

House Amendment to
Senate File 209

S-3041

1 Amend Senate File 209, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, by striking lines 28 through 31 and
4 inserting <section 103, and Pub. L. No. 111-5, section
5 1201, does not apply in computing net income for state
6 tax purposes. If the>

7 2. Page 8, line 17, by striking <2011> and
8 inserting <2010>

9 3. Page 9, by striking lines 16 through 19 and
10 inserting <section 103, and Pub. L. No. 111-5, section
11 1201, does not apply in computing net income for state
12 tax purposes. If the>

13 4. Page 10, line 5, by striking <2011> and
14 inserting <2010>

15 5. Page 11, by striking lines 12 through 23.

16 6. Page 21, after line 23 by inserting:

17 <DIVISION
18 TAX RELIEF FUND

19 Sec. _____. Section 8.55, subsection 2, Code 2011, is
20 amended to read as follows:

21 2. a. The maximum balance of the fund is the
22 amount equal to two and one-half percent of the
23 adjusted revenue estimate for the fiscal year. If the
24 amount of moneys in the Iowa economic emergency fund is
25 equal to the maximum balance, moneys in excess of this
26 amount shall be transferred to the general tax relief
27 fund.

28 b. Notwithstanding paragraph "a", any moneys
29 in excess of the maximum balance in the economic
30 emergency fund after the distribution of the surplus
31 in the general fund of the state at the conclusion
32 of each fiscal year shall not be transferred to the
33 general tax relief fund ~~of the state~~ but shall be
34 transferred to the senior living trust fund. The
35 total amount appropriated, reverted, or transferred,
36 in the aggregate, under this paragraph, section
37 8.57, subsection 2, and any other law providing
38 for an appropriation or reversion or transfer of an
39 appropriation to the credit of the senior living trust
40 fund, for all fiscal years beginning on or after July
41 1, 2004, shall not exceed the amount specified in
42 section 8.57, subsection 2, paragraph "c".

43 Sec. _____. NEW SECTION. 8.57E Tax relief fund.

44 1. The tax relief fund is created. The fund shall
45 be separate from the general fund of the state and
46 the balance in the fund shall not be considered part
47 of the balance of the general fund of the state. The
48 moneys credited to the fund are not subject to section
49 8.33 and shall not be transferred, used, obligated,
50 appropriated, or otherwise encumbered except as

1 provided in this section.

2 2. Moneys in the tax relief fund shall only be
3 used as pursuant to appropriations made by the general
4 assembly to reduce taxes.

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

9 b. Except as provided in section 8.58, the tax
10 relief fund shall be considered a special account for
11 the purposes of section 8.53 in determining the cash
12 position of the general fund of the state for the
13 payment of state obligations.

14 4. Notwithstanding section 12C.7, subsection 2,
15 interest or earnings on moneys deposited in the tax
16 relief fund shall be credited to the fund.

17 Sec. _____. Section 8.58, Code 2011, is amended to
18 read as follows:

19 **8.58 Exemption from automatic application.**

20 1. To the extent that moneys appropriated under
21 section 8.57 do not result in moneys being credited
22 to the general fund under section 8.55, subsection
23 2, moneys appropriated under section 8.57 and moneys
24 contained in the cash reserve fund, rebuild Iowa
25 infrastructure fund, environment first fund, ~~and~~ Iowa
26 economic emergency fund, and tax relief fund shall not
27 be considered in the application of any formula, index,
28 or other statutory triggering mechanism which would
29 affect appropriations, payments, or taxation rates,
30 contrary provisions of the Code notwithstanding.

31 2. To the extent that moneys appropriated under
32 section 8.57 do not result in moneys being credited
33 to the general fund under section 8.55, subsection
34 2, moneys appropriated under section 8.57 and moneys
35 contained in the cash reserve fund, rebuild Iowa
36 infrastructure fund, environment first fund, ~~and~~ Iowa
37 economic emergency fund, and tax relief fund shall not
38 be considered by an arbitrator or in negotiations under
39 chapter 20.

40 Sec. _____. TAX RELIEF FUND — LEGISLATIVE
41 INTENT. It is the intent of the general assembly to
42 enact appropriations from the tax relief fund created
43 by this division of this Act pursuant to tax relief
44 legislation which shall be proposed by the standing
45 committees on ways and means of the senate and house
46 of representatives.

47 Sec. _____. EFFECTIVE DATE AND APPLICABILITY.

48 1. This division of this Act, being deemed of
49 immediate importance, takes effect upon enactment.

50 2. The amendment in this division to section

1 8.55, providing for transfer of moneys from the Iowa
2 economic emergency fund to the tax relief fund instead
3 of the general fund of the state applies to transfers
4 made from the Iowa economic emergency fund after
5 the effective date of this division and the state
6 general fund expenditure limitation calculated for the
7 fiscal year beginning July 1, 2011, shall be adjusted
8 accordingly.

9 DIVISION _____

10 STATE EMPLOYEES — REVENUE ESTIMATE

11 Sec. _____. GROUP HEALTH INSURANCE PREMIUM COSTS FOR
12 STATE EMPLOYEES.

13 1. The state's executive and judicial branch
14 authorities responsible for negotiating the collective
15 bargaining agreements entered into under chapter 20
16 shall engage in discussions with the applicable state
17 employee organizations to renegotiate provisions
18 involving health insurance coverage of state employees
19 and their families in order to achieve cost savings
20 for the state. The discussions shall include but are
21 not limited to a requirement for a state employee who
22 is covered by a collective bargaining agreement and
23 is a member of state group health insurance plan for
24 employees of the state established under chapter 509A
25 to pay at least one hundred dollars per month of the
26 total premium for such health plan coverage for single
27 persons or increase the amount paid per month for
28 family coverage by the same amount that would be paid
29 for the single persons coverage.

30 2. If collective bargaining agreements are
31 renegotiated to achieve cost savings pursuant to
32 subsection 1, the cost savings provisions shall
33 also apply to state employees who are not covered by
34 collective bargaining as provided in chapter 20 and
35 are members of a state group health insurance plan for
36 employees of the state established under chapter 509A.

37 3. Beginning on the effective date of this section
38 or March 1, 2011, whichever is earlier, a state
39 legislator or legislative staff member who is a member
40 of a state group health insurance plan for employees
41 of the state established under chapter 509A shall pay
42 at least one hundred dollars per month of the total
43 premium for such health care coverage for single
44 persons or increase the amount paid per month for
45 family coverage by the same amount that would be paid
46 for the single persons coverage. The payment amount
47 shall be determined by the legislative council, subject
48 to the minimum amount specified in this subsection.

49 Sec. _____. REVENUE ESTIMATING CONFERENCE
50 MEETING. Upon the request of the speaker of the

1 house of representatives or the majority leader of the
2 senate, the revenue estimating conference shall meet on
3 a date in February or March 2011, as specified in the
4 request. At this meeting, in addition to the estimates
5 normally agreed to at the meetings of the conference,
6 the conference shall also agree on estimates for fiscal
7 year 2012-2013.

8 Sec. ____ . NEW SECTION. 8A.440 Group health
9 insurance premium costs.

10 1. Collective bargaining agreements entered into
11 pursuant to chapter 20 for state employees shall
12 provide that a state employee covered by that agreement
13 who is a member of a state group health insurance plan
14 for employees of the state established under chapter
15 509A shall pay at least one hundred dollars per month
16 of the total premium for such insurance for single
17 persons or increase the amount paid per month for
18 family coverage by the same amount that would be paid
19 for the single persons coverage.

20 2. A state employee not covered by a collective
21 bargaining agreement as provided in chapter 20 who
22 is a member of a state group health insurance plan
23 for employees of the state established under chapter
24 509A shall pay the same amount per month of the
25 total premium for such insurance as is paid under
26 the collective bargaining agreement that covers
27 the greatest number of state employees in the state
28 government entity employing the state employee.

29 Sec. ____ . APPLICABILITY. The provision of this
30 division of this Act enacting section 8A.440, applies
31 to collective bargaining agreements entered into on or
32 after the effective date of this division of this Act.

33 Sec. ____ . EFFECTIVE UPON ENACTMENT. This division
34 of this Act, being deemed of immediate importance,
35 takes effect upon enactment.

36 DIVISION ____

37 NATURAL RESOURCES

38 Sec. ____ . DEPARTMENT OF NATURAL RESOURCES — REAL
39 PROPERTY ACQUISITION CURTAILED.

40 1. Notwithstanding any provision to the contrary,
41 for the period beginning on the effective date of this
42 section through the close of the fiscal year ending
43 on June 30, 2011, the department of natural resources
44 shall not enter into a new arrangement to acquire or
45 otherwise control real property.

46 2. For the purposes of this section, "new
47 arrangement" means an obligation entered into on
48 or after the effective date of this section. An
49 obligation includes but is not limited to an agreement,
50 contract, lease-purchase arrangement, or any other

1 instrument leading to state ownership or control
2 of real property that was not previously owned or
3 controlled by the state. "New arrangement" does
4 not include a real property acquisition or control
5 project for which an appropriation to the department
6 was encumbered prior to the effective date of this
7 section. "New arrangement" does not include a donated
8 real property acquisition or control project received
9 or entered into on or after the effective date of this
10 section.

11 3. This section, being deemed of immediate
12 importance, takes effect upon enactment.

13 Sec. _____. 2010 Iowa Acts, chapter 1191, section 20,
14 is amended to read as follows:

15 SEC. 13. IOWA RESOURCES ENHANCEMENT AND PROTECTION
16 FUND. Notwithstanding the amount of the standing
17 appropriation from the general fund of the state to
18 the Iowa resources enhancement and protection fund as
19 provided in section 455A.18, there is appropriated from
20 the environment first fund created in section 8.57A to
21 the Iowa resources enhancement and protection fund,
22 in lieu of the appropriation made in section 455A.18,
23 for the fiscal year beginning July 1, 2010, and ending
24 June 30, 2011, the following amount, to be allocated as
25 provided in section 455A.19:

26 \$ 15,000,000
27 11,931,189

28 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
29 of this Act, being deemed of immediate importance,
30 takes effect upon enactment.

31 DIVISION _____
32 COUNTY MENTAL HEALTH
33 AND DISABILITY SERVICES

34 Sec. _____. COUNTY WAITING LISTS.

35 1. There is appropriated from the general fund of
36 the state to the department of human services for the
37 fiscal year beginning July 1, 2010, and ending June 30,
38 2011, the following amount, or so much thereof as is
39 necessary, to be used for the purposes designated:

40 To be credited to the risk pool in the property tax
41 relief fund created in chapter 426B and expended as
42 provided in this section:

43 \$ 25,000,000

44 2. The amount appropriated in this section is
45 appropriated from the risk pool to the department
46 of human services for distribution as provided in
47 this section. Notwithstanding section 8.33, moneys
48 appropriated in this section that remain unencumbered
49 or unobligated at the close of the fiscal year shall
50 not revert but shall remain available for expenditure

1 for the purposes designated until the close of the
2 succeeding fiscal year.

3 3. a. For the purposes of this section, "services
4 fund" means a county's mental health, mental
5 retardation, and developmental disabilities services
6 fund created in section 331.424A.

7 b. The risk pool board shall implement a process
8 for distribution of the amount appropriated in this
9 section to counties to be used to provide eligibility
10 for services and other support payable from the
11 counties' services funds for persons who are eligible
12 under county management plans in effect as of December
13 31, 2010, but due to insufficient funding are on a
14 waiting list for the services and other support. The
15 period addressed by the funding appropriated in this
16 section begins on or after the effective date of
17 this section and ends June 30, 2012. Of the amount
18 appropriated in this section, up to \$5,000,000 shall
19 be targeted to expand medical assistance program
20 waiver slots for those waivers for which counties pay
21 the nonfederal share of the costs. The distribution
22 allocations shall be completed on or before July 1,
23 2011.

24 c. The general assembly finds that as of the time
25 of enactment of this section, the funding appropriated
26 in this section is sufficient to eliminate the need
27 for continuing, instituting, or reinstating waiting
28 lists during the period addressed by the appropriation.
29 However, the process implemented by the risk pool
30 board shall ensure there is adequate funding so that
31 a person made eligible for services and other support
32 from the waiting list would not be required to return
33 to the waiting list if a later projection indicates the
34 funding is insufficient to cover for the entire period
35 all individuals removed from the waiting list pursuant
36 to this section.

37 d. The funding provided in this section is intended
38 to provide necessary services for adults in need of
39 mental health, mental retardation, or developmental
40 disabilities services until improvements to the current
41 system can be developed and enacted.

42 Sec. ____ . ADULT MENTAL HEALTH AND DISABILITY
43 SERVICE SYSTEM REFORM.

44 1. The general assembly finds there is need to
45 reform the adult mental health and disability services
46 system administered by counties to address the needs
47 of persons with mental illness, mental retardation, or
48 developmental disabilities. Issues with the current
49 system include the following:

50 a. Lack of a set of core services uniformly

1 available throughout the state.
2 b. Lack of uniformity in service expenditures
3 throughout the state.
4 c. Disparity in county levy rates for the services
5 funds for this system.
6 d. The need to improve the array of community-based
7 services and services to avoid the use or continued use
8 of crisis services.
9 e. The need to expand the availability of dual
10 diagnosis mental health and substance abuse services.
11 f. The need to improve the consistency of services
12 available to both youth and adult populations.
13 g. The need to address the medical assistance
14 (Medicaid) program changes in the federal Patient
15 Protection and Affordable Care Act (PPACA) that will
16 greatly expand the program's eligibility for persons in
17 the service system beginning in calendar year 2014.
18 h. Dissatisfaction with using county of legal
19 settlement determinations to determine county and state
20 financial responsibility for services.
21 2. In order to address the issues identified in
22 subsection 1, the committees on human resources,
23 appropriations, and ways and means of the senate and
24 house of representatives shall propose legislation to
25 address the following actions by the dates indicated:
26 a. Phase-in of the state fully assuming the
27 nonfederal share of the costs for Medicaid program
28 services now borne by counties by the implementation
29 date of the Medicaid eligibility changes under PPACA.
30 b. Provide property tax relief and equity by having
31 the state assume a greater role in funding the adult
32 mental health and disability services system from
33 counties by July 1, 2012, when the repeals contained in
34 this division of this Act take effect.
35 c. Shift the balance of responsibilities for the
36 services system between the state and counties so
37 that the state ensures greater uniformity and there
38 is sufficient size to develop effective services
39 while maintaining the county role of bringing local
40 resources together in unique ways that best meet the
41 needs of clients, by implementing a new services system
42 structure by July 1, 2012, when the repeals contained
43 in this division of this Act take effect.
44 Sec. _____. Section 331.424A, Code 2011, is amended
45 by adding the following new subsection:
46 NEW SUBSECTION. 6. This section is repealed July
47 1, 2012.
48 Sec. _____. Section 331.438, Code 2011, is amended by
49 adding the following new subsection:
50 NEW SUBSECTION. 5. This section is repealed July

1 1, 2012.
2 Sec. _____. Section 331.439, Code 2011, is amended by
3 adding the following new subsection:
4 NEW SUBSECTION. 10. This section is repealed July
5 1, 2012.
6 Sec. _____. Section 331.440, Code 2011, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 7. This section is repealed July
9 1, 2012.
10 Sec. _____. NEW SECTION. 426B.6 Future repeal.
11 This chapter is repealed July 1, 2012.
12 Sec. _____. 2010 Iowa Acts, chapter 1193, section 1,
13 is amended to read as follows:
14 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED
15 GROWTH FUNDING — FY 2011-2012. Notwithstanding
16 section 331.439, subsection 3, the allowed growth
17 factor adjustment for county mental health, mental
18 retardation, and developmental disabilities service
19 expenditures for the fiscal year beginning July 1,
20 2011, shall be established by statute which shall be
21 enacted within thirty calendar days of the ~~convening of~~
22 ~~the Eighty-fourth General Assembly, 2011 Session, on~~
23 January 10, 2011 date the governor's recommendation is
24 submitted to the general assembly. The governor shall
25 submit to the general assembly a recommendation for
26 such allowed growth factor adjustment and the amounts
27 of related appropriations to the general assembly
28 on or before January ~~11~~ 27, 2011. The governor's
29 recommendation and the allowed growth factor adjustment
30 enacted by the general assembly pursuant to this
31 section shall incorporate measures to ensure that
32 the funding appropriated during the 2011 legislative
33 session to the risk pool in the property tax relief
34 fund to eliminate county waiting lists for services can
35 be relied upon to remain available for the long term to
36 support the services provided for the individuals who
37 were removed from a waiting list.
38 Sec. _____. CONFORMING PROVISIONS. The legislative
39 services agency shall prepare a study bill for
40 consideration by the committees on human resources of
41 the senate and house of representatives for the 2012
42 legislative session, providing conforming Code changes
43 for implementation of the repeal provisions contained
44 in this division of this Act.
45 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
46 of this Act, being deemed of immediate importance,
47 takes effect upon enactment.
48 Sec. _____. RETROACTIVE APPLICABILITY. The provision
49 of this division of this Act amending 2010 Iowa Acts,
50 chapter 1193, section 1, applies retroactively to April

1 29, 2010.>

2 7. Title page, by striking lines 2 through 4 and
3 inserting <making appropriations and providing for
4 updated Code references to the Internal Revenue Code
5 and including effective date and>

6 8. By renumbering, redesignating, and correcting
7 internal references as necessary.