

Iowans tobacco trust created in section 12.65 for the fiscal year beginning July 1, 2005, and ending June 30, 2006.

*Approved June 14, 2005, with exception noted.*

THOMAS J. VILSACK, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 862, an Act relating to and making appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund.

House File 862 is approved on this date, with the following exception which I hereby disapprove:

I am unable to approve the item designated as Section 1, subsection 3, paragraph f. This language requires allocation of funds for the implementation of a treatment program at the Iowa Correctional Institution for Women in Mitchellville. A similar value-based treatment program at the Newton Correctional Facility is the subject of a constitutional challenge currently before the U.S. District Court. In order to avoid confusion, state appropriations for value-based treatment programming should not be expanded to other correctional institutions until the courts resolve this issue and provide clear direction as to what is and is not permissible.

For the above reasons, I respectfully disapprove of the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 862 are hereby approved as of this date.

Sincerely,  
THOMAS J. VILSACK, *Governor*

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## CHAPTER 177

### COMPENSATION FOR PUBLIC EMPLOYEES AND ADDITIONAL PROVISIONS

*H.F. 881*

**AN ACT** relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including effective and retroactive applicability date provisions.

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

Section 1. STATE COURTS — JUSTICES, JUDGES, AND MAGISTRATES.

1. The salary rates specified in subsection 2 are for the fiscal year beginning July 1, 2005,

effective for the pay period beginning July 1, 2005, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds appropriated to the judicial branch from the salary adjustment fund or if the appropriation is not sufficient, from funds appropriated to the judicial branch pursuant to any Act of the general assembly.

2. The following annual salary rates shall be paid to the persons holding the judicial positions indicated during the fiscal year beginning July 1, 2005, effective with the pay period beginning July 1, 2005, and for subsequent pay periods.

|   |    |         |
|---|----|---------|
| a. Chief justice of the supreme court:                                | \$ | 132,720 |
| .....   |    |         |
| b. Each justice of the supreme court:                                 | \$ | 128,000 |
| .....   |    |         |
| c. Chief judge of the court of appeals:                               | \$ | 127,920 |
| .....   |    |         |
| d. Each associate judge of the court of appeals:                      | \$ | 123,120 |
| .....   |    |         |
| e. Each chief judge of a judicial district:                           | \$ | 122,000 |
| .....   |    |         |
| f. Each district judge except the chief judge of a judicial district: | \$ | 117,040 |
| .....   |    |         |
| g. Each district associate judge:                                     | \$ | 102,000 |
| .....   |    |         |
| h. Each associate juvenile judge:                                     | \$ | 102,000 |
| .....   |    |         |
| i. Each associate probate judge:                                      | \$ | 102,000 |
| .....   |    |         |
| j. Each judicial magistrate:  | \$ | 30,400  |
| .....   |    |         |
| k. Each senior judge:   | \$ | 6,800   |
| .....   |    |         |

3. Persons receiving the salary rates established under this section shall not receive any additional salary adjustments provided by this Act.

**Sec. 2. ELECTIVE EXECUTIVE OFFICIALS.**

1. The annual salary rates specified in this section are effective for the fiscal year beginning July 1, 2005, with the pay period beginning July 1, 2005, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section from the salary adjustment fund or if the appropriation is not sufficient, from funds appropriated to the department or agency pursuant to any Act of the general assembly.

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

|   |    |         |
|---|----|---------|
| a. OFFICE OF THE GOVERNOR AND LIEUTENANT GOVERNOR |    |         |
| (1) Salary for the governor:                      | \$ | 130,000 |
| .....   |    |         |
| (2) Salary for the lieutenant governor:           | \$ | 103,212 |
| .....   |    |         |
| b. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP |    |         |
| Salary for the secretary of agriculture:          | \$ | 103,212 |
| .....   |    |         |
| c. DEPARTMENT OF JUSTICE                          |    |         |
| Salary for the attorney general:                  | \$ | 123,669 |
| .....   |    |         |

|   |    |         |
|---|----|---------|
| d. OFFICE OF THE AUDITOR OF STATE<br>Salary for the auditor of state:     | \$ | 103,212 |
| e. OFFICE OF THE SECRETARY OF STATE<br>Salary for the secretary of state: | \$ | 103,212 |
| f. OFFICE OF THE TREASURER OF STATE<br>Salary for the treasurer of state: | \$ | 103,212 |

Sec. 3. APPOINTED STATE OFFICERS. Notwithstanding section 20.5, subsection 3, the governor shall establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in section 4 of this Act within the range provided, by considering, among other items, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, and subordinates' salaries. However, the attorney general shall establish the salary for the consumer advocate, the chief justice of the supreme court shall establish the salary for the state court administrator, the ethics and campaign disclosure board shall establish the salary of the executive director, and the state fair board shall establish the salary of the secretary of the state fair board, each within the salary range provided in section 4 of this Act.

The governor, in establishing salaries as provided in section 4 of this Act, shall take into consideration other employee benefits which may be provided for an individual including, but not limited to, housing.

A person whose salary is established pursuant to section 4 of this Act and who is a full-time, year-round employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law. However, this provision does not exclude the reimbursement for necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

Sec. 4. STATE OFFICERS — SALARY RANGE. The following annual salary ranges are effective for the positions specified in this section for the fiscal year beginning July 1, 2005, and for subsequent fiscal years until otherwise provided by the general assembly. The governor or other person designated in section 3 of this Act shall determine the salary to be paid to the person indicated at a rate within this salary range from funds appropriated by the general assembly for that purpose.

1. The following are salary ranges for state officers for the fiscal year beginning July 1, 2005, effective with the pay period beginning July 1, 2005:

| SALARY RANGE | <u>Minimum</u> | <u>Maximum</u> |
|--------------|----------------|----------------|
| a. Range 1   | \$ 8,800       | \$ 33,753      |
| b. Range 2   | \$ 45,395      | \$ 68,100      |
| c. Range 3   | \$ 52,210      | \$ 78,315      |
| d. Range 4   | \$ 60,040      | \$ 90,062      |
| e. Range 5   | \$ 69,045      | \$ 103,571     |
| f. Range 6   | \$ 79,405      | \$ 119,107     |
| g. Range 7   | \$ 95,055      | \$ 142,578     |

2. The following are range 1 positions: There are no range 1 positions for the fiscal year beginning July 1, 2005.

3. The following are range 2 positions: administrator of the arts division of the department of cultural affairs, administrators of the division of persons with disabilities, the division on the status of women, the division on the status of Asian and Pacific islander heritage, the division on the status of African-Americans, the division of deaf services, and the division of Latino affairs of the department of human rights, and administrator of the division of professional licensing and regulation of the department of commerce.

4. The following are range 3 positions: administrator of the division of homeland security and emergency management of the department of public defense, administrator of the division of criminal and juvenile justice planning of the department of human rights, administrator of the division of community action agencies of the department of human rights, executive director of the commission of veterans affairs, and chairperson and members of the employment appeal board of the department of inspections and appeals.

5. The following are range 4 positions: director of the department of human rights, director of the Iowa state civil rights commission, executive director of the college student aid commission, director of the department for the blind, executive director of the ethics and campaign disclosure board, members of the public employment relations board, and chairperson, vice chairperson, and members of the board of parole.

6. The following are range 5 positions: state public defender, drug policy coordinator, labor commissioner, workers' compensation commissioner, director of the department of cultural affairs, director of the department of elder affairs, director of the law enforcement academy, and administrator of the historical division of the department of cultural affairs.

7. The following are range 6 positions: superintendent of banking, superintendent of credit unions, administrator of the alcoholic beverages division of the department of commerce, director of the department of inspections and appeals, commandant of the veterans home, administrator of the public broadcasting division of the department of education, commissioner of public safety, commissioner of insurance, executive director of the Iowa finance authority, director of the department of natural resources, director of the department of corrections, consumer advocate, and chairperson of the utilities board. The other members of the utilities board shall receive an annual salary within a range of not less than 90 percent but not more than 95 percent of the annual salary of the chairperson of the utilities board.

8. The following are range 7 positions: administrator of the state racing and gaming commission of the department of inspections and appeals, director of the department of education, director of human services, director of the department of economic development, executive director of the Iowa telecommunications and technology commission, executive director of the state board of regents, director of the state department of transportation, director of the department of workforce development, director of revenue, director of public health, state court administrator, secretary of the state fair board, director of the department of management, and director of the department of administrative services.

Sec. 5. COLLECTIVE BARGAINING AGREEMENTS FUNDED — GENERAL FUND. There is appropriated from the general fund of the state to the salary adjustment fund for distribution by the department of management to the various state departments, boards, commissions, councils, and agencies, excluding the state board of regents, for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the amount of \$38,500,000,<sup>1</sup> or so much thereof as may be necessary, to fully fund annual pay adjustments, expense reimbursements, and related benefits implemented pursuant to the following:

1. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.

2. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.

3. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.

4. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.

5. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.

6. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the clerical bargaining unit.

7. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional social services bargaining unit.

<sup>1</sup> See chapter 179, §22 herein

8. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the community-based corrections bargaining unit.

9. The collective bargaining agreements negotiated pursuant to chapter 20 for employees in the judicial branch of government bargaining units.

10. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the patient care bargaining unit.

11. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the science bargaining unit.

12. The annual pay adjustments, related benefits, and expense reimbursements referred to in section 6 of this Act for employees not covered by a collective bargaining agreement.

Of the amount appropriated in this section, \$4,880,000 shall be allocated to the judicial branch for the purpose of funding annual pay adjustments, expense reimbursements, and related benefits implemented for judicial branch employees.

Sec. 6. NONCONTRACT STATE EMPLOYEES — GENERAL.

1. a. For the fiscal year beginning July 1, 2005, the maximum salary levels of all pay plans provided for in section 8A.413, subsection 2, as they exist for the fiscal year ending June 30, 2005, shall be increased by 2.5 percent for the pay period beginning March 24, 2006, and any additional changes in the pay plans shall be approved by the governor.

b. For the fiscal year beginning July 1, 2005, employees may receive a step increase or the equivalent of a step increase.

2. The pay plans for state employees who are exempt from chapter 8A, subchapter IV, and who are included in the department of administrative service’s centralized payroll system shall be increased in the same manner as provided in subsection 1, and any additional changes in any executive branch pay plans shall be approved by the governor.

3. This section does not apply to members of the general assembly, board members, commission members, salaries of persons set by the general assembly pursuant to this Act or set by the governor, other persons designated in section 3 of this Act, employees designated under section 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

4. The pay plans for the bargaining eligible employees of the state shall be increased in the same manner as provided in subsection 1, and any additional changes in such executive branch pay plans shall be approved by the governor. As used in this section, “bargaining eligible employee” means an employee who is eligible to organize under chapter 20, but has not done so.

5. The policies for implementation of this section shall be approved by the governor.

Sec. 7. APPROPRIATIONS FROM ROAD FUNDS.

1. There is appropriated from the road use tax fund to the salary adjustment fund for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To supplement other funds appropriated by the general assembly: ..... \$ 1,635,317

2. There is appropriated from the primary road fund to the salary adjustment fund, for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To supplement other funds appropriated by the general assembly: ..... \$ 9,233,486

3. Except as otherwise provided in this Act, the amounts appropriated in subsections 1 and 2 shall be used to fund the annual pay adjustments, expense reimbursements, and related benefits for public employees as provided in this Act.

Sec. 8. SPECIAL FUNDS — AUTHORIZATION. To departmental revolving, trust, or special funds, except for the primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental expenditure authorization is

provided, unless otherwise provided, in an amount necessary to fund salary adjustments as otherwise provided in this Act.

Sec. 9. GENERAL FUND SALARY MONEYS. Funds appropriated for distribution from the salary adjustment fund in section 5 of this Act relate only to salaries supported from general fund appropriations of the state except for employees of the state board of regents.

Sec. 10. FEDERAL FUNDS APPROPRIATED. All federal grants to and the federal receipts of the agencies affected by this Act which are received and may be expended for purposes of this Act are appropriated for those purposes and as set forth in the federal grants or receipts.

Sec. 11. STATE TROOPER MEAL ALLOWANCE. The sworn peace officers in the department of public safety who are not covered by a collective bargaining agreement negotiated pursuant to chapter 20 shall receive the same per diem meal allowance as the sworn peace officers in the department of public safety who are covered by a collective bargaining agreement negotiated pursuant to chapter 20.

Sec. 12. SICK LEAVE CONVERSION. Effective with the fiscal year beginning July 1, 2006, the sick leave conversion program under the collective bargaining agreement that covers the greatest number of state employees and that affects sick leave accrual and allows sick leave conversion and use upon retirement for payment of certain health insurance premiums, shall be extended to employees in the executive branch, excluding state board of regents employees, not covered by a collective bargaining agreement. Peace officers employed within the department of public safety and department of natural resources that are not covered under a collective bargaining agreement shall have a sick leave conversion program extended to them that is equivalent to the sick leave conversion program of the state police officers council collective bargaining agreement. By December 1, 2005, the department of administrative services shall submit to the general assembly proposed changes to the Code of Iowa and administrative rules needed to implement this program.

Sec. 13. APRIL 8, 2005, REVENUE ESTIMATE. For use by the general assembly in the budget process and the governor's approval or disapproval of the appropriations bills for the fiscal year beginning July 1, 2005, and for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54 for the fiscal year beginning July 1, 2005, the revenue estimate for the fiscal year beginning July 1, 2005, that shall be used in the budget process and such calculation shall be the revenue estimate determined by the revenue estimating conference on April 8, 2005, notwithstanding the provision in section 8.22A, subsection 3, that disallows the use of a revenue estimate agreed to at a later meeting that projects a greater amount than the initial estimated amount agreed to in December 2004. This section also authorizes the use of the estimated revenue figures for the purposes or sources designated in section 8.22A, subsection 5.

Sec. 14. Section 2.10, subsections 1, 2, 5, and 6, Code 2005, are amended to read as follows:

1. Every member of the general assembly except the presiding officer of the senate, the speaker of the house, the majority and minority floor leader of each house, and the president pro tempore of the senate and speaker pro tempore of the house, shall receive an annual salary of ~~twenty~~ twenty-five thousand one hundred twenty dollars for the year 1997 ~~2007~~ and subsequent years while serving as a member of the general assembly. In addition, each such member shall receive ~~the sum of eighty-six dollars per day~~ a per diem, as defined in subsection 5, for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that if the length of the first regular session of the general assembly exceeds one hundred ten calendar days and the second regular session exceeds one hundred calendar days, the payments shall

be made only for one hundred ten calendar days for the first session and one hundred calendar days for the second session. Members from Polk county shall receive ~~sixty-five dollars per day~~ an amount per day equal to three-fourths of the per diem of the non-Polk county members. Each member shall receive a ~~two~~ three hundred dollar per month allowance for legislative district constituency postage, travel, telephone costs, and other expenses. Travel expenses shall be paid at the rate established by section 8A.363 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session unless the general assembly otherwise provides.

2. The speaker of the house, presiding officer of the senate, and the majority and minority floor leader of each house shall each receive an annual salary of ~~thirty-one~~ thirty-seven thousand ~~thirty-five~~ hundred dollars for the year ~~1997~~ 2007 and subsequent years while serving in that capacity. The president pro tempore of the senate and the speaker pro tempore of the house shall receive an annual salary of ~~twenty-one~~ twenty-seven thousand ~~two hundred ninety~~ dollars for the year ~~1997~~ 2007 and subsequent years while serving in that capacity. Expense and travel allowances shall be the same for the speaker of the house and the presiding officer of the senate, the president pro tempore of the senate and the speaker pro tempore of the house, and the majority and minority leader of each house as provided for other members of the general assembly.

5. In addition to the salaries and expenses authorized by this section, a member of the general assembly shall be paid ~~eighty-six dollars per day~~ a per diem, and necessary travel and actual expenses incurred in attending meetings for which per diem or expenses are authorized by law for members of the general assembly who serve on statutory boards, commissions, or councils, and for standing or interim committee or subcommittee meetings subject to the provisions of section 2.14, or when on authorized legislative business when the general assembly is not in session. However, if a member of the general assembly is engaged in authorized legislative business at a location other than at the seat of government during the time the general assembly is in session, payment may be made for the actual transportation and lodging costs incurred because of the business. Such per diem or expenses shall be paid promptly from funds appropriated pursuant to section 2.12.

For purposes of this section, "per diem" means the maximum amount generally allowable to employees of the executive branch of the federal government for per diem while away from home at the seat of government.

6. If a special session of the general assembly is convened, members of the general assembly shall receive, in addition to their annual salaries, ~~the sum of eighty-six dollars per day~~ a per diem for each day the general assembly is actually in special session, and the same travel allowances and expenses as authorized by this section. A member of the general assembly shall receive the additional per diem, travel allowances and expenses only for the days of attendance during a special session.

Sec. 15. Section 99D.5, subsection 4, Code 2005, is amended to read as follows:

4. Commission members are each entitled to receive an annual salary of ~~six~~ ten thousand dollars. Members shall also be reimbursed for actual expenses incurred in the performance of their duties to a maximum of thirty thousand dollars per year for the commission. Each member shall be covered by the blanket surety bond of the state purchased pursuant to section 8A.321, subsection 12.

Sec. 16. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. Section 14 of this Act takes effect upon the convening of the Eighty-second General Assembly in January 2007. The section of this Act relating to the use of the April 8, 2005, revenue estimate, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 10, 2005.

Approved June 14, 2005