

CHAPTER 1267**SALARIES AND BENEFITS FOR PUBLIC OFFICIALS AND EMPLOYEES***S.F. 2321*

AN ACT relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability, and dental insurance, by making coordinating amendments to the Code, and by providing applicability dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1.

1. The salary rates specified in this section are effective for the fiscal year beginning July 1, 1988, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section pursuant to any Act of the general assembly or if the appropriation is not sufficient, from the salary adjustment fund.

2. The following annual salary rates shall be paid to the person holding the position indicated:

a. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Salary for the secretary of agriculture:

..... \$ 53,000

b. DEPARTMENT OF JUSTICE

Salary for the attorney general:

..... \$ 66,250

c. OFFICE OF THE AUDITOR OF STATE

Salary for the auditor of state:

..... \$ 53,000

d. OFFICE OF THE SECRETARY OF STATE

Salary for the secretary of state:

..... \$ 53,000

e. OFFICE OF THE TREASURER OF STATE

Salary for the treasurer of state:

..... \$ 53,000

Sec. 2.

1. The salary rates specified in this section are effective for the fiscal year beginning July 1, 1988, and are effective for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds appropriated to the department or the agency specified in this section pursuant to any Act of the general assembly or if the appropriation is not sufficient, from the salary adjustment fund.

2. The following annual salary rates shall be paid to the persons holding the positions indicated:

a. Chief justice of the supreme court:

..... \$ 75,900

b. Each justice of the supreme court:

..... \$ 72,900

c. Chief judge of the court of appeals:

..... \$ 72,800

d. Each associate judge of the court of appeals:

..... \$ 69,800

e. Each chief judge of a judicial district:	\$	69,000
f. Each district judge except the chief judge of a judicial district:	\$	66,000
g. Each district associate judge:	\$	56,800
h. Each judicial magistrate:	\$	15,000

Sec. 3. Persons receiving the salary rates established under sections 1 and 2 of this Act shall not receive any additional salary adjustments provided by this Act.

Sec. 4. The governor shall establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in section 5 of this Act within the range provided by considering, among other items, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, and subordinates' salaries. However, the attorney general shall establish the salary for the consumer advocate within the salary range provided in section 5 of this Act.

The governor, in establishing salaries as provided in section 5 of this Act, shall take into consideration other employee benefits which may be provided for an individual including, but not limited to, housing.

A person whose salary is established by section 5 of this Act and who is a full-time permanent employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law; however, this provision does not exclude necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

Sec. 5. The following annual salary ranges are effective for the positions in this section and for the fiscal year indicated. The ranges for the fiscal year beginning July 1, 1988, are effective for subsequent years until otherwise provided by the general assembly. The governor shall determine the salary to be paid to the person indicated at a rate within the salary ranges indicated from funds appropriated by the general assembly for that purpose.

1. The following salary ranges are effective for the fiscal year beginning July 1, 1988, and as otherwise provided in this section:

	<u>Minimum</u>	<u>Maximum</u>
a. Range 1	\$ 6,700	\$20,300
b. Range 2	\$24,400	\$40,600
c. Range 3	\$33,500	\$47,300
d. Range 4	\$40,600	\$54,300
e. Range 5	\$47,300	\$61,000
f. Range 5A	\$54,300	\$68,300

2. The following are range 1 positions: part-time members of the parole board.

3. The following are range 2 positions: administrator of the arts division of the department of cultural affairs, administrators of the division of persons with disabilities, the division on the status of women, the division for deaf persons, the division for Spanish-speaking peoples, and the division of children, youth and families of the department of human rights, administrator of the division of professional licensure of the department of commerce, and administrators of the division of disaster services, the division of veterans affairs of the department of public defense, and the commission on status of blacks of the department of human rights.

4. The following are range 3 positions: administrator of the library division of the department of cultural affairs, administrator of the division of community action agencies of the department of human rights, chairperson and members of the employment appeals board of the department of inspections and appeals, appellate defender, and secretary of the state fair board.

5. The following are range 4 positions: superintendent of banking, superintendent of the credit union division of the department of commerce, superintendent of the division of savings and loan associations of the department of commerce, administrator of the alcoholic beverages division of the department of commerce, and full-time members of the parole board.

6. The following are range 5 positions: chairperson and members of the utilities board, consumer advocate, job services commissioner, labor commissioner, industrial commissioner, insurance commissioner, administrators of the historical division and the public broadcasting division of the department of cultural affairs, and administrator of the racing and gaming division of the department of inspections and appeals.

7. The following is a range 5A position: lottery commissioner.

8. The following salary ranges are effective for the fiscal year beginning July 1, 1988, and as otherwise provided in this section:

	<u>Minimum</u>	<u>Maximum</u>
DEPARTMENT DIRECTOR'S SALARIES		
a. Range 6	\$36,700	\$49,100
b. Range 7	\$50,200	\$61,600
c. Range 8	\$53,700	\$71,500
d. Range 9	\$60,000	\$85,000

9. The following are department director's salary range 6 positions: department coordinator of the department of human rights, director of the civil rights commission, executive director of the college aid commission, director of the law enforcement academy, director of the department for the blind, and executive director of the campaign finance disclosure commission.

10. The following are department director's range 7 positions: director of the department of cultural affairs, director of the department of personnel, director of the department of public health, director of the department of employment services, executive director of the department of elder affairs, commissioner of the department of public safety, director of the department of general services, director of the department of commerce, executive director of the Iowa finance authority, and director of the department of inspections and appeals.

11. The following are department director's range 8 positions: director of the department of management, director of the department of revenue and finance, director of the department of natural resources, and director of the department of corrections.

12. The following are the department director's range 9 positions: commissioner of the department of education, director of the department of human services, director of the department of economic development, executive secretary of the state board of regents, and director of the department of transportation.

Sec. 6.

1. The salary rates specified in this section are effective for the fiscal year beginning July 1, 1988, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section.

2. The following annual salary rates shall be paid to the persons holding the positions indicated:

a. Chairperson of the public employment relations board:	\$	47,400
b. Two members of the public employment relations board:	\$	44,000

Sec. 7. The following annual salary range is effective for the position specified in this section and for the fiscal year indicated. The range for the fiscal year beginning July 1, 1988, is effective for subsequent fiscal years until otherwise provided by the general assembly. The salary shall be paid to the person indicated at a rate determined as otherwise provided by law within the salary range from funds provided for that purpose:

	<u>Minimum</u>	<u>Maximum</u>
For the state court administrator	\$49,700	\$72,065

Sec. 8. The annual salary rates or ranges provided in sections 1, 2, 5, 6, and 7 of this Act become effective for the fiscal year beginning July 1, 1988, with the pay period beginning June 24, 1988.

Sec. 9. The funds appropriated to the salary adjustment fund and other funds appropriated to the various state departments and agencies shall be used to fund the following annual pay adjustments, expense reimbursements, and related benefits:

1. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.
2. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit to be effective June 10, 1988.
3. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.
4. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.
5. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.
6. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the University of Northern Iowa faculty bargaining unit.
7. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the clerical bargaining unit.
8. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the social services bargaining unit.
9. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the community-based corrections bargaining unit.
10. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the judicial branch of government bargaining unit.
11. The annual pay adjustments, related benefits, and expense reimbursements referred to in sections 10 and 11 of this Act for employees not covered by a collective bargaining agreement.

Sec. 10.

1. All pay plans provided for in section 19A.9, subsection 2, as they exist for the fiscal year ending June 30, 1988, shall be increased for employees who are not included in a collective bargaining agreement made final under chapter 20 and who are not otherwise specified in this Act, by four percent for the fiscal year beginning July 1, 1988, effective with the pay period beginning June 24, 1988. The department of personnel shall revise the pay plans as provided under section 19A.9, subsection 2, by increasing the salary levels for the various grades and steps within the respective plans. In addition to the increases specified above, employees may receive merit increases or the equivalent thereof.

2. The pay plans for state employees who are exempt from chapter 19A and who are included in the department of revenue and finance's centralized payroll system, and the board office employees of the state board of regents shall be increased by the same percent and in the

same manner included in subsection 1 of this section.

3. This section does not apply to members of the general assembly, board members, commission members, salaries of persons set by the general assembly pursuant to this Act or set by the governor, employees designated under section 19A.3, subsection 5, and employees under the state board of regents, but subsection 2 of this section does apply to office employees of the state board of regents.

4. The pay plans for the bargaining eligible employees of the state shall be increased by the same percent and in the same manner included in subsection 1 of this section. As used in this section, "bargaining eligible employee" means an employee who is eligible to organize under chapter 20, but has not done so.

5. The policies for implementation of this section shall be approved by the governor except for those policies governing the board employees of the state board of regents.

Sec. 11. The funds allocated to the state board of regents for the purpose of providing increases for employees not covered by a collective bargaining agreement shall be used as follows:

1. The amount necessary to fund for the fiscal year beginning July 1, 1988, an average base salary increase of four percent of the base salaries of professional and scientific staff members, except board office employees as provided for in section 10 of this Act, paid during the preceding fiscal year, to be allocated to professional and scientific staff members at the discretion of the state board of regents. In addition to the increase specified above, employees may receive the equivalent of a merit increase.

2. For employees under the state board of regents' merit system who are not included in the collective bargaining agreement made final under chapter 20, except board office employees, the amount necessary to increase the state board of regents' merit system pay plans as they exist for the fiscal year beginning July 1, 1988, by increasing the salary levels for each grade and step within the plans by four percent for the fiscal year beginning July 1, 1988. In addition to the increases specified above, employees may receive merit increases or the equivalent of a merit increase.

3. For faculty members who are not included in the collective bargaining agreement made final under chapter 20, for the fiscal year beginning July 1, 1988, an average base salary increase to be allocated at the discretion of the state board of regents.

4. The collective bargaining representatives for the faculty at the University of Northern Iowa and for the University of Northern Iowa shall determine the distribution of the University of Northern Iowa faculty's allocation of salary adjustment funds which are provided in excess of the amount necessary to fund the collective bargaining agreement negotiated pursuant to chapter 20 for employees in the University of Northern Iowa faculty bargaining unit. The distribution shall be either according to the contract in effect for the fiscal year beginning July 1, 1987, for the fiscal year beginning July 1, 1988, or according to a different procedure that is agreeable to both parties.

Sec. 12. Section 2.10, subsection 2, Code Supplement 1987, is amended to read as follows:

2. The lieutenant governor shall receive an annual salary of twenty-three thousand nine hundred dollars. Personal expense and travel allowances shall be the same for the lieutenant governor as for a senator. The lieutenant governor while performing administrative duties of the office of lieutenant governor when the general assembly is not in session or serving as the president of the senate during special sessions of the general assembly shall receive sixty dollars per diem and reimbursement for expenses incurred in performing such duties. The lieutenant governor may elect to become a member of a state group insurance plan for employees of the state established pursuant to chapter 509A and the disability insurance program established pursuant to section 79.20 on the same basis as a full-time state employee excluded from

collective bargaining as provided in chapter 20. The lieutenant governor shall authorize a payroll deduction of any premium due. The salary, per diem, and expenses of the lieutenant governor provided for under this subsection, including office and staff expenses, shall be paid from funds appropriated to the office of the lieutenant governor by the general assembly.

Sec. 13. Section 2.10, subsection 1, Code Supplement 1987, is amended to read as follows:

1. Every member of the general assembly except the speaker of the house and majority and minority floor leaders of the senate and house shall receive an annual salary of sixteen thousand six hundred dollars for the year 1989 and subsequent years while serving as a member of the general assembly. The majority and minority floor leaders of the senate and house, except the senate majority leader, shall receive an annual salary of twenty-two thousand nine hundred dollars for the year 1989 and subsequent years while serving in such capacity. In addition, each such member shall receive the sum of forty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred ten calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred ten calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive twenty-five dollars per day. Each member shall receive a seventy-five dollar per month allowance for legislative district constituency postage, travel, telephone costs, and other expenses. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

Sec. 14. Section 2.40, Code 1987, is amended to read as follows:

2.40 MEMBERSHIP IN STATE INSURANCE PLANS.

A member of the general assembly may elect to become a member of a state health or medical service group insurance plan for employees of the state established under chapter 509A subject to the following conditions:

1. The member shall be eligible for all state group insurance plans on the basis of enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20.

2. The member shall pay the total premium for the plan selected on the same basis as a full-time state employee excluded from collective bargaining as provided in chapter 20.

3. The member shall authorize a payroll deduction of the total premium during due according to the member's pay plan selected pursuant to subsection 5 of section 2.10, subsection 5.

4. The premium rate will shall be the same as the premium rate paid by a state employee for the plan selected except the state will provide no matching funds.

In order to implement this section a member of the general assembly may elect to become a member of a state health or medical service group insurance plan effective July 1, 1983 or as otherwise authorized in the contract of the state January 1, 1989. If a member of the general assembly elected to be paid the member's total salary during each pay period during the first six months of 1983, that member may become a member of the state health or medical service group insurance plan by paying the premium due until that member's salary and payroll deductions commence. A member of the general assembly may continue membership in a state group

insurance plan without reapplication during the member's tenure as a member of consecutive general assemblies. For the purpose of electing to become a member of the state health or medical service group insurance plan, a member of the general assembly has the status of a "new hire", full-time state employee when the member is initially eligible or during the first subsequent annual open enrollment. A member of the general assembly who elects to become a member of a state health or medical group insurance plan shall be exempted from preexisting medical condition waiting periods. A member of the general assembly may change programs or coverage under the state health or medical service group insurance plan during the month of January of odd-numbered years, but program and coverage change selections shall be subject to the enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20. A person who has been a member of the general assembly for two years and who has elected to be a member of a state health or medical group insurance plan may continue to be a member of such state health or medical group insurance plan by requesting continuation in writing to the finance officer within thirty-one days after leaving office. The continuing former member of the general assembly shall pay the total premium and administrative costs for the state plan and shall have the same rights to change programs or coverage as state employees.

Sec. 15. Section 79.20, subsection 2, Code 1987, is amended to read as follows:

2. Maximum period benefits paid for both accident or sickness disability:

a. If the disability occurs prior to the time the employee attains the age of sixty-one years, the maximum benefit period shall end sixty months after continuous benefit payments begin or on the date on which the employee attains the age of sixty-five years, whichever is later.

b. If the disability occurs on or after the time the employee attains the age of sixty-one years but prior to age sixty-nine, the maximum benefit period shall end sixty months after continuous benefit payments begin or on the date on which the employee attains the age of seventy years, whichever is earlier.

c. If the disability occurs on or after the time the employee attains the age of sixty-nine years, the maximum benefit period shall end twelve months after continuous benefit payments begin.

Sec. 16. Section 79.20, subsection 4, Code 1987, is amended to read as follows:

4. All permanent full-time state employees shall be covered under the employees disability insurance program, except the members of the general assembly, board members and members of commissions who are not full-time state employees, and state employees who on July 1, 1974, are under another disability program financed in whole or in part by the state. For purposes of this section, members of the general assembly serving on or after January 1, 1989, are eligible for the plan during their tenure in office, on the basis of enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20.

Sec. 17. Section 99D.5, subsection 4, Code 1987, is amended to read as follows:

4. Commission members are each entitled to receive an annual salary of ~~three six thousand~~ dollars until June 30, 1987, and thereafter are entitled to ~~forty dollars per diem for each day actually spent in performing commission duties~~. Members shall also be reimbursed for actual expenses incurred in the performance of their duties to a maximum of six thousand dollars per year for each member. Each member shall post a bond in the amount of ten thousand dollars, with sureties to be approved by the governor, to guarantee the proper handling and accounting of moneys and other properties required in the administration of this chapter. The premiums on the bonds shall be paid as other expenses of the commission.

Sec. 18. Section 331.752, subsection 4, Code 1987, is amended to read as follows:

4. The resolution changing the status of a county attorney shall state the initial annual salary to be paid to the county attorney when the full-time or part-time status is effective. The annual salary specified in the resolution shall remain effective until changed as provided in section 331.907. The Except in counties having a population of more than two hundred thousand, the annual salary of a full-time county attorney shall be an amount which is between forty-five percent and one hundred percent of the annual salary received by a district court judge.

Sec. 19. Section 331.757, subsection 2, Code 1987, is amended to read as follows:

2. The county attorney may appoint, with the approval of the board, an assistant county attorney to serve as a full-time prosecutor. A full-time prosecutor shall refrain from the private practice of law. The county attorney shall determine the compensation paid to a full-time prosecutor within the budget set for the county attorney's office by the board. The Except in counties having a population of more than two hundred thousand, the annual salary of an assistant county attorney shall not exceed eighty-five percent of the maximum annual salary of a full-time county attorney.

Sec. 20. This section and the salary rate of the commissioner of education as specified in section 5, subsection 8, paragraph "d", of this Act are effective upon enactment.

Approved April 16, 1988

CHAPTER 1268

LOTTERY REVENUES APPROPRIATED AND ALLOCATED

S.F. 2328

AN ACT relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 99E.9, subsection 3, paragraphs b and o, Code Supplement 1987, are amended to read as follows:

b. The types of lottery games to be conducted. Rules governing the operation of a class of games are subject to chapter 17A. However, rules governing the particular features of specific games within a class of games are not subject to chapter 17A. Such rules may include, but are not limited to, setting the name and prize structure of the game and shall be made available to the public prior to the time the games go on sale and shall be kept on file at the office of the commissioner. The board shall authorize instant lottery and on-line lotto games and may authorize the use of any type of lottery game that on May 3, 1985 has been conducted by a state lottery of another state in the United States, or any game that the board determines will achieve the revenue objectives of the lottery and is consistent with subsection 1. However, the board shall not authorize a game using electronic computer terminals or other devices if the terminals or devices dispense coins or currency upon the winning of a prize. In a game utilizing instant tickets other than pull-tab tickets, each ticket in the game shall bear a unique consecutive serial number distinguishing it from every other ticket in the game, and each lottery number or symbol shall be accompanied by a confirming caption consisting of a repetition of a symbol or a description of the symbol in words. In the game other than an instant game which uses tangible evidence of participation, each ticket shall bear a unique serial number distinguishing it from every other ticket in the game.