

State of Iowa

2001

ACTS
(Session Laws)

Enacted at the

**2001 SECOND
EXTRAORDINARY SESSION**

of the

Seventy-Ninth General Assembly

of the

State of Iowa

HELD AT DES MOINES, THE CAPITAL OF THE STATE
IN THE ONE HUNDRED FIFTY-FIFTH YEAR OF THE STATE

SECOND EXTRAORDINARY SESSION HELD ON THE EIGHTH DAY OF NOVEMBER, A.D. 2001



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by the

Legislative Service Bureau
GENERAL ASSEMBLY OF IOWA
Des Moines

PREFACE

CERTIFICATION

We, Diane E. Bolender, Director, Legislative Service Bureau, Leslie E. W. Hickey, Iowa Code Editor, and Joanne R. Page, Deputy Iowa Code Editor, certify that, to the best of our knowledge, the Acts in this volume have been prepared from the original enrolled Acts on file in the office of the Secretary of State; are correct copies of those Acts; are published under the authority of the statutes of this state; and constitute the Acts of the 2001 Second Extraordinary Session of the Seventy-ninth General Assembly of the State of Iowa.

STATUTES AS EVIDENCE

Iowa Code section 622.59 is as follows:

622.59 Printed copies of statutes. Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.

EXPLANATORY NOTES

Separate publication. The Seventy-ninth General Assembly met in a Second Extraordinary Session on November 8, 2001, after the Acts and Resolutions of the 2001 Regular Session and the 2001 First Extraordinary Session were printed and bound, which necessitated this separate publication of the Acts of the 2001 Second Extraordinary Session.

Temporary Code numbers. CODE NUMBERS ASSIGNED TO NEW SECTIONS AND SUBSECTIONS IN THE ACTS ARE TEMPORARY AND MAY BE CHANGED WHEN THE 2001 IOWA CODE SUPPLEMENT IS PUBLISHED. Changes will be shown in the Tables of Disposition of Acts in the 2001 Iowa Code Supplement.

Typographic style. The Acts in this volume are printed as they appear on file in the office of the Secretary of State. No editorial corrections have been made. Underlined type indicates new material added to existing statutes; strike-through type indicates deleted material. Superscript numbers indicate explanatory footnotes.

Effective dates. The Acts of the 2001 Second Extraordinary Session took effect on February 6, 2002, unless otherwise provided. See Iowa Code section 3.7. The date of enactment is the date an Act is approved by the Governor, which is shown at the end of each Act.

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GENERAL ASSEMBLY

"X" means First Extraordinary Session
 Italicized county in District column denotes home county

REPRESENTATIVES

<u>Name and Residence</u>	<u>Occupation</u>	<u>Representative District</u>	<u>Former Legislative Service</u>
¹ Barry, Donna M. Dunlap	Farmer	82nd— <i>Harrison</i> , Pottawattamie	76, 77, 78, 79, 79X
² Wilderdyke, Paul A. Woodbine	82nd— <i>Harrison</i> , Pottawattamie	None

¹ Resigned July 2, 2001
² Elected November 6, 2001

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2001 Second Extraordinary Session
of the
Seventy-Ninth General Assembly
of the
State of Iowa

CHAPTER 1
HOMELAND SECURITY AND DEFENSE —
MILITARY DUTY AND EMERGENCY MANAGEMENT SERVICES

H.F. 762

AN ACT relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date.

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

Section 1. Section 29A.1, subsection 1, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Active state service" means training or operational duty or other service authorized and performed under the provisions of 32 U.S.C. or other federal law or regulation as part of the Iowa army national guard or Iowa air national guard and paid for with federal funds.

Sec. 2. Section 29A.1, subsection 3, Code 2001, is amended to read as follows:

3. "Federal service" means duty authorized and performed under the provisions of 10 U.S.C. ~~or 32 U.S.C., § 502-505 which includes unit training assemblies commonly known as "drills", annual training, rifle marksmanship, full-time training for school purposes and recruiting as part of the active military forces of the United States or the army national guard of the United States or the air national guard of the United States.~~

Sec. 3. Section 29A.1, subsection 4, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Homeland defense" means the protection of state territory, population, and critical infrastructure and assets against attacks from within or without the state.

Sec. 4. Section 29A.1, subsection 7, Code 2001, is amended to read as follows:

7. "National guard" means the Iowa units, detachments and organizations of the army national guard of the United States, ~~and the air national guard of the United States, the army~~

national guard, and the air national guard as those forces are defined in ~~the National Defense Act and its amendments, the Iowa army national guard and the Iowa air national guard~~ 10 U.S.C. § 101.

Sec. 5. Section 29A.1, subsection 9, Code 2001, is amended to read as follows:

9. "On duty" means training, including unit training assemblies, ~~all~~ and other training, operational duty, and other service which may be required under state or federal law, regulations, or orders, and the necessary travel of an officer or enlisted person to the place of performance and return home after performance of that duty, but does not include federal service ~~under 10 U.S.C.~~

Sec. 6. Section 29A.1, Code 2001, is amended by adding the following new subsection:
NEW SUBSECTION. 10A. "State active duty" means duty authorized and performed under section 29A.8 or 29A.9 and paid for with state funds. "State active duty" also includes serving as the adjutant general, a deputy adjutant general, or the state quartermaster.

Sec. 7. Section 29A.4, Code 2001, is amended to read as follows:

29A.4 ORGANIZATION — ARMAMENT — EQUIPMENT AND DISCIPLINE.

The organization, armament, equipment and discipline of the national guard, and the militia when called into ~~active state service~~ active duty, except as hereinafter specifically provided, shall be the same as that which is now or may be hereafter prescribed under the provisions of federal law and regulations as to those requirements which are mandatory therein, but as to those things which are optional therein they shall become effective when an order or regulation to that effect shall have been promulgated by the governor.

Sec. 8. Section 29A.6, Code 2001, is amended to read as follows:

29A.6 MILITARY FORCES OF STATE.

The military forces of the state of Iowa shall consist of the army national guard, the air national guard, and the militia.

Sec. 9. Section 29A.7, Code 2001, is amended to read as follows:

29A.7 COMMANDER IN CHIEF.

The governor is the commander in chief of the military forces, except when they are in federal service. The governor may employ the military forces of the state for the defense or relief of the state, the enforcement of its laws, the protection of life and property, emergencies resulting from disasters or public disorders as defined in section 29C.2, including homeland security and defense duties, and parades and ceremonies of a civic nature.

Sec. 10. Section 29A.8, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

29A.8 STATE ACTIVE DUTY.

1. The governor may order into state active duty the military forces of the state, including retired members of the national guard, both army and air, as the governor deems proper, under command of an officer as the governor may designate under one or more of the following circumstances:

a. In case of insurrection or invasion, or imminent danger of insurrection or invasion.

b. For the purpose of aiding the civil authorities of any political subdivision of the state in maintaining law and order in the subdivision in cases of breaches of the peace or imminent danger of breaches of the peace, if the law enforcement officers of the subdivision are unable to maintain law and order, and the civil authorities request the assistance.

c. For the purposes of performing homeland defense or homeland security duties.

2. If circumstances necessitate the establishment of a military district under martial law and the general assembly is not convened, the military district shall be established only after the governor has issued a proclamation convening an extraordinary session of the general assembly.

Sec. 11. NEW SECTION. 29A.8A ACTIVE STATE SERVICE.

If federal funding and authorization exist for this purpose, the governor may order to active state service the military forces of the Iowa army national guard or Iowa air national guard as the governor may deem appropriate for the purposes of homeland security, homeland defense, or other duty.

Sec. 12. Section 29A.9, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The governor may order the national guard into training for any period. The governor may order the organizations or personnel of the national guard or persons who have retired from the national guard, to ~~active state service, or active duty, or to assemble~~ for purposes of security, drill, instruction, parade, ceremonies of a civic nature, guard, recruiting and escort duty, and schools of instruction as a student or instructor, including the Iowa military academy, and prescribe all regulations and requirements for those duties.

Sec. 13. Section 29A.10, unnumbered paragraph 3, Code 2001, is amended to read as follows:

The governor may appoint an officer of the national guard to serve as special investigator for a period determined by the governor. Service as special investigator shall be ~~active state service~~ active duty. The special investigator shall report to and serve at the pleasure of the governor. The duty of special investigator shall be assigned as additional duty. The special investigator shall not be the person designated as inspector general pursuant to federal national guard bureau regulation.

Sec. 14. Section 29A.11, Code 2001, is amended to read as follows:

29A.11 ADJUTANT GENERAL — APPOINTMENT AND TERM.

There shall be an adjutant general of the state who shall be appointed and commissioned by the governor subject to confirmation by the senate and who shall serve at the pleasure of the governor. The rank of the adjutant general shall be at least that of brigadier general and the adjutant general shall hold office for a term of four years beginning and ending as provided in section 69.19. At the time of appointment the adjutant general shall be a federally recognized commissioned officer in the United States army or air force, the army or air national guard, the army or air national guard of the United States, or the United States army or air force reserve who has reached at least the grade of colonel and who is or is eligible to be federally recognized at the next higher rank.

Sec. 15. Section 29A.27, unnumbered paragraphs 1, 2, 3, and 4, Code 2001, are amended to read as follows:

Officers and enlisted persons while in ~~active state service~~ active duty shall receive the same pay, per diem, and allowances as are paid for the same rank or grade for federal service in the armed forces of the United States. However, a person shall not be paid at a base rate of pay of less than one hundred dollars per calendar day of ~~active state service~~ active duty.

In the event any officer or enlisted person shall be killed while on duty or in ~~active state service~~ active duty, in line of duty, or shall die as the result of injuries received or as a result of illness or disease contracted while on duty or in ~~active state service~~ active duty, in line of duty, dependents, as defined by the workers' compensation law of the state, shall receive the maximum compensation provided by ~~the said~~ such law.

Any officer or enlisted person who suffers injuries or contracts a disease causing disability, in line of duty, while on duty or in ~~active state service~~ active duty, shall receive hospitalization and medical treatment, and during the period that the officer or enlisted person is totally disabled from returning to military duty the officer or enlisted person shall also receive the pay and allowances of the officer's or enlisted person's grade. In the event of partial disability, the officer or enlisted person shall be allowed partial pay and allowances as determined by an evaluation board of three officers to be appointed by the adjutant general. At least one member of the board shall be a medical officer.

Any claim for death, illness, or disease contracted in line of duty while on duty or in ~~active state service~~ active duty, shall be filed with the adjutant general within six months from the date of death or contraction of the illness or disease.

Sec. 16. Section 29A.28, Code 2001, is amended to read as follows:

29A.28 LEAVE OF ABSENCE OF CIVIL EMPLOYEES.

All officers and employees of the state, or a subdivision thereof, or a municipality other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component part of the military, naval, or air forces or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, shall, when ordered by proper authority to state active duty, active state service or federal service, be entitled to a leave of absence from such civil employment for the period of ~~such state active duty~~, active state service, or federal service, without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence. The proper appointing authority may make a temporary appointment to fill any vacancy created by such leave of absence.

Sec. 17. Section 29A.29, Code 2001, is amended to read as follows:

29A.29 PAYMENT FROM TREASURY — EXCEPTION.

When in ~~active state service~~ active duty, the compensation of officers and enlisted persons and expenses of the national guard and claims for death, injury and illness of the members thereof, incurred in line of duty, shall be paid out of any funds in the state treasury not otherwise appropriated. However, if funds for compensation and expenses have been appropriated for compensation and expenses of persons on full-time ~~active state service~~ active duty pursuant to a specific Act of the general assembly, such persons shall be paid from funds appropriated pursuant to such Act.

Sec. 18. Section 29A.43, Code 2001, is amended to read as follows:

29A.43 DISCRIMINATION PROHIBITED — LEAVE OF ABSENCE.

A person shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States because of that membership. An employer, or agent of an employer, shall not discharge a person from employment because of being an officer or enlisted person of the military forces of the state, or hinder or prevent the officer or enlisted person from performing any military service the person is called upon to perform by proper authority. A member of the national guard or organized reserves of the armed forces of the United States ordered to temporary ~~active duty~~, as defined in section 29A.1, for the ~~any purpose of military training or ordered on active state service~~ is entitled to a leave of absence during the period of the duty or service, from the member's private employment, other than employment of a temporary nature, and upon completion of the duty or service the employer shall restore the person to the position held prior to the leave of absence, or employ the person in a similar position. However, the person shall give evidence to the employer of satisfactory completion of the training or duty, and that the person is still qualified to perform the duties of the position. The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's rights to vacation, sick leave, bonus, or other employment benefits relating to the employee's particular employment. A person violating a provision of this section is guilty of a simple misdemeanor.

Sec. 19. Section 29A.71, Code 2001, is amended to read as follows:

29A.71 PAY AND ALLOWANCES.

Officers and enlisted personnel of the Iowa state guard while in ~~active state service~~ active duty shall receive the same pay, allowances, and compensation as provided by law for members of the Iowa national guard.

Sec. 20. Section 29C.2, subsection 1, Code 2001, is amended to read as follows:

1. "Disaster" means man-made and natural occurrences, such as fire, flood, drought,

earthquake, tornado, windstorm, hazardous substance or nuclear power plant accident or incident, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes ~~enemy~~ attack, sabotage, or other hostile action from within or without the state.

Sec. 21. Section 29C.2, Code 2001, is amended by adding the following new subsection: NEW SUBSECTION. 1A. "Homeland security" means the detection, prevention, preemption, deterrence of, and protection from attacks targeted at state territory, population, and infrastructure.

Sec. 22. Section 29C.5, Code 2001, is amended to read as follows:
29C.5 EMERGENCY MANAGEMENT DIVISION.

An emergency management division is created within the department of public defense. The emergency management division shall be responsible for the administration of emergency planning matters, including emergency resource planning in this state, ~~co-operation~~ cooperation with and support of the civil air patrol, homeland security activities, and ~~co-ordination~~ coordination of available services in the event of a disaster.

Sec. 23. Section 29C.8, subsection 2, Code 2001, is amended to read as follows:

2. The administrator shall be vested with the authority to administer emergency management and homeland security affairs in this state and shall be responsible for preparing and executing the emergency management and homeland security programs of this state subject to the direction of the adjutant general.

Sec. 24. Section 29C.8, subsection 3, paragraphs a, b, and c, Code 2001, are amended to read as follows:

a. Prepare a comprehensive plan and emergency management program for homeland security, disaster preparedness, response, recovery, mitigation, emergency operation, and emergency resource management of this state. The plan and program shall be integrated into and coordinated with the homeland security and emergency plans of the federal government and of other states to the fullest possible extent and coordinate the preparation of plans and programs for emergency management of the political subdivisions and various state departments of this state. The plans shall be integrated into and coordinated with a comprehensive state homeland security and emergency program for this state as coordinated by the administrator of the emergency management division to the fullest possible extent.

b. Make such studies and surveys of the industries, resources and facilities in this state as may be necessary to ascertain the vulnerabilities of critical state infrastructure and assets to attack and the capabilities of the state for disaster recovery, disaster planning and operations, and emergency resource management, and to plan for the most efficient emergency use thereof.

c. Provide technical assistance to any local emergency commission or joint commission requiring the assistance in the development of an emergency management or homeland security program.

Sec. 25. Section 135.11, Code 2001, as amended by 2001 Iowa Acts, chapter 58, section 3, chapter 122, section 1, and chapter 184, section 6, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Conduct and maintain a statewide risk assessment of any present or potential danger to the public health from biological agents. For this purpose, an employee or agent of the department may enter into and examine any premises containing potentially dangerous biological agents. However, the owner or person in charge of the premises shall be notified. If the owner or person in charge refuses admittance, the department may obtain administrative search warrants under section 808.14. Based upon findings of the risk assessment and examination of the premises, the director may order safeguards or take any other action necessary to protect the public health pursuant to rules adopted to implement this subsection.

Sec. 26. Section 669.14, subsection 7, Code 2001, is amended to read as follows:

7. A claim based upon damage to or loss or destruction of private property, both real and personal, or personal injury or death, when the damage, loss, destruction, injury or death occurred as an incident to the training, operation, or maintenance of the national guard while not in "~~active state service~~ active duty" as defined in section 29A.1, ~~subsection 1.~~

Sec. 27. TASK FORCE ON HOMELAND SECURITY AND DEFENSE.

1. A task force is created to consider and report on the state's preparedness to respond to emergencies that threaten the state's security. The task force shall study issues relating to the detection, prevention, preemption, and deterrence of, and protection against, attacks targeted at state territory, population, and infrastructure. The task force shall solicit information from local and state government officials, from the Iowa national guard, and from any other person or entity deemed appropriate relating to the state's preparedness to respond to emergencies that threaten the state's security.

2. The members of the task force shall be appointed as follows:

- a. One member appointed by the governor.
- b. One member appointed by the majority leader of the senate.
- c. One member appointed by the speaker of the house of representatives.
- d. One member appointed by the minority leader of the senate.
- e. One member appointed by the minority leader of the house of representatives.

3. The task force shall report to the general assembly and the governor by January 15, 2002.

Sec. 28. RETROACTIVE EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment, is retroactively applicable to September 11, 2001, and is applicable on and after that date, except that sections 29 through 35 of this Act shall not be applied retroactively.

Sec. 29. DEFINITION — MILITARY SERVICE. For the purposes of sections 29 through 35, "military service" means full-time active state service, as defined in section 29A.1, or full-time state active duty, as defined in section 29A.1, for a period of at least ninety consecutive days.

Sec. 30. EVICTION OR DISTRESS DURING MILITARY SERVICE — STAY — PENALTY FOR NONCOMPLIANCE — ALLOTMENT OF PAY FOR PAYMENT.¹

1. No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed one thousand two hundred dollars per month, occupied chiefly for dwelling purposes by the spouse, child, or other dependent of a person in military service, except upon leave of court granted upon application or granted in an action or proceeding affecting the right of possession.

2. On any such application as provided in subsection 1, or in any such action as provided in subsection 1, the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months. Where such stay is granted or other order is made by the court, the owner of the premises shall be entitled, upon application, to relief in respect of such premises similar to that granted persons in military service in sections 31 and 32 of this Act to such extent and for such period as may appear to the court to be just.

Sec. 31. INSTALLMENT CONTRACTS FOR PURCHASE OF PROPERTY.

1. No person who has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price, or a deposit or installment under the contract, lease, or bailment, from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise

¹ According to enrolled Act; penalty and allotment provisions not included in Act as enrolled

any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment due or for any other breach of its terms occurring prior to or during the period of such military service, except by action in a court of competent jurisdiction.

2. Upon the hearing of such action as provided in subsection 1, the court may order the repayment of prior installments or deposits or any part, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on the person's behalf, order a stay of proceedings as the court deems just, unless in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

Sec. 32. MORTGAGES, TRUST DEEDS, OR OTHER SECURITY.

1. The provisions of this section shall apply only to obligations secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by the person which obligations originated prior to the person's period of military service.

2. In any proceeding commenced in any court during the period of military service to enforce such obligation as provided in subsection 1 arising out of nonpayment of any sum due or out of any other breach of the terms of the mortgage, trust deed, or other security occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on the defendant's behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of the defendant's military service, do any of the following:

a. Stay the proceedings for such period as the court deems just.

b. Make such other disposition of the case as may be equitable to conserve the interests of all parties.

3. No sale, foreclosure, or seizure of property for nonpayment of any sum due under any such obligation as provided in subsection 1, or for any other breach of the terms thereof, whether under a power of sale, under a judgment entered upon warrant of attorney to confess judgment contained therein, or otherwise, shall be valid if made during the period of military service or within three months thereafter, except pursuant to an agreement between the parties, unless upon an order previously granted by the court and a return thereto made and approved by the court.

Sec. 33. TERMINATION OF LEASES BY LESSEES.

1. The provisions of this section shall apply to any lease covering premises occupied for dwelling, professional, business, agricultural, or similar purposes in any case in which such lease was executed by or on the behalf of a person who, after the execution of such lease, entered military service.

2. Any such lease as provided in subsection 1 may be terminated by notice in writing delivered to the lessor or to the lessor's agent by the lessee at any time following the date of the beginning of the period of military service. Delivery of such notice may be accomplished by placing it in an envelope properly stamped and duly addressed to the lessor or to the lessor's agent and depositing the notice in the United States mail. Termination of any such lease providing for monthly payment of rent shall not be effective until thirty days after the first date on which the next rental payment is due and payable subsequent to the date when such notice is delivered or mailed. In the case of all other leases, termination shall be effected on the last day of the month following the month in which such notice is delivered or mailed and in such case any unpaid rental for a period preceding termination shall be proratably computed and any rental paid in advance for a period succeeding termination

shall be refunded by the lessor. Upon application by the lessor to the appropriate court prior to the termination period provided for in the notice, any relief granted in this subsection shall be subject to such modifications or restrictions as in the opinion of the court justice and equity may in the circumstances require.

Sec. 34. **MAXIMUM RATE OF INTEREST.** No obligation or liability bearing interest at a rate in excess of six percent per year incurred by a person in military service before that person's entry into that service shall, during any part of the period of military service, bear interest at a rate in excess of six percent per year unless, in the opinion of the court, upon application thereto by the obligee, the ability of such person in military service to pay interest upon such obligation or liability at a rate in excess of six percent per year is not materially affected by reason of such service, in which case the court may make such order as in its opinion may be just. As used in this section the term "interest" includes service charges, renewal charges, fees, or any other charges, except bona fide insurance, in respect of such obligation or liability.

Sec. 35. **PROVISIONS APPLY NOTWITHSTANDING CONTRARY CODE PROVISIONS.** Sections 29 through 34 of this Act apply notwithstanding any contrary provision of state law, which may include but is not limited to Titles XIII, XIV, and XV.

Sec. 36. Sections 29 through 35 of this Act are repealed on January 31, 2002.

Approved November 14, 2001

CHAPTER 2

STATE BUDGETING PRACTICES

H.F. 760

AN ACT relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions.

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

Section 1. Section 2.47A, subsection 1, paragraph c, Code 2001, is amended by striking the paragraph.

Sec. 2. Section 8.6, subsection 14, Code 2001, is amended by striking the subsection.

Sec. 3. Section 8.6, subsection 15, Code 2001, is amended to read as follows:

15. **CAPITAL PROJECT PLANNING AND BUDGETING AUTHORITY.** To call upon any state agency, as defined in section 8.3A, for assistance the director may require in performing the director's duties under ~~subsections~~ subsection 13 ~~and 14~~. All state agencies, upon the request of the director, shall assist the director and are authorized to make available to the director any existing studies, surveys, plans, data, and other materials in the possession of the state agencies which are relevant to the director's duties.

Sec. 4. Section 8.21, unnumbered paragraph 2, Code 2001, is amended to read as follows:

If the governor is required to use a lesser amount in the budget process because of a later meeting of the state revenue estimating conference under section 8.22A, subsection 3, the governor shall transmit recommendations for a balanced budget meeting this in conform-

ance with that requirement within fourteen days of the later meeting of the state revenue estimating conference.

Sec. 5. Section 8.22A, subsection 5, Code 2001, is amended to read as follows:

5. At the meeting in which the conference agrees to the revenue estimate for the succeeding fiscal year in accordance with the provisions of subsection 3, the conference shall also agree to the following ~~estimate~~ estimates which shall be used by the governor ~~and the general assembly~~ in preparation of the budget message under section 8.22 and the general assembly in the budget process for the succeeding fiscal year:

a. The amount of lottery revenues for the following fiscal year to be available for disbursement following the deductions made pursuant to section 99E.10, subsection 1.

b. The amount of revenue for the following fiscal year from gambling revenues and from interest earned on the cash reserve fund and the economic emergency fund to be deposited in the rebuild Iowa infrastructure fund under section 8.57, subsection 5, paragraph "e".

c. The amount of accruals of those revenues collected by or due from entities other than the state on or before June 30 of the fiscal year but not remitted to the state until after June 30.

d. The amount of accrued lottery revenues collected on or before June 30 of the fiscal year but not transferred to the general fund of the state until after June 30.

Sec. 6. Section 8.25, Code 2001, is amended to read as follows:

8.25 TENTATIVE BUDGET.

Upon the receipt of the estimates of expenditure requirements called for by section 8.23 ~~and the preparation of the estimates of income called for by section 8.24~~ and not later than ~~the following~~ December 1, ~~next succeeding~~, the director of the department of management, ~~hereinabove provided for~~, shall cause to be prepared a tentative budget conforming as to scope, contents and character to the requirements of section 8.22 and containing the estimates of expenditures ~~and revenue~~ as called for by ~~sections~~ section 8.23 and 8.24, which tentative budget shall be transmitted to the governor.

Sec. 7. Section 8.29, unnumbered paragraphs 1, 2, and 3, Code 2001, are amended by striking the unnumbered paragraphs.

Sec. 8. Section 8.35A, subsection 1, Code 2001, is amended to read as follows:

1. By July 1, the director of the department of management, in conjunction with the director of revenue and finance, shall provide a projected expenditure breakdown of each appropriation for the beginning fiscal year to the legislative fiscal bureau in the form and level of detail requested by the bureau. By the fifteenth of each month, the director, in conjunction with the director of revenue and finance, shall transmit to the legislative fiscal bureau a record for each appropriation of actual expenditures for the prior month of the fiscal year and the fiscal year to date in the form and level of detail as requested by the bureau. By October 1, the director, in conjunction with the director of revenue and finance, shall transmit the total record of an appropriation, including reversions and transfers for the prior fiscal year ending June 30, to the legislative fiscal bureau.

Sec. 9. Section 8.53, unnumbered paragraph 1, Code 2001, is amended by striking the unnumbered paragraph.

Sec. 10. Section 8.54, subsection 4, Code 2001, is amended to read as follows:

4. The state general fund expenditure limitation amount provided for in this section shall be used by the governor in the preparation of the budget under section 8.22 and approval of the budget and by the general assembly in the budget process. If a source for new revenues is proposed, the budget revenue projection used for that new revenue source for the period beginning on the effective date of the new revenue source and ending in the fiscal year in which the source is included in the revenue base shall be an amount determined by subtracting estimated tax refunds payable from the projected revenue from that new revenue source, multiplied by

ninety-five percent. If a new revenue source is established and implemented, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include ninety-five percent of the estimated revenue from the new revenue source.

Sec. 11. Section 8.54, subsections 7 and 8, Code 2001, are amended by striking the subsections and inserting in lieu thereof the following:

7. The governor shall transmit to the general assembly, in accordance with section 8.21, a budget which does not exceed the state general fund expenditure limitation. The general assembly shall pass a budget which does not exceed the state general fund expenditure limitation. The governor shall not transmit a budget with recommended appropriations in excess of the state general fund expenditure limitation and the general assembly shall not pass a budget with appropriations in excess of the state general fund expenditure limitation. The governor shall not approve or disapprove appropriation bills or items of appropriation bills passed by the general assembly in a manner that would cause the final budget approved by the governor to exceed the state general fund expenditure limitation. In complying with the requirements of this subsection, the governor and the general assembly shall not rely on any anticipated reversion of appropriations in order to meet the state general fund expenditure limitation.

Sec. 12. Sections 8.24, 8.37, 8.39A, and 8.42, Code 2001, are repealed.

Sec. 13. EFFECTIVE DATE — APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment. Sections 1 through 5, 7, 8, 10, and 11 are first applicable to the budget and appropriations made for the fiscal year beginning July 1, 2002, and ending June 30, 2003.

Approved November 16, 2001

CHAPTER 3
HOSPITAL TRUST FUND
H.F. 763

AN ACT relating to the establishment of a hospital trust fund, providing an effective date, and providing for retroactive applicability.

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

DIVISION I
TITLE AND FINDINGS

Section 1. NEW SECTION. 249I.1 TITLE.

This chapter shall be known and may be cited as the "Iowa Hospital Trust Fund".

Sec. 2. NEW SECTION. 249I.2 LEGISLATIVE FINDINGS — GOAL.

1. The general assembly finds that:

a. The preservation, improvement, and coordination of the health care infrastructure of Iowa is critical to the health and safety of Iowans.

b. Iowa hospital providers are a vital and critical component of Iowa's health care and economic infrastructure.

c. An increasing number of Iowans are eligible for and enrolled in Iowa's medical assistance program.

2. The goal of the trust fund is to provide a continuing source of funding to ensure the

state's ability to support the labor force, infrastructure, technology needs, and other elements of the hospital system.

DIVISION II
IOWA HOSPITAL TRUST FUND

Sec. 3. NEW SECTION. 249I.3 DEFINITIONS.

As used in this chapter, unless the context otherwise provides:

1. "Department" means the department of human services.
2. "Director" means the director of human services.
3. "Hospital" means hospital as defined in section 135B.1.
4. "Hospital trust fund" means the fund created in this chapter to secure funds based on hospital inpatient and outpatient prospective payment methodologies under the medical assistance program.
5. "Public hospital" means a hospital licensed pursuant to chapter 135B and governed pursuant to chapter 145A, 347, 347A, or 392.

Sec. 4. NEW SECTION. 249I.4 HOSPITAL TRUST FUND — CREATED — APPROPRIATIONS.

1. A hospital trust fund is created in the state treasury under the authority of the department of human services. Moneys received through agreements for the trust fund and moneys received from sources, including grants, contributions, and participant payments, shall be deposited in the trust fund.

2. Moneys deposited in the trust fund shall be used only as provided in appropriations from the trust fund to the department for the purposes specified in the appropriation.

3. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the trust fund shall not be considered revenue of the state, but rather shall be funds of the trust fund. The moneys in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

4. The department shall adopt rules pursuant to chapter 17A to administer the trust fund and to establish procedures for participation by public hospitals.

5. The treasurer of state shall provide a quarterly report of trust fund activities and balances to the director.

Sec. 5. NEW SECTION. 249I.6 STATE PLAN AMENDMENT.

The director shall amend the state medical assistance plan as necessary to implement this chapter.

Sec. 6. EMERGENCY RULES.

1. The department of human services may adopt emergency rules to implement this Act.

2. If the department of human services adopts emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement this Act, the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 8. RETROACTIVE APPLICABILITY. The section in this Act that creates section 249I.4 as it relates to receipt of funding, is retroactively applicable to October 1, 2001.

Approved November 16, 2001

CHAPTER 4**DEPARTMENT OF HUMAN SERVICES
FIELD SERVICES REORGANIZATION**

H.F. 764

AN ACT relating to the reorganization of the department of human services and providing an effective date.

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

Section 1. Section 217.42, Code 2001, is amended to read as follows:

217.42 COUNTY CLUSTERS SERVICE AREAS — OFFICES.

1. The organizational structure to deliver the department's field services shall be based upon ~~county clusters~~ service areas. ~~A county cluster shall consist of a single county, or a group of counties which have joined together to~~ The service areas shall serve as a basis for providing field services to persons residing in the ~~county or counties comprising the cluster service area~~. The ~~clusters~~ service areas shall be those designated by the department effective March 1, 1992 January 1, 2002. If it is necessary for the department to significantly modify its field operations or the composition of a designated county cluster, the department shall consult with the affected counties prior to implementing such action. A county may join a different cluster if it is mutually agreeable with the department and it occurs at the beginning of a fiscal year. The county boards of supervisors in a cluster shall advise the department on the selection of the area administrator responsible for the county cluster. In determining the service areas, the department shall consider other geographic service areas including but not limited to judicial districts and community empowerment areas. The department shall consult with the county boards of supervisors in a service area with respect to the selection of the service area manager responsible for the service area who is initially selected for the service area designated effective January 1, 2002, and any service area manager selected for the service area thereafter. Following establishment of the service areas effective January 1, 2002, if a county seeks to change the boundaries of a service area, the change shall only take place if the change is mutually agreeable to the department and all affected counties. If it is necessary for the department to significantly modify its field operations or the composition of a designated service area, or if it is necessary for the department to change the number of offices operating less than full-time, the department shall consult with the affected counties prior to implementing such action.

2. The department shall maintain an office in each county. Based on the annual appropriations for field operations, the department shall strive to maintain a full-time presence in each county. If it is not possible to maintain a full-time presence in each county, the department shall provide staff based on its caseweight system to assure the provision of services. The department shall consult with the county boards of supervisors of those counties regarding staffing prior to any modification of office hours.

3. A county or group of counties may voluntarily enter into a chapter 28E agreement with the department to provide funding or staff persons to deliver field services in ~~county cluster~~ and county offices. The agreement shall cover the full fiscal year but may be revised by mutual consent.

Sec. 2. Section 217.43, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

217.43 SERVICE AREA ADVISORY BOARDS — LOCATION OF COUNTY OFFICES.

1. The department shall establish a service area advisory board in each service area. Each of the county boards of supervisors of the counties comprising the service area shall appoint two service area advisory board members. The following requirements apply to the appointments made by a county board of supervisors: the membership shall be appointed in accordance with section 69.16, relating to political affiliation, and section 69.16A, relating

to gender balance; not more than one of the members shall be a member of the board of supervisors; and appointments shall be made on the basis of interest in maintaining and improving service delivery. Appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and the service area manager. A vacancy on the board shall be filled in the same manner as the original appointment. The boards of supervisors shall develop and agree to other organizational provisions involving the advisory board, including reporting requirements.

2. The purpose of the advisory boards is to improve communication and coordination between the department and the counties and to advise the department regarding maintenance and improvement of service delivery in the counties and communities comprising the service areas.

3. The department shall determine the community in which each county office will be located. The county board of supervisors shall determine the location of the office space for the county office. The county board of supervisors shall make reasonable efforts to collocate the office with other state and local government or private entity offices in order to maintain the offices in a cost-effective location that is convenient to the public.

Sec. 3. Section 217.44, Code 2001, is amended to read as follows:

217.44 ~~COUNTY CLUSTERS~~ SERVICE AREAS — EMPLOYEE AND VOLUNTEER RECORD CHECKS.

1. The department shall conduct criminal and child and dependent adult abuse record checks of persons who are potential employees, employees, potential volunteers, and volunteers in ~~county cluster~~ service area offices in a position having direct contact with the department's clients. The record checks shall be performed in this state and the department may conduct these checks in other states. If the department determines that a person has been convicted of a crime or has a record of founded child or dependent adult abuse, the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of the person's employment or participation as a volunteer. The record checks and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. In an evaluation, the department shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved.

3. The department may permit a person who is evaluated to be employed or to participate as a volunteer if the person complies with the department's conditions relating to employment or participation as a volunteer which may include completion of additional training.

4. If the department determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or participation as a volunteer, the person shall not be employed by or participate as a volunteer in a department ~~cluster~~ service area office in a position having direct contact with the department's clients.

Sec. 4. Section 251.3, subsection 1, Code 2001, is amended to read as follows:

1. Appoint such personnel as may be necessary for the efficient discharge of the duties imposed upon the administrator in the administration of emergency relief, and to make such rules and regulations as the administrator deems necessary or advisable covering the administrator's activities and those of the ~~county cluster~~ service area advisory boards created under section 217.43, concerning emergency relief.

Sec. 5. Section 251.5, Code 2001, is amended to read as follows:

251.5 DUTIES OF THE ~~COUNTY CLUSTER~~ SERVICE AREA ADVISORY BOARD.

A ~~county cluster~~ service area advisory board created in section 217.43 shall perform the

following activities for any county in the board's ~~county-cluster~~ service area concerning emergency relief:

1. Cooperate with a county's board of supervisors in all matters pertaining to administration of relief.
2. At the request of a county's board of supervisors, prepare requests for grants of state funds.
3. At the request of a county's board of supervisors, administer county relief funds.
4. In a county receiving grants of state funds upon approval of the director of revenue and finance and the county's board of supervisors, administer both state and county relief funds.
5. Perform other duties as may be prescribed by the administrator and a county's board of supervisors.

Sec. 6. Section 251.7, Code 2001, is amended to read as follows:

251.7 COUNTY APPOINTEES TO ACT AS EXECUTIVE OFFICERS.

The county board of supervisors may appoint an individual to serve as the executive officer of the ~~county-cluster~~ service area advisory board in all matters pertaining to relief for that county.

Sec. 7. Section 252.6, Code 2001, is amended to read as follows:

252.6 ENFORCEMENT OF LIABILITY.

Upon the failure of such relatives to assist or maintain a poor person who has made application for assistance, the county board of supervisors, ~~county-cluster~~ service area advisory board created under section 217.43, or state division of child and family services of the department of human services may apply to the district court of the county where the poor person resides or may be found, for an order to compel the assistance or maintenance.

Sec. 8. Section 331.321, subsection 1, paragraph f, Code 2001, is amended to read as follows:

f. The members of the ~~county-cluster~~ service area advisory board in accordance with section 217.43.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved November 16, 2001

CHAPTER 5

STATE GOVERNMENT EMPLOYMENT — REDUCTIONS-IN-FORCE INITIATIVES

S.F. 551

AN ACT relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates.

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

Section 1. NEW SECTION. 70A.38 YEARS OF SERVICE INCENTIVE PROGRAM.

1. As used in this section, unless the context provides otherwise:
 - a. "Credited service" means service under the Iowa public employees' retirement system,

as service is defined in section 97B.1A, and membership service under the public safety peace officers' retirement, accident, and disability system, as defined in section 97A.1.

b. "Eligible employee" means an employee with ten or more years of credited service as of the date of termination from employment.

c. "Employee" means an employee of the executive branch of the state, including an employee of a judicial district department of correctional services or the department of justice. However, "employee" does not mean an employee of the state board of regents, or an elected official.

d. "Employer" means a department, agency, board, or commission within the executive branch of the state that employs employees.

e. "Participant" means an eligible employee who has been selected for participation in the years of service incentive program, who agrees to such participation, who is approved for participation, and who receives a termination incentive as provided by this section.

f. "Program" means the years of service incentive program established pursuant to this section.

g. "Regular annual salary" means an amount equal to the eligible employee's regular biweekly rate of pay as of the date of separation from employment multiplied by twenty-six.

h. "Termination incentive" means an amount equal to the lesser of two hundred fifty dollars for every quarter year of credited service of the eligible employee or the regular annual salary of the eligible employee.

2. An employer may offer a termination incentive to an eligible employee or eligible employees if the employer demonstrates that such an offer will assist the employer in effectively managing its resources. Prior to making the offer, the employer shall obtain approval to offer the program from the department of personnel. As part of the approval process, the employer shall submit a business plan to the department of personnel which shall be reviewed and approved by the department of management. The business plan shall show the savings that will accrue to the state as a result of the employee's or employees' participation in the program.

3. Upon obtaining approval from the department of personnel to offer the program, the employer shall inform each eligible employee in writing of the employee's opportunity to participate in the program. The written notice to the eligible employee shall provide a time deadline for acceptance of an offer, a proposed date by which the eligible employee who wishes to accept an offer would have to agree to terminate employment with the state, and other relevant information concerning the employee's rights relating to an offer, including the voluntary nature of an offer to the eligible employee as well as the consequences to the employee of accepting an offer.

4. To become a participant in the program, an eligible employee who receives an offer to participate in the program shall do all of the following:

a. Acknowledge in writing the employee's agreement to voluntarily terminate employment in exchange for payment of a termination incentive as provided in this section.

b. Agree to waive all rights to file suit against the state of Iowa, including all of its departments, agencies, and other subdivisions, based on state or federal claims arising out of the employment relationship.

c. Acknowledge, in writing, that participation in the program waives any right to accept permanent part-time or permanent full-time employment with the state other than as an elected official or as an employee of the state board of regents.

d. Agree to separate from employment with the state by the date agreed upon by the eligible employee and the employer which date is consistent with the business plan submitted by the employer.

5. Upon acceptance to participate in the program and separation from employment with the state by the date agreed upon, the participant shall be paid a termination incentive. The state shall pay to the participant, in a lump sum, the termination incentive and any other payments due the participant, if any, for accrued sick leave and vacation leave balances.

6. The department of personnel shall administer the program and shall adopt administrative rules to administer the program.

7. The legislative council shall provide a years of service incentive program for employees of the legislative branch consistent with the program provided in this section for executive branch employees. The benefit provided for employees under this subsection shall be no greater than that provided for executive branch employees.

8. This section is repealed June 30, 2003.

Sec. 2. 2001 Iowa Acts, First Extraordinary Session, chapter 5, section 2, is repealed.

Sec. 3. SICK LEAVE AND VACATION INCENTIVE PROGRAM.

1. As used in this section, unless the context provides otherwise:

a. "Credited service" means service under the Iowa public employees' retirement system, as service is defined in section 97B.1A, and membership service under the public safety peace officers' retirement, accident, and disability system, as defined in section 97A.1.

b. "Eligible employee" means an employee for which, but for participation in the program, the sum of the number of years of credited service and the employee's age in years as of December 31, 2002, equals or exceeds seventy-five.

c. "Employee" means an employee of the executive branch of the state who is not covered by a collective bargaining agreement, including an employee of a judicial district department of correctional services if the district elects to participate in the program, an employee of the state board of regents if the board elects to participate in the program, and an employee of the department of justice. However, "employee" does not mean an elected official.

d. "Participant" means a person who timely submits an election to participate, and does participate, in the sick leave and vacation incentive program established under this section.

e. "Program" means the sick leave and vacation incentive program established under this section.

f. "Regular annual salary" means an amount equal to the eligible employee's regular biweekly rate of pay as of the date of separation from employment multiplied by twenty-six.

g. "Sick leave and vacation incentive benefit" means an amount equal to the entire value of an eligible employee's accumulated but unused vacation plus the lesser of the entire value of the eligible employee's accumulated and unused sick leave or the employee's regular annual salary.

2. To become a participant in the program, an eligible employee shall do all of the following:

a. Submit by January 31, 2002, a written application, on forms prescribed by the department of personnel, seeking participation in the program.

b. Agree to waive any and all rights to receive payments of sick leave balances under section 70A.23 and accrued vacation balances in a form other than as provided in this section.

c. Agree to waive all rights to file suit against the state of Iowa, including all of its departments, agencies, and other subdivisions, based on state or federal claims arising out of the employment relationship.

d. Acknowledge, in writing, that participation in the program waives any right to accept permanent part-time or permanent full-time employment with the state other than as an elected official on or after February 1, 2002.

e. Agree to separate from employment with the state by February 1, 2002.

3. Upon acceptance to participate in the program and separation from employment with the state by February 1, 2002, a participant shall receive a sick leave and vacation incentive benefit. The state shall pay to the participant a portion of the sick leave and vacation incentive benefit each fiscal year for a period of five years commencing with the fiscal year ending June 30, 2002.

4. The department of personnel shall administer the program, including the determination of eligibility for participation in the program, and shall adopt administrative rules to administer the program. The department may adopt rules on an emergency basis under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement

this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

5. The legislative council shall provide an incentive program for employees of the legislative branch consistent with the program provided in this section for executive branch employees. The legislative council shall collaborate with the department of personnel to establish the program as required under this subsection as nearly as identical as possible to the program provided executive branch employees under this section. The program provided pursuant to this subsection shall establish the same time guidelines and benefit calculations as provided under the program for executive branch employees.

Sec. 4. EARLY TERMINATION PROGRAMS — MISCELLANEOUS PROVISIONS.

1. **DEFINITIONS.** For purposes of this section, unless the context otherwise requires:

a. "Early termination participant" means an eligible state employee who participates in an early termination program.

b. "Early termination program" means a sick leave and vacation incentive program as established or required in this Act and the similar early termination program established for state employees as established pursuant to a collective bargaining agreement entered into pursuant to chapter 20.

2. **GROUP INSURANCE ELIGIBILITY.** An early termination participant shall be eligible to continue participation in the group plan or under the group contract at the early termination participant's own expense in the same manner as a retired employee pursuant to section 509A.13. In addition, an early termination participant shall be deemed an eligible retired state employee for purposes of eligibility for continuation of group insurance covering spouses as provided in section 509A.13A.

3. **RELEASE OF RECORDS.** Notwithstanding any provision of chapter 22 or section 97B.17 to the contrary, records of the department of personnel maintained for the operation of the Iowa public employees' retirement system may be released to the directors, agents, and employees of the legislative fiscal bureau, the department of revenue and finance, the department of management, and the department of personnel, for the purposes of administering and monitoring an early termination program. A person receiving a record pursuant to this subsection shall maintain the confidentiality of any information otherwise required to be kept confidential and shall be subject to the same penalties as the custodian of the records for the public dissemination of such information. The authority to request a record as provided pursuant to this subsection shall cease June 30, 2002.

4. **REPORTING REQUIREMENTS.** The department of personnel, in collaboration with the department of management, shall present an interim report to the general assembly, including copies to the legislative fiscal bureau and the fiscal committee of the legislative council, by March 15, 2002, and a final report by October 1, 2002, concerning the operation of early termination programs. The department shall also submit an annual update concerning the early termination programs by October 1 of each year for four years, commencing October 1, 2003. The reports shall include information concerning the number of early termination program participants, the cost of the early termination program including any payments made to participants, the number of state employment positions eliminated pursuant to an early termination program, the number of positions vacated by an early termination program participant that have been refilled, and the savings to the state based upon the early termination program.

Sec. 5. **WORKFORCE ATTRITION FUND TRANSFER.** Moneys in or due the workforce attrition fund established pursuant to 2001 Iowa Acts, First Extraordinary Session, chapter 5, as of the effective date of this Act shall be transferred to the general fund of the state no later than January 1, 2002, and the fund shall be abolished.

Sec. 6. **INITIATIVES FOR STATE GOVERNMENT PRODUCTIVITY — SPAN OF CONTROL AND JOB CLASSIFICATION SYSTEM.** It is the intent of the general assembly to maximize the productivity of the state's workforce and increase Iowans' confidence in the

value of their investment in state government. To accomplish these goals, the following initiatives shall be completed:

1. **SPAN OF CONTROL.** The department of personnel, in consultation with the department of management and after discussion and collaboration with executive branch agencies, shall pursue a goal of increasing the ratio of the number of employees per supervisor for executive branch agencies in the aggregate to twelve employees for one supervisor by December 31, 2002.

2. **JOB CLASSIFICATION SYSTEM.** The department of personnel, in consultation and collaboration with executive branch agencies and employee organizations representing employees of executive branch agencies, shall evaluate the state's system of job classification for state employees in order to ensure the existence of technical skill-based career paths in state government which do not depend on an employee gaining supervisory responsibility to gain advancement, and which provide incentives for state employees to broaden their knowledge and skill base. The department shall include in its review the elimination of obsolete, duplicative, or unnecessary job classifications.

The department shall present an interim report to the governor and the general assembly by September 1, 2002, and a final report by February 1, 2003, concerning the progress made by the department in completing both initiatives and any recommendations and ongoing efforts by the department to meet each initiative.

Sec. 7. **NONCONTRACT EMPLOYEE ACROSS-THE-BOARD WAGE INCREASE DELAY.** Any across-the-board wage increases for employees not covered by a collective bargaining agreement, which would otherwise take effect at the beginning of the pay period in which July 1, 2002, falls, shall be delayed until the pay period in which November 1, 2002, falls.

Sec. 8. **EFFECTIVE DATES.**

1. Sections 2, 3, 4, 5, 6, and 7 of this Act, being deemed of immediate importance, take effect upon enactment.

2. Section 1 of this Act, establishing Code section 70A.38, takes effect July 1, 2002.

Approved November 19, 2001

CHAPTER 6

MISCELLANEOUS FUNDING RESTORATION, REDUCTIONS, AND OTHER PROVISIONS

H.F. 759

AN ACT relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

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

DIVISION I EXECUTIVE BRANCH

Section 1. **STANDING APPROPRIATIONS.** After applying the reduction made pursuant to executive order number 24¹ to the appropriations for the following designated pur-

¹ Published in IAB, XXIV, 11, November 28, 2001, page 859

poses, there is appropriated from the general fund of the state for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to supplement the appropriations for the following designated purposes:

1. For the endowment for Iowa's health account of the tobacco settlement trust fund in 2001 Iowa Acts, chapter 174, section 1, subsection 2, unnumbered paragraph 2:
 \$ 311,664
2. For payment of claims against the state by the state appeals board in sections 25.2 and 669.11:
 \$ 236,500
3. For performance of duty by the executive council in sections 7D.29, 18.12, and 29C.20:
 \$ 64,500
4. For payment of expenses, compensation, and claims incurred by members of the national guard while on active duty in section 29A.29:
 \$ 4,730
5. For the secretary of state's administration of absentee ballots for Iowa residents serving in the armed forces in section 53.50:
 \$ 151
6. For state unemployment compensation administration under chapter 96:
 \$ 15,179
7. For the Iowa early intervention block grant program in section 256D.5, subsection 1:
 \$ 1,290,000
8. For instructional support state aid to school districts in section 257.20:
 \$ 636,324
9. For tuition grants in section 261.25, subsection 1:
 \$ 425,000
10. For child development grants and other programs for at-risk children in section 279.51:
 \$ 497,080
11. For educational excellence in section 294A.25, including the distributions required by that section, as amended by 2001 Iowa Acts, chapter 181, sections 21, 22, and 24:
 \$ 3,478,327
12. For school improvement technology in section 256D.5, subsection 2:
 \$ 430,000
13. For the property tax relief fund in section 426B.1:
 \$ 4,085,000
14. For payment of costs associated with extradition of criminals in section 820.24:
 \$ 172

Sec. 2. ICN DEBT SERVICE. After applying the reduction made pursuant to executive order number 24 to the appropriation made for the following designated purpose, there is appropriated from the general fund of the state to the treasurer of state for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to supplement the appropriation for the following designated purpose:

- For Iowa communications network debt service in 2001 Iowa Acts, chapter 176, section 21:
 \$ 427,384

Sec. 3. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM. After applying the reduction made pursuant to executive order number 24 to the appropriation made for the following designated purpose, there is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to supplement the appropriation for the following designated purpose:

- For the national guard educational assistance program in 2001 Iowa Acts, chapter 181, section 1, subsection 6:
 \$ 50,525

Sec. 4. COMMUNITY COLLEGES. After applying the reduction made pursuant to executive order number 24 to the appropriation made for community colleges, there is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to supplement the following appropriation:

To supplement the appropriation made in 2001 Iowa Acts, chapter 181, section 6, subsection 14, for general state financial aid, including general financial aid to merged areas in lieu of personal property tax replacement payments, to merged areas as defined in section 260C.2, for vocational education programs in accordance with chapters 258 and 260C:

..... \$ 1,000,000

The appropriation made in this section shall be distributed among the merged areas listed in 2001 Iowa Acts, chapter 181, section 6, subsection 14, in proportion to the amount that each original allocation bears to the total amount originally appropriated in the subsection.

Sec. 5. STATE BOARD OF REGENTS. After applying the reduction made pursuant to executive order number 24 to the appropriations for the following designated purposes, there is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to supplement the appropriations for the following designated purposes:

1. For payments in lieu of tuition in 2001 Iowa Acts, chapter 176, section 19:

..... \$ 1,121,500

2. For the state university of Iowa state hygienic laboratory in 2001 Iowa Acts, chapter 181, section 8, subsection 2, paragraph "f":

..... \$ 178,821

3. For the state school for the deaf in 2001 Iowa Acts, chapter 181, section 8, subsection 5:

..... \$ 341,872

4. For the Iowa braille and sight saving school in 2001 Iowa Acts, chapter 181, section 8, subsection 6:

..... \$ 191,605

Sec. 6. IOWA VETERANS HOME. After applying the reduction made pursuant to executive order number 24 to the appropriation made for the following designated purpose, there is appropriated from the general fund of the state to the commission of veterans affairs for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to supplement the appropriation for the following designated purpose:

For the Iowa veterans home in 2001 Iowa Acts, chapter 182, section 7, subsection 2:

..... \$ 2,123,563

Sec. 7. DEPARTMENT OF CORRECTIONS. After applying the reduction made pursuant to executive order number 24 to the appropriations for the following designated purposes, there is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to supplement the appropriations for the following designated purposes:

1. For the operation of adult correctional institutions in 2001 Iowa Acts, chapter 186, section 4, subsection 1, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility in 2001 Iowa Acts, chapter 186, section 4, subsection 1, paragraph "a":

..... \$ 467,922

b. For the operation of the Anamosa correctional facility in 2001 Iowa Acts, chapter 186, section 4, subsection 1, paragraph "b":

..... \$ 383,705

c. For the operation of the Clarinda correctional facility in 2001 Iowa Acts, chapter 186, section 4, subsection 1, paragraph "g":

..... \$ 645,379

d. For restoring the bed capacity, including the associated correctional officer positions, other essential positions, authorized programs, and authorized services such as treatment, medical, maintenance, and food service that were reduced from the quantity of beds, programs, and services funded and authorized as of July 1, 2001, in 2001 Iowa Acts, chapter 186, section 4, subsection 1:

..... \$ 362,875

2. For reimbursement of counties for certain confinement costs in 2001 Iowa Acts, chapter 186, section 4, subsection 1:

..... \$ 30,119

3. For the judicial district departments of correctional services in 2001 Iowa Acts, chapter 186, section 6, subsection 1, for restoring the quantity of probation, parole, and residential officer positions funded and authorized as of July 1, 2001, including restoring as many of the beds and programs that were reduced from the quantity funded and authorized as of July 1, 2001:

..... \$ 1,110,000

Sec. 8. IOWA LAW ENFORCEMENT ACADEMY. After applying the reduction made pursuant to executive order number 24 to the appropriation made for the following designated purpose, there is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to supplement the appropriation for the following designated purpose:

For the Iowa law enforcement academy in 2001 Iowa Acts, chapter 186, section 10:

..... \$ 59,500

Sec. 9. DEPARTMENT OF PUBLIC DEFENSE. After applying the reduction made pursuant to executive order number 24 to the appropriations for the following designated purposes, there is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to supplement the appropriations for the following designated purposes:

1. For the military division in 2001 Iowa Acts, chapter 186, section 12, subsection 1:

..... \$ 238,088

2. For the emergency management division in 2001 Iowa Acts, chapter 186, section 12, subsection 2:

..... \$ 46,383

Sec. 10. DEPARTMENT OF PUBLIC SAFETY. After applying the reduction made pursuant to executive order number 24 to the appropriations for the following designated purposes, there is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to supplement the appropriations for the following designated purposes:

1. For the department's administrative functions in 2001 Iowa Acts, chapter 186, section 13, subsection 1:

..... \$ 109,710

2. For the division of criminal investigation and bureau of identification in 2001 Iowa Acts, chapter 186, section 13, subsection 2:

..... \$ 542,099

3. For the division of narcotics enforcement in 2001 Iowa Acts, chapter 186, section 13, subsection 3, paragraph "a":

..... \$ 155,587

4. For the division of narcotics enforcement for undercover enforcement in 2001 Iowa Acts, chapter 186, section 13, subsection 3, paragraph "b":

..... \$ 5,582

5. For the state fire marshal's office in 2001 Iowa Acts, chapter 186, section 13, subsection 4, paragraph "a":

..... \$ 81,489

6. For the state fire marshal's office for fire protection services in 2001 Iowa Acts, chapter 186, section 13, subsection 4, paragraph "b":

..... \$ 26,184

7. For the capitol police division in 2001 Iowa Acts, chapter 186, section 13, subsection 5:

..... \$ 56,914

8. For the division of the Iowa state patrol in 2001 Iowa Acts, chapter 186, section 13, subsection 6:

..... \$ 1,652,907

9. For costs associated with the maintenance of the automated fingerprint information system (AFIS) in 2001 Iowa Acts, chapter 186, section 13, subsection 7:

..... \$ 10,309

10. For deposit in the public safety law enforcement sick-leave benefit fund established under section 80.42 in 2001 Iowa Acts, chapter 186, section 13, subsection 8:

..... \$ 12,390

11. For costs associated with the training and equipment needs of volunteer fire fighters in 2001 Iowa Acts, chapter 186, section 13, subsection 10:

..... \$ 24,795

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

Sec. 11. DEPARTMENT OF GENERAL SERVICES. After applying the reduction made pursuant to executive order number 24 to the appropriations made for the following designated purposes, there is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to supplement the appropriations for the following designated purposes:

1. For rental space in 2001 Iowa Acts, chapter 187, section 6, subsection 4:
..... \$ 44,243

2. For utility costs in 2001 Iowa Acts, chapter 187, section 6, subsection 5:
..... \$ 94,941

Sec. 12. STATE WORKERS' COMPENSATION CLAIMS. After applying the reduction made pursuant to executive order number 24 to the appropriation made for the following designated purpose, there is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to supplement the appropriation for the following designated purpose:

For distribution to state departments for funding of premiums for paying workers' compensation claims in 2001 Iowa Acts, chapter 187, section 20:

..... \$ 21,500

Sec. 13. DEPARTMENT OF HUMAN SERVICES FIELD OPERATIONS. After applying the reduction made pursuant to executive order number 24 for the following designated purpose, there is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to supplement the appropriation for the following designated purpose:

For field operations in 2001 Iowa Acts, chapter 191, section 27:
..... \$ 3,000,000

If the federal government approves the state plan amendment to commence, in the fiscal year beginning July 1, 2001, using medical assistance funding for targeted case management services for children, as submitted by the department pursuant to 2001 Iowa Acts, chapter 191, section 28, the appropriation made in this section is reduced in an amount equal to the net increase in federal reimbursement received for the services.

DIVISION II
LEGISLATIVE BRANCH

Sec. 14. GENERAL ASSEMBLY. The appropriations made from the general fund of the state in section 2.12, for the fiscal year beginning July 1, 2001, and ending June 30, 2002, for the expenses of the general assembly and for legislative agencies, are reduced by the following amount:

..... \$ 1,079,992

Sec. 15. LEGISLATIVE PER DIEM PAYMENT. Notwithstanding section 2.10, subsection 6, for the special session that convenes November 8, 2001, the members of the general assembly are not entitled to and shall not receive the sum of eighty-six dollars per day for each day the general assembly is actually in special session, but shall receive the same travel allowances and expenses as authorized by section 2.10.

DIVISION III
JUDICIAL BRANCH

Sec. 16. 2001 Iowa Acts, chapter 179, section 1, unnumbered paragraph 2, is amended to read as follows:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2001, and maintenance, equipment, and miscellaneous purposes:

..... \$ 113,792,166
\$ 108,688,725

Sec. 17. 2001 Iowa Acts, chapter 179, section 2, is amended to read as follows:

SEC. 2. JUDICIAL RETIREMENT FUND. There is appropriated from the general fund of the state to the judicial retirement fund for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding section 602.9104, subsection 4, paragraph "b", for the state's contribution to the judicial retirement fund in the amount of ~~16.6~~ 15.9 percent of the basic salaries of the judges covered under chapter 602, article 9:

..... \$ 3,207,834
3,069,897

DIVISION IV
EDUCATION-RELATED PROVISIONS

Sec. 18. AREA EDUCATION AGENCY SERVICES.

1. For the budget year beginning July 1, 2001, notwithstanding the requirements of section 257.37 for determining the budgets and funding of media services and educational services, an area education agency may, within the limits of the total of the funds provided to an area education agency pursuant to section 257.35, expend for special education sup-

port services an amount that exceeds the payment for special education support services pursuant to section 257.35 in order to maintain the level of required special education support services in the area education agency.

2. For the school budget year beginning July 1, 2001, and ending June 30, 2002, there is appropriated from the general fund of the state to the department of education the sum of one hundred eighteen thousand dollars to be distributed to area education agency XVI to supplement other moneys available to the agency. The appropriation in this subsection is not subject to executive order number 24.

Sec. 19. CATEGORICAL FUNDING TO SCHOOLS — FY 2001-2002. For the school budget year beginning July 1, 2001, and ending June 30, 2002, notwithstanding section 256.33 for educational technology assistance, chapter 256D for the Iowa early intervention and school improvement technology block grants, or section 294A.25 for educational excellence phase III, the board of directors of a school district may use the categorical state funding identified in this section and received by the district, for any school general fund purpose.

Sec. 20. Section 261.17, subsection 7, paragraph e, Code 2001, is amended by striking the paragraph.

DIVISION V
INTERSTATE COMPACT FOR ADULT
OFFENDERS — CORRECTIVE AMENDMENTS

Sec. 21. Section 422.7, subsection 12, paragraph c, Code 2001, as amended by 2001 Iowa Acts, chapter 15, section 1, is amended to read as follows:

c. An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the compact for adult offenders under chapter 907B applies.

Sec. 22. Section 422.7, subsection 12A, paragraph b, Code 2001, as amended by 2001 Iowa Acts, chapter 15, section 2, is amended to read as follows:

b. An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the compact for adult offenders under chapter 907B applies.

Sec. 23. Section 422.35, subsection 6, paragraph c, Code 2001, as amended by 2001 Iowa Acts, chapter 15, section 3, is amended to read as follows:

c. An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the compact for adult offenders under chapter 907B applies.

Sec. 24. Section 422.35, subsection 6A, paragraph b, Code 2001, as amended by 2001 Iowa Acts, chapter 15, section 4, is amended to read as follows:

b. An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the compact for adult offenders under chapter 907B applies.

Sec. 25. 2001 Iowa Acts, chapter 15, is amended by adding the following new section:
NEW SECTION. SEC. 9. EFFECTIVE DATE. The effective date of this Act shall be the later of July 1, 2002, or upon the legislative enactment of the interstate compact for adult offender supervision by the thirty-fifth jurisdiction. The director of the department of corrections shall notify the Code editor upon the enactment of the compact by the thirty-fifth

jurisdiction. The date upon which this Act takes effect constitutes the date of renunciation of the interstate probation and parole compact under section 907A.1, Code 2001, by the state of Iowa, and this Act in itself shall constitute and satisfy the six months' notice of renunciation required by section 907A.1, Code 2001. The duties of the state of Iowa as a renouncing state under section 907A.1, subsection 7, Code 2001, shall continue as to parolees and probationers residing within the state of Iowa on the effective date of renunciation until the parolees and probationers are retaken or finally discharged by the sending state.

Sec. 26. **RETROACTIVE APPLICABILITY.** This division of this Act is retroactively applicable to July 1, 2001, and is applicable on and after that date.

DIVISION VI BUDGETING REFORMS

Sec. 27. Section 8.55, subsection 1, Code 2001, is amended to read as follows:

1. The Iowa economic emergency fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. ~~The moneys in the fund shall not revert to the general fund, notwithstanding section 8.33, unless and to the extent the fund exceeds the maximum balance. However, the fund shall be considered a special account for the purposes of section 8.53~~ The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

Sec. 28. Section 8.55, subsection 3, Code 2001, is amended to read as follows:

3. a. Except as provided in paragraphs "b" and "c", the moneys in the Iowa economic emergency fund may be appropriated shall only be used pursuant to an appropriation made by the general assembly. An appropriation shall only be made for the fiscal year for in which the appropriation is made. The moneys shall only be appropriated by the general assembly for emergency expenditures. However, except

b. Moneys in the fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

c. There is appropriated from the Iowa economic emergency fund to the general fund of the state for the fiscal year in which moneys in the fund were used for cash flow purposes, for the purposes of reducing or preventing any overdraft on or deficit in the general fund of the state, the amount from the Iowa economic emergency fund that was used for cash flow purposes pursuant to paragraph "b" and that was not returned to the Iowa economic emergency fund by June 30 of the fiscal year. The appropriation in this paragraph shall not exceed fifty million dollars and is contingent upon all of the following having occurred:

(1) The revenue estimating conference estimate of general fund receipts made during the last quarter of the fiscal year was or the actual fiscal year receipts and accruals were at least one-half of one percent less than the comparable estimate made during the third quarter of the fiscal year.

(2) The governor has implemented the uniform reductions in appropriations required in section 8.31 as a result of subparagraph (1) and such reduction was insufficient to prevent an overdraft on or deficit in the general fund of the state or the governor did not implement uniform reductions in appropriations because of the lateness of the estimated or actual receipts and accruals under subparagraph (1).

(3) The balance of the general fund of the state at the end of the fiscal year prior to the appropriation made in this paragraph was negative.

(4) The governor has issued an official proclamation and has notified the cochairpersons of the fiscal committee of the legislative council and the legislative fiscal bureau that the contingencies in subparagraphs (1) through (3) have occurred and the reasons why the uniform reductions specified in subparagraph (2) were insufficient or were not implemented to prevent an overdraft on or deficit in the general fund of the state.

d. If an appropriation is made pursuant to paragraph "c" for a fiscal year, there is appropriated from the general fund of the state to the Iowa economic emergency fund for the following fiscal year, the amount of the appropriation made pursuant to paragraph "c".

e. Except as provided in section 8.58, the balance in the Iowa economic emergency fund may be used shall be considered a special account for the purposes of section 8.53 in determining the cash position of the general fund of the state for the payment of state obligations.

Sec. 29. Section 8.56, subsection 1, Code 2001, is amended to read as follows:

1. A cash reserve fund is created in the state treasury. The cash reserve fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state except in determining the cash position of the state as provided in subsection 3. The moneys in the cash reserve fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the cash reserve fund shall be credited to the rebuild Iowa infrastructure fund created in section 8.57. Moneys in the cash reserve fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the cash reserve fund by the end of ~~each that~~ fiscal year. ~~However, the fund shall be considered a special account for the purposes of section 8.53.~~

Sec. 30. Section 8.56, subsection 3, Code 2001, is amended to read as follows:

3. The moneys in the cash reserve fund ~~may~~ shall only be ~~appropriated~~ used pursuant to an appropriation made by the general assembly. An appropriation shall be made in accordance with subsection 4 only ~~in for~~ for the fiscal year ~~for in~~ in which the appropriation is made. The moneys shall only be appropriated by the general assembly for nonrecurring emergency expenditures and shall not be appropriated for payment of any collective bargaining agreement or arbitrator's decision negotiated or awarded under chapter 20. ~~However, except~~ Except as provided in section 8.58, ~~the balance in the cash reserve fund may be used~~ shall be considered a special account for the purposes of section 8.53 in determining the cash position of the general fund of the state for the payment of state obligations.

Sec. 31. EFFECTIVE DATE. The provisions of this division of this Act amending section 8.56 take effect July 1, 2002.

DIVISION VII

Sec. 32. SALES TAX EXEMPTION PER FEDERAL SALES TAX HOLIDAY ACT.

1. a. There is hereby exempted from imposition of sales and use tax under division IV of chapter 422 or chapter 422B, 422E, or 423, the gross receipts from the sale of tangible personal property which receipts are otherwise taxable under division IV of chapter 422 or chapter 422B, 422E, or 423, contingent upon enactment of the federal Sales Tax Holiday Act of 2001 providing one hundred percent reimbursement from the federal government to the states for the loss of revenue from a tax exemption for sales that take place during a period of time specified in the federal Sales Tax Holiday Act of 2001 and providing reimbursement from the federal government for administrative costs incurred by the department of revenue and finance separate from the amount reimbursed for sales tax not collected. The exemption shall be applied in the manner prescribed by the federal Act.

b. Retailers shall be required to accurately report actual sales made during the period of time this exemption applies pursuant to rules adopted by the department.

c. The governor shall, not later than the date specified in the federal Sales Tax Holiday Act of 2001, notify the United States secretary of the treasury in writing of Iowa's intention to qualify for reimbursement under the federal Sales Tax Holiday Act of 2001 by not collecting applicable sales tax during the sales tax holiday period specified in the federal Act.

d. Notwithstanding paragraph "a", the motor vehicle lease tax imposed under section 423.7A is not considered an exempt sale for purposes of this section and the federal Sales Tax Holiday Act of 2001.

e. Notwithstanding paragraph "c", if the director of revenue and finance determines that it is not feasible to administer a sales tax holiday in the time provided by the federal Sales Tax Holiday Act of 2001, the director of revenue and finance shall immediately inform the governor and the governor may decline to send notification to the United States secretary of the treasury.

2. The department of revenue and finance may adopt emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

3. If any provision of this section is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

4. This section is repealed effective January 31, 2002.

DIVISION VIII GENERAL PROVISIONS

Sec. 33. Section 226.1, subsection 2, Code 2001, is amended by adding the following new paragraph after paragraph b:

NEW PARAGRAPH. c. A unit for the civil commitment of sexually violent predators committed to the custody of the director of human services pursuant to chapter 229A.

Sec. 34. **SEXUALLY VIOLENT PREDATORS UNIT.** Of the funds appropriated to the department of general services for the fiscal year beginning July 1, 2001, and ending June 30, 2002, up to \$600,000 may be used for costs associated with renovation and furnishing of space necessary to meet the capacity needs of the department of human services unit for the civil commitment of sexually violent predators.

Sec. 35. **CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS.** The department of human services may collocate the unit for civil commitment of sexually violent predators at the mental health institute at Mount Pleasant.

Sec. 36. **EFFECT OF APPROPRIATION REDUCTIONS.** The moneys appropriated in this Act to supplement the appropriations for the fiscal year beginning July 1, 2001, and ending June 30, 2002, are not subject to executive order number 24.

Sec. 37. **EFFECTIVE DATE.** Unless otherwise provided by this Act, this Act, being deemed of immediate importance, takes effect upon enactment.

Approved November 15, 2001

**CONVERSION TABLES OF SENATE AND HOUSE FILES
TO CHAPTERS OF THE ACTS OF THE GENERAL ASSEMBLY**

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