating to regulations, penalties, provisions, and repeals to permit access to surplus lines insurance in Iowa is effective on enactment.</p>
<p>28 26 Sec. 87. RETROACTIVE APPLICABILITY. The section of this 28 27 division of this Act amending section 515I.1, subsection 2, 28 28 applies retroactively to the effective date of 2012 Iowa Acts, 28 29 House File 2145.</p>	<p>The Section making a technical correction to HF 2145 is retroactive to the date HF 2145 was enacted (March 29, 2012).</p>
<p>28 30 28 31</p>	<p style="text-align: center;">DIVISION IV CARRY FORWARD APPROPRIATIONS</p>
<p>28 32 Sec. 88. IOWA STATE MEMORIAL — RESTORATION. There 28 33 is appropriated from the general fund of the state to the 28 34 department of cultural affairs for the fiscal year beginning 28 35 July 1, 2011, and ending June 30, 2012, the following amount, 28 36 or so much thereof as is necessary, to be used for the purposes 28 37 designated:</p>	<p>General Fund FY 2012 supplemental appropriation to the Department of Cultural Affairs to be used to preserve and restore the Iowa State Memorial at Vicksburg National Military Park in Mississippi. The funds do not revert to the General Fund at the close of the fiscal year, but carry forward to the close of FY 2014.</p>

28 38 For the preservation and restoration of the Iowa state
 28 39 memorial at Vicksburg national military park:
 28 40 \$ 320,000
 28 41 Notwithstanding section 8.33, moneys appropriated in this
 28 42 section that remain unencumbered or unobligated at the close of
 28 43 the fiscal year shall not revert but shall remain available for
 29 1 expenditure for the purposes designated until the close of the
 29 2 fiscal year that begins July 1, 2013.

DETAIL: This is a new General Fund supplemental appropriation of \$320,000 for FY 2012. The Iowa Memorial was originally completed in 1912 and is one of 31 Civil War state memorials located in the Park.

29 3 Sec. 89. DEPARTMENT OF NATURAL RESOURCES — ECONOMIC
 29 4 EMERGENCY FUND. There is appropriated from the Iowa economic
 29 5 emergency fund to the department of natural resources for the
 29 6 fiscal year beginning July 1, 2011, and ending June 30, 2012,
 29 7 the following amount, or so much thereof as is necessary, to be
 29 8 used for the purposes designated, notwithstanding section 8.55,
 29 9 subsection 1:

Economic Emergency Fund FY 2012 supplemental appropriation to the Department of Natural Resources (DNR) to repair damage caused by flooding of the Missouri River at Lewis and Clark, Lake Manawa, and Wilson Island State Parks.

29 10 For the repair of damages due to the flooding of the Missouri
 29 11 river during the calendar year 2011 in the Lewis and Clark,
 29 12 lake Manawa, and Wilson island state parks and recreation area:
 29 13 \$ 2,865,743

DETAIL: Allows the funds to remain available for expenditure for two years from the date of the appropriation. If there are funds remaining after repairs are completed in an earlier fiscal year, the money will revert at the close of that fiscal year.

29 14 For purposes of section 8.33, unless specifically provided
 29 15 otherwise, unencumbered or unobligated moneys remaining
 29 16 from the appropriation made in this section shall not revert
 29 17 but shall remain available for expenditure for the purposes
 29 18 designated until the close of the fiscal year that ends
 29 19 two years after the end of the fiscal year for which the
 29 20 appropriation is made. However, if the project or projects for
 29 21 which the appropriation was made are completed in an earlier
 29 22 fiscal year, unencumbered or unobligated moneys shall revert at
 29 23 the close of that same fiscal year.

29 24 Sec. 90. EFFECTIVE UPON ENACTMENT. This division of this
 29 25 Act, being deemed of immediate importance, takes effect upon
 29 26 enactment.

This Division is effective on enactment.

29 27 DIVISION V
 29 28 TIME SERVED

29 29 Sec. 91. Section 907.3, subsection 3, unnumbered paragraph
 29 30 1, Code Supplement 2011, is amended to read as follows:
 29 31 By record entry at the time of or after sentencing, the court
 29 32 may suspend the sentence and place the defendant on probation
 29 33 upon such terms and conditions as it may require including
 29 34 commitment to an alternate jail facility or a community
 29 35 correctional residential treatment facility to be followed
 29 36 by a period of probation as specified in section 907.7, or
 29 37 commitment of the defendant to the judicial district department

CODE: Specifies that offenders revoked from probation receive credit for time served while in an alternate jail facility or community corrections facility. Permits a person that commits an offense before the effective date of this Bill to waive any rights under the Anderson case, and agree to be sentenced using credits as calculated under this Bill.

CORRECTIONAL IMPACT: The Anderson ruling reduced the length of stay in the prison system for certain offenders. Therefore, this Division

29 38 of correctional services for supervision or services under
 29 39 section 901B.1 at the level of sanctions which the district
 29 40 department determines to be appropriate and the payment of
 29 41 fees imposed under section 905.14. A person so committed who
 29 42 has probation revoked shall not be given credit for such time
 29 43 served. However, ~~the~~ a person committed to an alternate jail
 30 1 facility or a community correctional residential treatment
 30 2 facility who has probation revoked shall be given credit for
 30 3 time served in the facility. The court shall not suspend any
 30 4 of the following sentences:
 30 5 Sec. 92. APPLICABILITY AND WAIVER OF RIGHTS. A person
 30 6 who commits an offense prior to the effective date of this
 30 7 division of this Act may expressly state to the court, at the
 30 8 time of sentencing, that the person waives any rights under
 30 9 Anderson v.State, 801 N.W.2d 1, relating to the calculation
 30 10 of credit for time served, and agree to be sentenced using
 30 11 credits as calculated under section 907.3, as amended by this
 30 12 division of this Act. If the court finds the waiver voluntary,
 30 13 the sentencing order shall reference the person's waiver of
 30 14 rights under Anderson, and order that credit for time served
 30 15 be calculated under section 907.3, as amended by this division
 30 16 of this Act.
 30 17 Sec. 93. EFFECTIVE UPON ENACTMENT. This division of this
 30 18 Act, being deemed of immediate importance, takes effect upon
 30 19 enactment.

30 20 DIVISION VI
 30 21 COUNTY TREASURERS

30 22 Sec. 94. Section 161A.35, unnumbered paragraph 1, Code
 30 23 2011, is amended to read as follows:
 30 24 If the owner of any premises against which a levy exceeding
 30 25 ~~one five~~ hundred dollars has been made and certified shall,
 30 26 within thirty days from the date of such levy, agree in writing
 30 27 in a separate agreement, that in consideration of having a
 30 28 right to pay the owner's assessment in installments, the
 30 29 owner will not make any objection as to the legality of the
 30 30 assessment for benefit, or the levy of the taxes against the
 30 31 owner's property, then such owner shall have the following
 30 32 options:

30 33 Sec. 95. Section 311.17, subsection 1, Code 2011, is amended
 30 34 to read as follows:
 30 35 1. If an owner other than the state or a county or city,
 30 36 of any tracts of land on which the assessment is more than
 30 37 ~~one five~~ hundred dollars, shall, within twenty days from the

will increase the length of stay in prison, by reversing the Anderson ruling.

MINORITY IMPACT: It is anticipated this Division will have a disproportionate impact on minorities because they will remain in the prison system longer than they are under current practices.

FISCAL IMPACT: The fiscal impact of the Anderson ruling is \$766,000 in net cost avoidance for FY 2012, primarily due to a reduction in the average length of stay in the prison system. This Division reduces that amount by approximately \$21,000 in FY 2012. The fiscal impact of the Anderson ruling is estimated to be \$212,500 in cost avoidance in FY 2013. This Division reverses the Anderson ruling effective on enactment. Therefore, \$212,500 in cost avoidance will not be achieved in FY 2013.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision applies to property improvements made for watershed or flood protection.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to secondary road assessments.

30 38 date of the assessment, agree in writing filed in the office
 30 39 of the county auditor, that in consideration of the owner
 30 40 having the right to pay the assessment in installments, the
 30 41 owner will not make any objection of illegality or irregularity
 30 42 as to the assessment upon the real estate, and will pay the
 30 43 assessment plus interest, the assessment shall be payable in
 31 1 ten equal installments. The first installment shall be payable
 31 2 on the date of the agreement. The other installments shall be
 31 3 paid annually at the same time and in the same manner as the
 31 4 September semiannual payment of ordinary taxes with interest
 31 5 accruing as provided in section 384.65, subsection 3. The
 31 6 rate of interest shall be as established by the board, but not
 31 7 exceeding that permitted by chapter 74A.
 31 8 Sec. 96. Section 311.19, unnumbered paragraph 1, Code 2011,
 31 9 is amended to read as follows:
 31 10 Assessments of ~~one~~ five hundred dollars or less against
 31 11 any tract of land, and assessments against lands owned by the
 31 12 state, county, or city, shall be due and payable from the date
 31 13 of levy by the board of supervisors, or in the case of any
 31 14 appeal, from the date of final confirmation of the levy by the
 31 15 court.

31 16 Sec. 97. Section 331.384, subsection 3, Code 2011, is
 31 17 amended to read as follows:
 31 18 3. If any amount assessed against property under this
 31 19 section exceeds ~~one~~ five hundred dollars, a county may permit
 31 20 the assessment to be paid in up to ten annual installments
 31 21 in the same manner and with the same interest rates provided
 31 22 for assessments against benefited property under chapter 384,
 31 23 division IV.

31 24 Sec. 98. Section 357.20, Code 2011, is amended to read as
 31 25 follows:
 31 26 357.20 DUE DATE — BONDS.
 31 27 Assessments of ~~less than one~~ five hundred dollars or less
 31 28 will come due at the first taxpaying date after the approval of
 31 29 the final assessment, and assessments of ~~one hundred dollars~~
 31 30 ~~or more~~ than five hundred dollars may be paid in ten annual
 31 31 installments with interest on the unpaid balance at a rate
 31 32 not exceeding that permitted by chapter 74A. The board of
 31 33 supervisors shall issue bonds against the completed assessment
 31 34 in an amount equal to the total cost of the project, so that
 31 35 the amount of the assessment will be approximately ten percent
 31 36 greater than the amount of the bonds.

31 37 Sec. 99. Section 358.16, subsection 3, Code 2011, is amended

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to the abatement of public health and safety hazards.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to property within a water district.

CODE: This Section prohibits installment payments of property tax

31 38 to read as follows:

31 39 3. If any amount assessed against property pursuant to
 31 40 this section will exceed ~~one~~ five hundred dollars, the board
 31 41 of trustees may permit the assessment to be paid in up to ten
 31 42 annual installments, in the manner and with the same interest
 31 43 rates as provided for assessments against benefited property
 32 1 under chapter 384, division IV.

assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to property within a sanitary district.

32 2 Sec. 100. Section 364.13, Code 2011, is amended to read as
 32 3 follows:

32 4 364.13 INSTALLMENTS.

32 5 If any amount assessed against property under section 364.12
 32 6 will exceed ~~one~~ five hundred dollars, a city may permit the
 32 7 assessment to be paid in up to ten annual installments, in
 32 8 the same manner and with the same interest rates provided for
 32 9 assessments against benefited property under chapter 384,
 32 10 division IV.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to certain properties within a city.

32 11 Sec. 101. Section 384.60, subsection 1, paragraph b, Code
 32 12 2011, is amended to read as follows:

32 13 b. State the number of annual installments, not exceeding
 32 14 fifteen, into which assessments of ~~one~~ more than five hundred
 32 15 dollars ~~or more~~ are divided.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. This provision relates to certain properties within a city.

32 16 Sec. 102. Section 384.65, subsection 1, Code 2011, is
 32 17 amended to read as follows:

32 18 1. The first installment of each assessment, or the total
 32 19 amount if ~~less than one~~ five hundred dollars or less, is due
 32 20 and payable on July 1 next succeeding the date of the levy,
 32 21 unless the assessment is filed with the county treasurer after
 32 22 May 31 in any year. The first installment shall bear interest
 32 23 on the whole unpaid assessment from the date of acceptance of
 32 24 the work by the council to the first day of December following
 32 25 the due date.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law.

32 26 Sec. 103. Section 435.24, subsection 6, paragraph b, Code
 32 27 2011, is amended to read as follows:

32 28 b. Partial payment of taxes which are delinquent may be
 32 29 made to the county treasurer. For the installment being paid,
 32 30 payment shall first be applied toward any interest, fees, and
 32 31 costs accrued and the remainder applied to the tax due. A
 32 32 partial payment must equal or exceed the interest, fees, and
 32 33 costs of the installment being paid. A partial payment made
 32 34 under this paragraph shall be apportioned in accordance with
 32 35 section 445.57, however, such partial payment may, at the
 32 36 discretion of the county treasurer, be apportioned either on
 32 37 or before the tenth day of the month following the receipt of

CODE: Permits a county treasurer to apportion partial payment of delinquent taxes to the various local taxing entities either on a monthly basis after such amounts are collected or following the due date of the next semiannual tax installment.

32 38 the partial payment or on or before the tenth day of the month
 32 39 following the due date of the next semiannual tax installment.
 32 40 If the payment does not include the whole of any installment
 32 41 of the delinquent tax, the unpaid tax shall continue to accrue
 32 42 interest pursuant to section 445.39. Partial payment shall not
 32 43 be permitted in lieu of redemption if the property has been
 33 1 sold for taxes under chapter 446 and under any circumstances
 33 2 shall not constitute an extension of the time period for a sale
 33 3 under chapter 446.

33 4 Sec. 104. Section 445.36A, subsection 2, Code 2011, is
 33 5 amended to read as follows:
 33 6 2. Partial payment of taxes which are delinquent may be
 33 7 made to the county treasurer. For the installment being paid,
 33 8 payment shall first be applied to any interest, fees, and costs
 33 9 accrued and the remainder applied to the taxes due. A partial
 33 10 payment must equal or exceed the amount of interest, fees,
 33 11 and costs of the installment being paid. A partial payment
 33 12 made under this subsection shall be apportioned in accordance
 33 13 with section 445.57, however, such partial payment may, at the
 33 14 discretion of the county treasurer, be apportioned either on
 33 15 or before the tenth day of the month following the receipt of
 33 16 the partial payment or on or before the tenth day of the month
 33 17 following the due date of the next semiannual tax installment.
 33 18 If the payment does not include the whole of any installment
 33 19 of the delinquent tax, the unpaid tax shall continue to accrue
 33 20 interest pursuant to section 445.39. Partial payment shall not
 33 21 be permitted in lieu of redemption if the property has been
 33 22 sold for taxes under chapter 446 and under any circumstances
 33 23 shall not constitute an extension of the time period for a sale
 33 24 under chapter 446.

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law.

33 25 Sec. 105. Section 445.57, unnumbered paragraph 1, Code
 33 26 2011, is amended to read as follows:
 33 27 On or before the tenth day of each month, the county
 33 28 treasurer shall apportion all taxes collected during the
 33 29 preceding month, except partial payment amounts collected
 33 30 pursuant to section 445.36A, subsection 1 and, partial payments
 33 31 collected and not yet designated by the county treasurer
 33 32 for apportionment pursuant to section 445.36A, subsection
 33 33 2, partial payments collected pursuant to section 435.24,
 33 34 subsection 6, paragraph "a", and partial payments collected and
 33 35 not yet designated by the county treasurer for apportionment
 33 36 pursuant to section 435.24, subsection 6, paragraph "b", among
 33 37 the several funds to which they belong according to the amount
 33 38 levied for each fund, and shall apportion the interest, fees,

CODE: Permits exceptions for partial payments made in the previous two Sections of this Act.

33 39 and costs on the taxes to the general fund, and shall enter
 33 40 those amounts upon the treasurer's cash account, and report the
 33 41 amounts to the county auditor.

33 42 Sec. 106. Section 446.32, Code 2011, is amended to read as
 33 43 follows:
 34 1 446.32 PAYMENT OF SUBSEQUENT TAXES BY PURCHASER.
 34 2 The county treasurer shall provide to the purchaser of a
 34 3 parcel sold at tax sale a receipt for the total amount paid
 34 4 by the purchaser after the date of purchase for a subsequent
 34 5 year. Taxes for a subsequent year may be paid by the purchaser
 34 6 beginning one month and fourteen days following the date
 34 7 from which an installment becomes delinquent as provided in
 34 8 section 445.37. Notwithstanding any provision to the contrary,
 34 9 a subsequent payment must be received and recorded by the
 34 10 treasurer in the county system no later than ~~five~~ 5:00 p.m.on
 34 11 the last business day of the month for interest for that month
 34 12 to accrue and be added to the amount due under section 447.1.
 34 13 However, the treasurer may establish a deadline for receipt of
 34 14 subsequent payments that is other than ~~five~~ 5:00 p.m.on the
 34 15 last business day of the month to allow for timely processing
 34 16 of the subsequent payments. Late interest shall be calculated
 34 17 through the date that the subsequent payment is recorded by
 34 18 the treasurer in the county system. In no instance shall the
 34 19 date of postmark of a subsequent payment be used by a treasurer
 34 20 either to calculate interest or to determine whether interest
 34 21 shall accrue on the subsequent payment.

CODE: Allows the purchaser of a tax sale to pay the delinquent tax beginning one month and 14 days following the date an installment becomes delinquent.

34 22 Sec. 107. Section 468.57, subsection 1, Code Supplement
 34 23 2011, is amended to read as follows:
 34 24 1. If the owner of any land against which a levy exceeding
 34 25 ~~one~~ five hundred dollars has been made and certified shall,
 34 26 within thirty days from the date of such levy, agree in
 34 27 writing endorsed upon any improvement certificate referred
 34 28 to in section 468.70, or in a separate agreement, that in
 34 29 consideration of having a right to pay the owner's assessment
 34 30 in installments, the owner will not make any objection as to
 34 31 the legality of the assessment for benefit, or the levy of the
 34 32 taxes against the property, then such owner shall have the
 34 33 following options:
 34 34 a. To pay one-third of the amount of the assessment at the
 34 35 time of filing the agreement; one-third within twenty days
 34 36 after the engineer in charge certifies to the auditor that the
 34 37 improvement is one-half completed; and the remaining one-third
 34 38 within twenty days after the improvement has been completed
 34 39 and accepted by the board. All installments shall be without

CODE: This Section prohibits installment payments of property tax assessments unless the total owed exceeds \$500. This is a change from the \$100 limit in current law. Assessments less than \$500 are to be paid on July 1 succeeding the date of the levy, unless the assessment is filed with the county treasurer after May 31 in any year.

34 40 interest if paid at said times, otherwise the assessments shall
34 41 bear interest from the date of the levy at a rate determined by
34 42 the board notwithstanding chapter 74A, payable annually, and
34 43 be collected as other taxes on real estate, with like interest
35 1 for delinquency.

35 2 b. To pay the assessments in not less than ten nor more
35 3 than twenty equal installments, with the number of payments and
35 4 interest rate determined by the board, notwithstanding chapter
35 5 74A. The first installment of each assessment, or the total
35 6 amount if ~~less than one~~ five hundred dollars or less, is due
35 7 and payable on July 1 next succeeding the date of the levy,
35 8 unless the assessment is filed with the county treasurer after
35 9 May 31 in any year. The first installment shall bear interest
35 10 on the whole unpaid assessment from the date of the levy as set
35 11 by the board to the first day of December following the due
35 12 date. The succeeding annual installments, with interest on the
35 13 whole unpaid amount, to the first day of December following the
35 14 due date, are respectively due on July 1 annually, and must
35 15 be paid at the same time and in the same manner as the first
35 16 semiannual payment of ordinary taxes. All future installments
35 17 of an assessment may be paid on any date by payment of the then
35 18 outstanding balance plus interest to the next December 1, or
35 19 additional annual installments may be paid after the current
35 20 installment has been paid before December 1 without interest.
35 21 A payment must be for the full amount of the next installment.
35 22 If installments remain to be paid, the next annual installment
35 23 with interest added to December 1 will be due. After December
35 24 1, if a drainage assessment is not delinquent, a property owner
35 25 may pay one-half or all of the next annual installment of
35 26 principal and interest of a drainage assessment prior to the
35 27 delinquency date of the installment. When the next installment
35 28 has been paid in full, successive principal installments may
35 29 be prepaid. The county treasurer shall accept the payments
35 30 of the drainage assessment, and shall credit the next annual
35 31 installment or future installments of the drainage assessment
35 32 to the extent of the payment or payments, and shall remit the
35 33 payments to the drainage fund. If a property owner elects
35 34 to pay one or more principal installments in advance, the
35 35 pay schedule shall be advanced by the number of principal
35 36 installments prepaid. Each installment of an assessment with
35 37 interest on the unpaid balance is delinquent from October 1
35 38 after its due date. However, when the last day of September
35 39 is a Saturday or Sunday, that amount shall be delinquent from
35 40 the second business day of October. Taxes assessed pursuant
35 41 to this chapter which become delinquent shall bear the same
35 42 delinquent interest as ordinary taxes. When collected, the

35 43 interest must be credited to the same drainage fund as the
36 1 drainage special assessment.

36 2 DIVISION VII
36 3 BOARDS AND COMMISSIONS

36 4 Sec. 108. Section 28B.1, subsection 1, unnumbered paragraph
36 5 1, Code 2011, is amended to read as follows:
36 6 ~~The In accordance with a resolution adopted for this purpose~~
36 7 ~~by the legislative council, an~~ Iowa commission on interstate
36 8 cooperation ~~is hereby established shall be appointed to address~~
36 9 ~~the charge and other responsibilities for the commission~~
36 10 ~~outlined in the resolution.~~ † ~~The commission~~ shall consist of
36 11 thirteen members to be appointed as follows:

CODE: Requires the Iowa Commission on Interstate Cooperation to be appointed upon resolution by the Legislative Council to address the charge and responsibilities outlined in the resolution.

36 12 Sec. 109. Section 28B.4, Code 2011, is amended to read as
36 13 follows:

CODE: Changes the reporting submission requirement for the Commission on Interstate Cooperation from 15 days after the General Assembly convenes to instead reference direction articulated in the Commissions charge. A technical Iowa Code reference change is also included concerning per diem payments.

36 14 28B.4 REPORT.

36 15 1. The commission shall report to the governor and to
36 16 the legislature ~~within fifteen days after the convening of~~
36 17 ~~each general assembly~~ general assembly in accordance with the
36 18 commission's charge, and ~~at may report at~~ other times as †
36 19 ~~deems deemed~~ appropriate by the commission.

36 20 2. ~~Its~~ The commission's members and the members of all
36 21 committees which it establishes shall be reimbursed for their
36 22 travel and other necessary expenses in carrying out their
36 23 obligations under this chapter and legislative members shall
36 24 be paid a per diem ~~as specified in section 7E.6~~ for each day in
36 25 which engaged in the performance of their duties, the per diem
36 26 and legislators' expenses to be paid from funds appropriated by
36 27 sections 2.10 and 2.12. Expenses of administrative officers,
36 28 state officials, or state employees who are members of the Iowa
36 29 commission on interstate cooperation or a committee appointed
36 30 by the commission shall be paid from funds appropriated to
36 31 the agencies or departments which persons represent except as
36 32 may otherwise be provided by the general assembly. Expenses
36 33 of citizen members who may be appointed to committees of
36 34 the commission may be paid from funds as authorized by the
36 35 general assembly. Expenses of the secretary or employees
36 36 of the secretary and support services in connection with
36 37 the administration of the commission shall be paid from
36 38 funds appropriated to the legislative services agency
36 39 unless otherwise provided by the general assembly. Expenses
36 40 of commission members shall be paid upon approval of the
36 41 chairperson or the secretary of the commission.

36 42 Sec. 110. Section 216A.132, subsection 1, paragraph c, Code

CODE: Requires the Chief Justice of the Supreme Court to designate

36 43 2011, is amended to read as follows:
 37 1 c. (1) The chief justice of the supreme court shall
 37 2 designate one member who is a district judge and one member
 37 3 who is either a district associate judge or associate juvenile
 37 4 judge. ~~The chairperson and ranking member of the senate~~
 37 5 ~~committee on judiciary shall be members. In alternating~~
 37 6 ~~four-year intervals, the chairperson and ranking member of~~
 37 7 ~~the house committee on judiciary or of the house committee~~
 37 8 ~~on public safety shall be members, with the chairperson and~~
 37 9 ~~ranking member of the house committee on public safety serving~~
 37 10 ~~during the initial interval. Nonlegislative~~ The members
 37 11 appointed pursuant to this ~~paragraph~~ subparagraph shall serve
 37 12 as ex officio, nonvoting members for four-year terms beginning
 37 13 and ending as provided in section 69.19, unless the member
 37 14 ceases to serve as a ~~district court~~ judge.
 37 15 (2) The chairperson and ranking member of the senate
 37 16 committee on judiciary shall be ex officio, nonvoting members.
 37 17 In alternating two-year terms, beginning and ending as provided
 37 18 in section 69.16B, the chairperson and ranking member of the
 37 19 house committee on judiciary or of the house committee on
 37 20 public safety shall be ex officio, nonvoting members, with the
 37 21 chairperson and ranking member of the house committee on public
 37 22 safety serving during the term beginning in January 2011.

district, district associate, and associate juvenile judges as ex officio, nonvoting members of the Juvenile Justice Planning Advisory Council. Designates the Chairpersons and Ranking Members of the Senate and House Judiciary Committees as ex officio, nonvoting members of the Juvenile Justice Planning Advisory Council.

37 23 Sec. 111. REPEAL. Section 249A.36, Code 2011, is repealed.

CODE: Repeals the Medical Assistance Quality Improvement Council.

DETAIL: The Council was created to evaluate clinical outcomes and satisfaction of consumers and providers with the Medical Assistance Program.

37 24 DIVISION VIII
 37 25 CITY FRANCHISE FEES

37 26 Sec. 112. Section 364.2, subsection 4, paragraph f, Code
 37 27 2011, is amended to read as follows:
 37 28 f. (1) (a) A franchise fee assessed by a city may be
 37 29 based upon a percentage of gross revenues generated from sales
 37 30 of the franchisee within the city not to exceed five percent,
 37 31 except as provided in subparagraph division (b), without regard
 37 32 to the city's cost of inspecting, supervising, and otherwise
 37 33 regulating the franchise.
 37 34 (b) For franchise fees assessed and collected during
 37 35 fiscal years beginning on or after July 1, 2012, but before
 37 36 July 1, 2030, by a city that is the subject of a judgment,

CODE: Allows a city that is subject to a judgment, court-approved settlement, court-approved compromise, refund, or other required return of previously collected franchise fee revenue to impose a franchise fee at the rate of up to 7.50% for any seven-year time period beginning July 1, 2012, through June 30, 2030. Requires that an ordinance increasing the rate to greater than 5.00% must be approved by referendum.

DETAIL: This provision will allow certain cities to institute or increase a franchise fee with a maximum rate of 7.50%. The current maximum rate is 5.00%. To be eligible to institute a rate above 5.00%, the city

37 37 court-approved settlement, or court-approved compromise
 37 38 providing for payment of restitution, a refund, or a return
 37 39 described in section 384.3A, subsection 3, paragraph “j”.
 37 40 the rate of the franchise fee shall not exceed seven and
 37 41 one-half percent of gross revenues generated from sales of the
 37 42 franchisee in the city, and franchise fee amounts assessed and
 37 43 collected during such fiscal years in excess of five percent
 38 1 of gross revenues generated from sales shall be used solely
 38 2 for the purpose specified in section 384.3A, subsection 3,
 38 3 paragraph “j”. A city may assess and collect a franchise fee
 38 4 in excess of five percent of gross revenues generated from the
 38 5 sales of the franchisee pursuant to this subparagraph division
 38 6 (b) for a period not to exceed seven consecutive fiscal years
 38 7 once the franchise fee is first imposed at a rate in excess
 38 8 of five percent. An ordinance increasing the franchise fee
 38 9 rate to greater than five percent pursuant to this subparagraph
 38 10 division (b) shall not become effective unless approved at
 38 11 an election. After passage of the ordinance, the council
 38 12 shall submit the proposal at a special election held on a date
 38 13 specified in section 39.2, subsection 4, paragraph “b”. If a
 38 14 majority of those voting on the proposal approves the proposal,
 38 15 the city may proceed as proposed. The complete text of the
 38 16 ordinance shall be included on the ballot and the full text
 38 17 of the ordinance posted for the voters pursuant to section
 38 18 52.25. All absentee voters shall receive the full text of the
 38 19 ordinance along with the absentee ballot. This subparagraph
 38 20 division is repealed July 1, 2030.
 38 21 (2) Franchise fees collected pursuant to an ordinance
 38 22 in effect on May 26, 2009, shall be deposited in the city’s
 38 23 general fund and such fees collected in excess of the amounts
 38 24 necessary to inspect, supervise, and otherwise regulate
 38 25 the franchise may be used by the city for any other purpose
 38 26 authorized by law. Franchise fees collected pursuant to an
 38 27 ordinance that is adopted or amended on or after May 26,
 38 28 2009, to increase the percentage rate at which franchise fees
 38 29 are assessed shall be credited to the franchise fee account
 38 30 within the city’s general fund and used pursuant to section
 38 31 384.3A. If a city franchise fee is assessed to customers of
 38 32 a franchise, the fee shall not be assessed to the city as a
 38 33 customer. Before a city adopts or amends a franchise fee rate
 38 34 ordinance or franchise ordinance to increase the percentage
 38 35 rate at which franchise fees are assessed, a revenue purpose
 38 36 statement shall be prepared specifying the purpose or purposes
 38 37 for which the revenue collected from the increased rate will
 38 38 be expended. If property tax relief is listed as a purpose,
 38 39 the revenue purpose statement shall also include information

must be subject to a judgment, court-approved settlement or other
 repayment agreement involving the previous collection of franchise
 fees in excess of what was allowed. The revenue generated from a
 rate above 5.00% must be used solely for the payment of the
 judgment or court-approved settlement. This Division is effective on
 enactment.

FISCAL IMPACT: The fiscal impact of this Division is unknown. At
 least one city is currently required to return previously collected
 franchise fee revenue. If this additional franchise fee is not enacted,
 the impacted city or cities will have to utilize a different revenue source
 for repayment of the excess franchise tax.

38 40 regarding the amount of the property tax relief to be provided
 38 41 with revenue collected from the increased rate. The revenue
 38 42 purpose statement shall be published as provided in section
 38 43 362.3.

39 1 Sec. 113. Section 384.3A, subsection 3, Code 2011, is
 39 2 amended by adding the following new paragraph:
 39 3 NEW PARAGRAPH j. For franchise fees assessed and collected
 39 4 by a city in excess of five percent of gross revenues generated
 39 5 from sales of the franchisee within the city pursuant to
 39 6 section 364.2, subsection 4, paragraph "f", subparagraph (1),
 39 7 subparagraph division (b), during fiscal years beginning on or
 39 8 after July 1, 2012, but before July 1, 2030, the adjustment,
 39 9 renewing, or extension of any part or all of the legal
 39 10 indebtedness of a city, whether evidenced by bonds, warrants,
 39 11 court-approved settlements, court-approved compromises, or
 39 12 judgments, or the funding or refunding of the same, if such
 39 13 legal indebtedness relates to restitution, a refund, or
 39 14 a return ordered by a court of competent jurisdiction for
 39 15 franchise fees assessed and collected by the city before the
 39 16 effective date of this division of this Act. This paragraph is
 39 17 repealed July 1, 2030.

39 18 Sec. 114. EFFECTIVE UPON ENACTMENT. This division of this
 39 19 Act, being deemed of immediate importance, takes effect upon
 39 20 enactment.

39 21 DIVISION IX
 39 22 EARLY INTERVENTION BLOCK GRANT PROGRAM

39 23 Sec. 115. Section 256D.9, Code 2011, is amended to read as
 39 24 follows:

39 25 256D.9 FUTURE REPEAL.

39 26 This chapter is repealed effective July 1, ~~2012~~ 2013.

39 27 Sec. 116. EFFECTIVE DATE. This division of this Act takes
 39 28 effect June 30, 2012.

39 29 DIVISION X
 39 30 STATE BOARD OF REGENTS

39 31 Sec. 117. Section 8D.10, Code 2011, is amended to read as
 39 32 follows:

39 33 8D.10 REPORT OF SAVINGS BY STATE AGENCIES.

39 34 A state agency which is a part of the network shall annually
 39 35 provide a written report to the general assembly certifying
 39 36 the identified savings associated with the state agency's use
 39 37 of the network. The report shall be delivered on or before
 39 38 January 15 for the previous fiscal year of the state agency.

39 39 This section does not apply to the state board of regents or to

CODE: Extends the Early Intervention Block Grant Program to July 1, 2013. Under current law, the Program would be repealed July 1, 2012. This Division is effective on enactment.

CODE: Specifies that the Board of Regents and its institutions are exempt from the requirement to report on savings obtained through use of the Iowa Communications Network.

39 40 any institution under control of the state board of regents.

39 41 Sec. 118. Section 262.93, Code 2011, is amended to read as
39 42 follows:

39 43 262.93 REPORTS TO GENERAL ASSEMBLY.

40 1 The college student aid commission and the state board of
40 2 regents each shall submit to the general assembly, by January
40 3 15 of each year, a report on the progress and implementation
40 4 of the programs which they administer under sections 261.102
40 5 through 261.105, ~~262.82~~, and 262.92. By January 31 of each
40 6 year, the state board of regents shall submit a report to the
40 7 general assembly regarding the progress and implementation
40 8 of the program administered pursuant to section 262.82. The
40 9 reports shall include; but are not limited to; the numbers
40 10 of students and educators participating in the programs and
40 11 allocation of funds appropriated for the programs.

CODE: Requires the Board of Regents to submit a report to the General Assembly by January 31 of each year regarding the Minority and Women Educators Enhancement Program.

40 12 Sec. 119. Section 263.19, Code 2011, is amended to read as
40 13 follows:

40 14 263.19 PURCHASES.

40 15 Any purchase ~~in excess of ten thousand dollars~~, of
40 16 materials, appliances, instruments, or supplies by the
40 17 university of iowa hospitals and clinics, ~~when the price of the~~
40 18 ~~materials, appliances, instruments, or supplies to be purchased~~
40 19 ~~is subject to competition~~, shall be made pursuant to open
40 20 competitive quotations, and all contracts for such purchases
40 21 shall be subject to chapter 72. ~~However, purchases may be made~~
40 22 ~~through a hospital group purchasing organization provided that~~
40 23 ~~the university of iowa hospitals and clinics is a member of~~
40 24 ~~the organization in compliance with purchasing policies of the~~
40 25 state board of regents.

CODE: Clarifies the requirement that purchases made by the University of Iowa Hospitals and Clinics utilize a competitive bid process. Specifies that such contracts must comply with the Board's purchasing policies.

40 26 Sec. 120. Section 432.13, Code 2011, is amended to read as
40 27 follows:

40 28 432.13 PREMIUM TAX EXEMPTION — HAWK-I PROGRAM — STATE
40 29 EMPLOYEE BENEFITS.

40 30 1. Premiums collected by participating insurers under
40 31 chapter 514I are exempt from premium tax.

40 32 2. Premiums received for benefits acquired on behalf of
40 33 state employees by the department of administrative services
40 34 ~~on behalf of state employees~~ pursuant to section 8A.402,
40 35 subsection 1, and by the state board of regents pursuant to
40 36 chapter 262. are exempt from premium tax.

CODE: Technical clarification relating to the hawk-i Program to conform the Iowa Code to the current practice.

40 37 DIVISION XI
40 38 NAVIGATOR — INSURANCE

40 39 Sec. 121.NEW SECTION 522D.1 DEFINITIONS.
40 40 As used in this chapter, unless the context otherwise
40 41 requires:
40 42 1. "Commissioner" means the commissioner of insurance.
40 43 2. "Navigator" means a public or private entity or an
41 1 individual that is qualified and licensed, if appropriate, to
41 2 engage in the activities and meet the standards described in 45
41 3 C.F.R. § 155.210.
41 4 Sec. 122.NEW SECTION 522D.2 LICENSE REQUIRED.
41 5 A person shall not act as a navigator in this state unless
41 6 the person is licensed by the commissioner as required in this
41 7 chapter.
41 8 Sec. 123.NEW SECTION 522D.3 ACTIONS PROHIBITED.
41 9 A navigator shall not perform the functions of a person
41 10 required to be licensed as an insurance producer under chapter
41 11 522B unless the navigator is licensed as a navigator pursuant
41 12 to this chapter and as an insurance producer pursuant to
41 13 chapter 522B.
41 14 Sec. 124.NEW SECTION 522D.4 APPLICATION FOR EXAMINATION.
41 15 1. An individual applying for a navigator license shall
41 16 pass a written examination. The examination shall test
41 17 the knowledge of the individual concerning the duties and
41 18 responsibilities of a navigator and the insurance laws and
41 19 regulations of this state. The commissioner shall adopt rules
41 20 pursuant to chapter 17A related to the development and conduct
41 21 of the examination.
41 22 2. The commissioner may make arrangements, including
41 23 contracting with an outside testing service or other
41 24 appropriate entity, for administering examinations and
41 25 collecting fees.
41 26 3. An individual applying for an examination shall remit a
41 27 nonrefundable fee as established by rule of the commissioner.
41 28 4. An individual who fails to appear for the examination as
41 29 scheduled or fails to pass the examination shall reapply for an
41 30 examination and remit all required fees and forms before being
41 31 rescheduled for another examination.
41 32 Sec. 125.NEW SECTION 522D.5 APPLICATION FOR LICENSE.
41 33 1. A person applying for a navigator license shall make
41 34 application to the commissioner on an application form approved
41 35 by the commissioner and declare under penalty of refusal,
41 36 suspension, or revocation of the license that the statements
41 37 made on the application are true, correct, and complete to
41 38 the best of the individual's knowledge and belief. Before
41 39 approving the application, the commissioner shall find all of
41 40 the following:
41 41 a. The individual is at least eighteen years of age.

CODE: Establishes licensing requirements for insurance navigators overseen by the Commissioner of Insurance. This Division provides for examinations, prohibited actions, and license renewal, denial, and revocation.

DETAIL: Navigators are entities or individuals who facilitate the operation of health insurance exchanges in accordance with federal Department of Health and Human Services program standards (45 CFR Section 155.210). Navigators educate consumers about available health plan coverage, distribute fair and impartial information, and help facilitate enrollment in qualified health plans. Navigators are prohibited from being insurance agents and from marketing health insurance products.

41 42 b. The individual has not committed any act that is a ground
41 43 for denial, suspension, or revocation as set forth in section
42 1 522D.7.

42 2 c. The individual has paid the license fee, as established
42 3 by the commissioner by rule.

42 4 d. The individual has successfully completed the initial
42 5 training and education program for a license as established by
42 6 the commissioner by rule.

42 7 e. The individual has successfully passed the examination
42 8 as provided in section 522D.4.

42 9 f. In order to protect the public interest, the individual
42 10 has the requisite character and competence to receive a license
42 11 as a navigator.

42 12 2. A public or private entity acting as a navigator may
42 13 elect to obtain a navigator license. Application shall be made
42 14 using the application form approved by the commissioner. Prior
42 15 to approving the application, the commissioner shall find both
42 16 of the following:

42 17 a. The entity has paid the appropriate fees.

42 18 b. The entity has designated a licensed navigator
42 19 responsible for the entity's compliance with this chapter.

42 20 Sec. 126.NEW SECTION 522D.6 LICENSE.

42 21 1. A person who meets the requirements of sections 522D.4
42 22 and 522D.5, unless otherwise denied licensure pursuant to
42 23 section 522D.7, shall be issued a navigator license. A
42 24 navigator license is valid for three years.

42 25 2. A navigator license remains in effect unless revoked or
42 26 suspended as long as all required fees are paid and continuing
42 27 education requirements are met by any applicable due date.

42 28 A navigator is required to complete continuing education
42 29 requirements required by law in order to be eligible for
42 30 license renewal.

42 31 3. A licensed navigator who is unable to comply with license
42 32 renewal procedures due to military service or other extenuating
42 33 circumstances may request a waiver of those procedures. The
42 34 licensed navigator may also request a waiver of any examination
42 35 requirement or any other penalty or sanction imposed for
42 36 failure to comply with renewal procedures.

42 37 4. The license shall contain the licensee's name, address,
42 38 personal identification number, the date of issuance, the
42 39 expiration date, and any other information the commissioner
42 40 deems necessary.

42 41 5. A licensee shall inform the commissioner by any means
42 42 acceptable to the commissioner of a change of legal name or
42 43 address within thirty days of the change. Failure to timely
43 1 inform the commissioner of a change of legal name or address

43 2 may result in a penalty as specified in section 522D.7.
43 3 6. The commissioner shall require by rule that a licensed
43 4 navigator furnish a surety bond or other evidence of financial
43 5 responsibility that protects all persons against wrongful acts,
43 6 misrepresentations, errors, omissions, or negligence of the
43 7 navigator.
43 8 7. In order to assist with the commissioner's duties,
43 9 the commissioner may contract with a nongovernmental entity,
43 10 including the national association of insurance commissioners
43 11 or any affiliate or subsidiary the national association of
43 12 insurance commissioners oversees, to perform any ministerial
43 13 functions, including the collection of fees, related to
43 14 navigator licensing that the commissioner deems appropriate.
43 15 Sec. 127.NEW SECTION 522D.7 LICENSE DENIAL, NONRENEWAL,
43 16 OR REVOCATION.
43 17 1. The commissioner may place on probation, suspend,
43 18 revoke, or refuse to issue or renew a navigator's license or
43 19 may levy a civil penalty as provided in section 522D.8 for any
43 20 one or more of the following causes:
43 21 a. Providing incorrect, misleading, incomplete, or
43 22 materially untrue information in the license application.
43 23 b. Violating any insurance laws, or violating any
43 24 regulation, subpoena, or order of the commissioner or of a
43 25 commissioner of another state.
43 26 c. Obtaining or attempting to obtain a license through
43 27 misrepresentation or fraud.
43 28 d. Improperly withholding, misappropriating, or converting
43 29 any moneys or properties received in the course of doing
43 30 insurance business.
43 31 e. Intentionally misrepresenting the terms of an actual or
43 32 proposed insurance contract or application for insurance.
43 33 f. Having been convicted of a felony.
43 34 g. Having admitted or been found to have committed any
43 35 unfair insurance trade practice or fraud.
43 36 h. Using fraudulent, coercive, or dishonest practices, or
43 37 demonstrating incompetence, untrustworthiness, or financial
43 38 irresponsibility in the conduct of business in this state or
43 39 elsewhere.
43 40 i. Having a navigator license, or its equivalent, denied,
43 41 suspended, or revoked in any other state, province, district,
43 42 or territory.
43 43 j. Forging another's name to an application for insurance or
44 1 to any document related to an insurance transaction.
44 2 k. Improperly using notes or any other reference material to
44 3 complete an examination for a navigator license.
44 4 l. Failing to comply with an administrative or court order

44 5 imposing a child support obligation.
44 6 m. Failing to comply with an administrative or court order
44 7 related to repayment of loans to the college student aid
44 8 commission.
44 9 n. Failing to pay state income tax or comply with any
44 10 administrative or court order directing payment of state income
44 11 tax.
44 12 o. Failing or refusing to cooperate in an investigation by
44 13 the commissioner.
44 14 2. If the commissioner does not renew a license or denies
44 15 an application for a license, the commissioner shall notify
44 16 the applicant or licensee and advise, in writing, the licensee
44 17 or applicant of the reason for the nonrenewal of the license
44 18 or denial of the application for a license. The licensee or
44 19 applicant may request a hearing on the nonrenewal or denial. A
44 20 hearing shall be conducted according to section 507B.6.
44 21 3. The license of a public or private entity operating
44 22 as a navigator may be suspended, revoked, or refused if the
44 23 commissioner finds, after hearing, that an individual navigator
44 24 licensee's violation was known or should have been known by a
44 25 partner, officer, or manager acting on behalf of the entity
44 26 and the violation was not reported to the commissioner and
44 27 corrective action was not taken.
44 28 4. In addition to, or in lieu of, any applicable denial,
44 29 suspension, or revocation of a license, a person, after
44 30 hearing, may be subject to a civil penalty as provided in
44 31 section 522D.8.
44 32 5. The commissioner may conduct an investigation of any
44 33 suspected violation of this chapter pursuant to section 507B.6
44 34 and may enforce the provisions and impose any penalty or remedy
44 35 authorized by this chapter and chapter 507B against any person
44 36 who is under investigation for, or charged with, a violation
44 37 of either chapter even if the person's license has been
44 38 surrendered or has lapsed by operation of law.
44 39 6. a. In order to assure a free flow of information for
44 40 accomplishing the purposes of this section, all complaint
44 41 files, investigation files, other investigation reports, and
44 42 other investigative information in the possession of the
44 43 commissioner or the commissioner's employees or agents that
45 1 relates to licensee discipline are privileged and confidential,
45 2 and are not subject to discovery, subpoena, or other means
45 3 of legal compulsion for their release to a person other
45 4 than the licensee, and are not admissible in evidence in a
45 5 judicial or administrative proceeding other than the proceeding
45 6 involving licensee discipline. A final written decision of the
45 7 commissioner in a disciplinary proceeding is a public record.

45 8 b. Investigative information in the possession of the
45 9 commissioner or the commissioner's employees or agents that
45 10 relates to licensee discipline may be disclosed, in the
45 11 commissioner's discretion, to appropriate licensing authorities
45 12 within this state, the appropriate licensing authority in
45 13 another state, the District of Columbia, or a territory or
45 14 country in which the licensee is licensed or has applied for
45 15 a license.

45 16 c. If the investigative information in the possession of
45 17 the commissioner or the commissioner's employees or agents
45 18 indicates a crime has been committed, the information shall be
45 19 reported to the proper law enforcement agency.

45 20 d. Pursuant to the provisions of section 17A.19, subsection
45 21 6, upon an appeal by the licensee, the commissioner shall
45 22 transmit the entire record of the contested case to the
45 23 reviewing court.

45 24 e. Notwithstanding the provisions of section 17A.19,
45 25 subsection 6, if a waiver of privilege has been involuntary and
45 26 evidence has been received at a disciplinary hearing, the court
45 27 shall issue an order to withhold the identity of the individual
45 28 whose privilege was waived.

45 29 Sec. 128.NEW SECTION 522D.8 CEASE AND DESIST ORDERS —
45 30 PENALTIES.

45 31 1. A navigator who, after hearing, is found to have violated
45 32 this chapter, may be ordered to cease and desist from engaging
45 33 in the conduct resulting in the violation and may be assessed a
45 34 civil penalty pursuant to chapter 507B.

45 35 2. If a person does not comply with an order issued pursuant
45 36 to this section, the commissioner may petition a court of
45 37 competent jurisdiction to enforce the order. The court shall
45 38 not require the commissioner to post a bond in an action or
45 39 proceeding under this section. If the court finds, after
45 40 notice and opportunity for hearing, that the person is not in
45 41 compliance with an order, the court may adjudge the person to
45 42 be in civil contempt of the order. The court may impose a civil
45 43 penalty against the person for contempt in an amount not less
46 1 than three thousand dollars but not greater than ten thousand
46 2 dollars for each violation and may grant any other relief that
46 3 the court determines is just and proper in the circumstances.

46 4 Sec. 129.NEW SECTION 522D.9 INJUNCTIVE RELIEF.

46 5 1. A person may bring an action in district court to enjoin
46 6 another person from acting as a navigator in violation of
46 7 section 522D.2. However, before bringing an action in district
46 8 court to enjoin a person pursuant to this section, the person
46 9 shall file a complaint with the insurance division alleging
46 10 that another person is acting as a navigator in violation of

46 11 section 522D.2.
46 12 2. If the division makes a determination to proceed
46 13 administratively against the person for a violation of section
46 14 522D.2, the complainant shall not bring an action in district
46 15 court against the person pursuant to this section based upon
46 16 the allegations contained in the complaint filed with the
46 17 division.
46 18 3. If the division does not make a determination to proceed
46 19 administratively against the person for a violation of section
46 20 522D.2, the division shall issue, by ninety days from the date
46 21 of filing of the complaint, a release to the complainant that
46 22 permits the complainant to bring an action in district court
46 23 pursuant to this section.
46 24 4. The filing of a complaint with the division pursuant
46 25 to this section tolls the statute of limitations pursuant to
46 26 section 614.1 as to the alleged violation for a period of one
46 27 hundred twenty days from the date of filing the complaint.
46 28 5. Any action brought in district court by a complainant
46 29 against a person pursuant to this section, based upon the
46 30 allegations contained in the complaint filed with the division,
46 31 shall be brought within one year after the ninety-day period
46 32 following the filing of the complaint with the division, or the
46 33 date of the issuance of a release by the division, whichever
46 34 is earlier.
46 35 6. If the court finds that the person is in violation
46 36 of section 522D.2 and enjoins the person from acting as a
46 37 navigator in violation of that section, the court's findings of
46 38 fact and law, and the judgment and decree, when final, shall
46 39 be admissible in any proceeding initiated pursuant to section
46 40 522D.8 by the commissioner against the person enjoined and the
46 41 person enjoined shall be precluded from contesting in that
46 42 proceeding the court's determination that the person acted as a
46 43 navigator in violation of section 522D.2.

47 1 Sec. 130.NEW SECTION 522D.10 RULES.
47 2 The commissioner may adopt rules pursuant to chapter 17A
47 3 as are necessary or proper to carry out the purposes of this
47 4 chapter.

47 5 Sec. 131.NEW SECTION 522D.11 SEVERABILITY.
47 6 If any provision of this chapter or its application to any
47 7 person or circumstance is held invalid by a court of competent
47 8 jurisdiction or by federal law, the invalidity does not affect
47 9 other provisions or applications of the chapter that can be
47 10 given effect without the invalid provision or application, and
47 11 to this end the provisions of the chapter are severable and the
47 12 valid provisions or applications shall remain in full force and
47 13 effect.

47 14 Sec. 132. NEW SECTION 522D.12 FUTURE REPEAL.
47 15 If the federal law providing for the sale of qualified health
47 16 benefit plans of the state is repealed by federal legislation
47 17 or is ruled invalid by a decision of the United States supreme
47 18 court, the commissioner shall notify the Iowa Code editor of
47 19 the effective date of the repeal or the date of the ruling.
47 20 This chapter is repealed on the effective date of such federal
47 21 legislation or the date of the United States supreme court
47 22 decision.

47 23 DIVISION XII
47 24 CAPITAL GAIN DEDUCTION FOR SALE TO AN IOWA ESOP

47 25 Sec. 133. Section 422.7, subsection 21, Code Supplement
47 26 2011, is amended by adding the following new paragraph:
47 27 NEW PARAGRAPH e. (1) To the extent not already excluded,
47 28 fifty percent of the net capital gain from the sale or exchange
47 29 of employer securities of an Iowa corporation to a qualified
47 30 Iowa employee stock ownership plan when, upon completion of
47 31 the transaction, the qualified Iowa employee stock ownership
47 32 plan owns at least thirty percent of all outstanding employer
47 33 securities issued by the Iowa corporation.

47 34 (2) For purposes of this paragraph:

47 35 (a) "Employer securities" means the same as defined in
47 36 section 409(l) of the Internal Revenue Code.

47 37 (b) "Iowa corporation" means a corporation whose commercial
47 38 domicile, as defined in section 422.32, is in this state.

47 39 (c) "Qualified Iowa employee stock ownership plan" means an
47 40 employee stock ownership plan, as defined in section 4975(e)(7)
47 41 of the Internal Revenue Code, and trust that are established
47 42 by an Iowa corporation for the benefit of the employees of the
47 43 corporation.

48 1 Sec. 134. RETROACTIVE APPLICABILITY. This division of this
48 2 Act applies retroactively to January 1, 2012, for tax years
48 3 beginning on or after that date.

CODE: Creates a State income tax exemption for capital gains earned from the sale of employer securities to a qualified Iowa Employee Stock Ownership Plan (ESOP).

FISCAL IMPACT: The exemption will reduce individual income taxes owed to the State by qualified taxpayers and reduce General Fund revenues by an estimated \$500,000 per year beginning in FY 2013.

Summary Data General Fund

	Actual FY 2011 <u>(1)</u>	Estimated Net FY 2012 <u>(2)</u>	Enacted FY 2013 <u>(3)</u>	Final Action FY 2013 <u>(4)</u>	Total Final Act FY 2013 <u>(5)</u>	Total Final Act vs FY 2012 <u>(6)</u>
Economic Development	\$ 0	\$ 320,000	\$ 0	\$ 0	\$ 0	\$ -320,000
Education	0	0	0	500,000	500,000	500,000
Unassigned Standings	<u>2,490,940,807</u>	<u>2,758,820,608</u>	<u>2,841,281,604</u>	<u>-36,381,695</u>	<u>2,804,899,909</u>	<u>46,079,301</u>
Grand Total	<u>\$ 2,490,940,807</u>	<u>\$ 2,759,140,608</u>	<u>\$ 2,841,281,604</u>	<u>\$ -35,881,695</u>	<u>\$ 2,805,399,909</u>	<u>\$ 46,259,301</u>

Economic Development General Fund

	Actual FY 2011 <u>(1)</u>	Estimated Net FY 2012 <u>(2)</u>	Enacted FY 2013 <u>(3)</u>	Final Action FY 2013 <u>(4)</u>	Total Final Act FY 2013 <u>(5)</u>	Total Final Act vs FY 2012 <u>(6)</u>
<u>Cultural Affairs, Dept. of</u>						
Cultural Affairs, Dept. of Iowa Memorial at Vicksburg	\$ 0	\$ 320,000	\$ 0	\$ 0	\$ 0	\$ -320,000
Total Cultural Affairs, Dept. of	<u>\$ 0</u>	<u>\$ 320,000</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ -320,000</u>
Total Economic Development	<u><u>\$ 0</u></u>	<u><u>\$ 320,000</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ -320,000</u></u>

Education General Fund

	Actual FY 2011 <u>(1)</u>	Estimated Net FY 2012 <u>(2)</u>	Enacted FY 2013 <u>(3)</u>	Final Action FY 2013 <u>(4)</u>	Total Final Act FY 2013 <u>(5)</u>	Total Final Act vs FY 2012 <u>(6)</u>
<u>College Aid Commission</u>						
College Student Aid Comm.						
Tuition Grants - For-Profit (HF2465)	\$ 0	\$ 0	\$ 0	\$ 500,000	\$ 500,000	\$ 500,000
Total College Aid Commission	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 500,000</u>	<u>\$ 500,000</u>	<u>\$ 500,000</u>
Total Education	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 500,000</u></u>	<u><u>\$ 500,000</u></u>	<u><u>\$ 500,000</u></u>

Unassigned Standings General Fund

	Actual FY 2011 <u>(1)</u>	Estimated Net FY 2012 <u>(2)</u>	Enacted FY 2013 <u>(3)</u>	Final Action FY 2013 <u>(4)</u>	Total Final Act FY 2013 <u>(5)</u>	Total Final Act vs FY 2012 <u>(6)</u>
<u>Cultural Affairs, Dept. of</u>						
Cultural Affairs, Dept. of						
County Endowment Funding - DCA Grants	\$ 443,300	\$ 416,702	\$ 208,351	\$ 208,351	\$ 416,702	\$ 0
Total Cultural Affairs, Dept. of	\$ 443,300	\$ 416,702	\$ 208,351	\$ 208,351	\$ 416,702	\$ 0
<u>Economic Development Authority</u>						
Economic Development Authority						
Tourism Marketing - Adjusted Gross Receipts	\$ 856,229	\$ 810,306	\$ 405,153	\$ 405,153	\$ 810,306	\$ 0
Total Economic Development Authority	\$ 856,229	\$ 810,306	\$ 405,153	\$ 405,153	\$ 810,306	\$ 0
<u>Education, Dept. of</u>						
Education, Dept. of						
Child Development	\$ 11,493,891	\$ 10,728,891	\$ 5,364,446	\$ 5,364,445	\$ 10,728,891	\$ 0
State Foundation School Aid	2,444,144,299	2,624,519,013	2,659,200,000	-10,000,000	2,649,200,000	24,680,987
Reading Research Center	0	0	0	2,000,000	2,000,000	2,000,000
Total Education, Dept. of	\$ 2,455,638,190	\$ 2,635,247,904	\$ 2,664,564,446	\$ -2,635,555	\$ 2,661,928,891	\$ 26,680,987
<u>Legislative Branch</u>						
Legislative Services Agency						
Legislative Branch	\$ 33,583,681	\$ 35,750,000	\$ 35,900,000	\$ -1,672,924	\$ 34,227,076	\$ -1,522,924
Total Legislative Branch	\$ 33,583,681	\$ 35,750,000	\$ 35,900,000	\$ -1,672,924	\$ 34,227,076	\$ -1,522,924
<u>Public Health, Dept. of</u>						
Public Health, Dept. of						
Congenital & Inherited Disorders Registry	\$ 182,044	\$ 171,121	\$ 85,560	\$ 146,940	\$ 232,500	\$ 61,379
Iowa Youth Suicide Prevention	0	0	0	50,000	50,000	50,000
Total Public Health, Dept. of	\$ 182,044	\$ 171,121	\$ 85,560	\$ 196,940	\$ 282,500	\$ 111,379
<u>Human Services, Dept. of</u>						
Assistance						
Child Abuse Prevention	\$ 217,772	\$ 217,772	\$ 108,886	\$ 123,614	\$ 232,500	\$ 14,728
Total Human Services, Dept. of	\$ 217,772	\$ 217,772	\$ 108,886	\$ 123,614	\$ 232,500	\$ 14,728

Unassigned Standings General Fund

	Actual FY 2011 <u>(1)</u>	Estimated Net FY 2012 <u>(2)</u>	Enacted FY 2013 <u>(3)</u>	Final Action FY 2013 <u>(4)</u>	Total Final Act FY 2013 <u>(5)</u>	Total Final Act vs FY 2012 <u>(6)</u>
<u>Public Safety, Department of</u>						
Public Safety, Dept. of						
DPS-POR Unfunded Liabilities Until 85 Percent	\$ 0	\$ 0	\$ 5,000,000	\$ -5,000,000	\$ 0	\$ 0
Total Public Safety, Department of	\$ 0	\$ 0	\$ 5,000,000	\$ -5,000,000	\$ 0	\$ 0
<u>Revenue, Dept. of</u>						
Revenue, Dept. of						
Homestead Tax Credit Aid - GF	\$ 0	\$ 86,188,387	\$ 135,000,000	\$ -28,016,482	\$ 106,983,518	\$ 20,795,131
Tobacco Reporting Requirements	19,591	18,416	9,208	9,208	18,416	0
Total Revenue, Dept. of	\$ 19,591	\$ 86,206,803	\$ 135,009,208	\$ -28,007,274	\$ 107,001,934	\$ 20,795,131
Total Unassigned Standings	\$ 2,490,940,807	\$ 2,758,820,608	\$ 2,841,281,604	\$ -36,381,695	\$ 2,804,899,909	\$ 46,079,301

Summary Data Other Fund

	Actual FY 2011 <u>(1)</u>	Estimated Net FY 2012 <u>(2)</u>	Enacted FY 2013 <u>(3)</u>	Final Action FY 2013 <u>(4)</u>	Total Final Act FY 2013 <u>(5)</u>	Total Final Act vs FY 2012 <u>(6)</u>
Agriculture and Natural Resources	\$ 0	\$ 2,865,743	\$ 0	\$ 0	\$ 0	\$ -2,865,743
Unassigned Standings	<u>0</u>	<u>0</u>	<u>0</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
Grand Total	<u>\$ 0</u>	<u>\$ 2,865,743</u>	<u>\$ 0</u>	<u>\$ 2,000,000</u>	<u>\$ 2,000,000</u>	<u>\$ -865,743</u>

Agriculture and Natural Resources Other Fund

	Actual FY 2011 <u>(1)</u>	Estimated Net FY 2012 <u>(2)</u>	Enacted FY 2013 <u>(3)</u>	Final Action FY 2013 <u>(4)</u>	Total Final Act FY 2013 <u>(5)</u>	Total Final Act vs FY 2012 <u>(6)</u>
<u>Natural Resources, Dept. of</u>						
Natural Resources						
Missouri River Flood Damage-EEF	\$ 0	\$ 2,865,743	\$ 0	\$ 0	\$ 0	\$ -2,865,743
Total Natural Resources, Dept. of	<u>\$ 0</u>	<u>\$ 2,865,743</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ -2,865,743</u>
Total Agriculture and Natural Resources	<u><u>\$ 0</u></u>	<u><u>\$ 2,865,743</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ -2,865,743</u></u>

Unassigned Standings

Other Fund

	Actual FY 2011 <u>(1)</u>	Estimated Net FY 2012 <u>(2)</u>	Enacted FY 2013 <u>(3)</u>	Final Action FY 2013 <u>(4)</u>	Total Final Act FY 2013 <u>(5)</u>	Total Final Act vs FY 2012 <u>(6)</u>
<u>Agriculture and Land Stewardship</u>						
Agriculture and Land Stewardship						
Watershed Improvement Fund-RIIF	\$ 0	\$ 0	\$ 0	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Total Agriculture and Land Stewardship	\$ 0	\$ 0	\$ 0	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
<u>Management, Dept. of</u>						
Management, Dept. of						
RIIF Appropriation - MSSF	\$ 0	\$ 0	\$ 0	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Total Management, Dept. of	\$ 0	\$ 0	\$ 0	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Total Unassigned Standings	\$ 0	\$ 0	\$ 0	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000