House File 881 - Enrolled

PAG LIN HOUSE FILE 881 1 1 AN ACT 1 4 RELATING TO THE COMPENSATION AND BENEFITS FOR PUBLIC OFFICIALS AND EMPLOYEES AND MEMBERS OF THE GENERAL ASSEMBLY, PROVIDING 1 5 FOR RELATED MATTERS, MAKING APPROPRIATIONS, AND INCLUDING 1 6 EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS. 1 R 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: 1 10 Section 1. STATE COURTS == JUSTICES, JUDGES, AND 1 11 1 12 MAGISTRATES. 1 13 1. The salary rates specified in subsection 2 are for the 1 14 fiscal year beginning July 1, 2005, effective for the pay 1 15 period beginning July 1, 2005, and for subsequent fiscal years 1 16 until otherwise provided by the general assembly. The 1 17 salaries provided for in this section shall be paid from funds 1 18 appropriated to the judicial branch from the salary adjustment 1 19 fund or if the appropriation is not sufficient, from funds 1 20 appropriated to the judicial branch pursuant to any Act of the 1 21 general assembly. 1 22 2. The following annual salary rates shall be paid to the 1 23 persons holding the judicial positions indicated during the 1 24 fiscal year beginning July 1, 2005, effective with the pay 1 25 period beginning July 1, 2005, and for subsequent pay periods. 1 26 a. Chief justice of the supreme court: 1 27 \$ 1 28 b. Each justice of the supreme court: 132.720 1 29\$ 128,000 1 30 c. Chief judge of the court of appeals: 31 \$ 127,920 1 32 d. Each associate judge of the court of appeals: 1 33 \$ 123,120 1 e. Each chief judge of a judicial district: 35 \$
1 f. Each district judge except the chief judge of a 122,000 2 2 judicial district: 2 117,040 g. Each district associate judge: 5 \$
6 h. Each associate juvenile judge: 102,000 7\$ 2. 102,000 8 i. Each associate probate judge: j. Each judicial magistrate: 2 102.000 2 10 2 11 \$ 30,400 2 12 k. Each senior judge: 2 13\$ 6, 2 14 3. Persons receiving the salary rates established under 2 15 this section shall not receive any additional salary 2 16 adjustments provided by this Act.
2 17 Sec. 2. ELECTIVE EXECUTIVE OFFICIALS.
2 18 1. The annual salary rates specified in this section are
2 19 effective for the fiscal year beginning July 1, 2005, with the
2 20 pay period beginning July 1, 2005, and for subsequent fiscal
2 21 years until otherwise provided by the general assembly. The 22 salaries provided for in this section shall be paid from funds 23 appropriated to the department or agency specified in this 2 24 section from the salary adjustment fund or if the 2 25 appropriation is not sufficient, from funds appropriated to 26 the department or agency pursuant to any Act of the general 27 assembly. 2 28 2. The following annual salary rates shall be paid to the 2 29 person holding the position indicated: 2 30 a. OFFICE OF THE GOVERNOR AND LIEUTENANT GOVERNOR 2 31 (1) Salary for the governor: 2 32 \$ 130,000 33 (2) Salary for the lieutenant governor: 103,212 Salary for the secretary of agriculture: 103,212 c. DEPARTMENT OF JUSTICE

Salary for the attorney general:

5\$ 123,669

d. OFFICE OF THE AUDITOR OF STATE Salary for the auditor of state: 103,212 e. OFFICE OF THE SECRETARY OF STATE 9 3 10 Salary for the secretary of state: 3 11 3 12 f. OFFICE OF THE TREASURER OF STATE \$ 103,212 3 13 Salary for the treasurer of state: 3 14\$ 103,212 3 15 Sec. 3. APPOINTED STATE OFFICERS. Notwithstanding section 3 16 20.5, subsection 3, the governor shall establish a salary for 3 17 appointed nonelected persons in the executive branch of state 3 18 government holding a position enumerated in section 4 of this 19 Act within the range provided, by considering, among other 3 20 items, the experience of the individual in the position, 3 21 changes in the duties of the position, the incumbent's 22 performance of assigned duties, and subordinates' salaries. 23 However, the attorney general shall establish the salary for 3 24 the consumer advocate, the chief justice of the supreme court 3 25 shall establish the salary for the state court administrator, 26 the ethics and campaign disclosure board shall establish the 3 27 salary of the executive director, and the state fair board 3 28 shall establish the salary of the secretary of the state fair 29 board, each within the salary range provided in section 4 of 30 this Act. The governor, in establishing salaries as provided in 32 section 4 of this Act, shall take into consideration other 3 33 employee benefits which may be provided for an individual 3 34 including, but not limited to, housing. 3 35 A person whose salary is established pursuant to section 4 1 of this Act and who is a full=time, year=round employee of the 2 state shall not receive any other remuneration from the state 3 or from any other source for the performance of that person's 4 4 duties unless the additional remuneration is first approved by 5 the governor or authorized by law. However, this provision 6 does not exclude the reimbursement for necessary travel and 4 4 7 expenses incurred in the performance of duties or fringe 8 benefits normally provided to employees of the state.
9 Sec. 4. STATE OFFICERS == SALARY RANGE. The following 4

4 10 annual salary ranges are effective for the positions specified 4 11 in this section for the fiscal year beginning July 1, 4 12 and for subsequent fiscal years until otherwise provided by 4 13 the general assembly. The governor or other person designated 4 14 in section 3 of this Act shall determine the salary to be paid 4 15 to the person indicated at a rate within this salary range 4 16 from funds appropriated by the general assembly for that 4 17 purpose.

4 18 1. The following are salary ranges for state officers for 4 19 the fiscal year beginning July 1, 2005, effective with the pay 20 period beginning July 1, 2005: 4 21 S

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4	21	SALARY	RANGE	<u>Mınımum</u>	<u>Maxımum</u>
4	22	a.	Range 1	\$ 8,800	\$ 33,753
4	23	b.	Range 2	\$45,395	\$ 68,100
4	24	c.	Range 3	\$52,210	\$ 78,315
4	25	d.	Range 4	\$60,040	\$ 90,062
4	26	e.	Range 5	\$69,045	\$103,571
4	27	f.	Range 6	\$79,405	\$119,107
4	28	g.	Range 7	\$95,055	\$142,578
4	29	2.	The following are range 1 positions	: There ar	e no
4	30	range	1 positions for the fiscal year begin	nning July	1, 2005.

31 3. The following are range 2 positions: administrator of 32 the arts division of the department of cultural affairs, 4 33 administrators of the division of persons with disabilities, 34 the division on the status of women, the division on the 35 status of Asian and Pacific islander heritage, the division on 1 the status of African=Americans, the division of deaf 2 services, and the division of Latino affairs of the department ${\tt 3}$ of human rights, and administrator of the division of 4 professional licensing and regulation of the department of 5 commerce.

The following are range 3 positions: administrator of 4. 7 the division of homeland security and emergency management of 8 the department of public defense, administrator of the 9 division of criminal and juvenile justice planning of the 10 department of human rights, administrator of the division of 11 community action agencies of the department of human rights, 5 12 executive director of the commission of veterans affairs, and 13 chairperson and members of the employment appeal board of the 5 14 department of inspections and appeals.

5. The following are range 4 positions: director of the 5 16 department of human rights, director of the Iowa state civil

5 17 rights commission, executive director of the college student 5 18 aid commission, director of the department for the blind, 5 19 executive director of the ethics and campaign disclosure 20 board, members of the public employment relations board, and 5 21 chairperson, vice chairperson, and members of the board of

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- The following are range 5 positions: 6. state public 24 defender, drug policy coordinator, labor commissioner, 25 workers' compensation commissioner, director of the department 26 of cultural affairs, director of the department of elder 27 affairs, director of the law enforcement academy, and 5 28 administrator of the historical division of the department of 29 cultural affairs.
 - 7. The following are range 6 positions: superintendent of 31 banking, superintendent of credit unions, administrator of the 32 alcoholic beverages division of the department of commerce, 33 director of the department of inspections and appeals, 34 commandant of the veterans home, administrator of the public 35 broadcasting division of the department of education, 1 commissioner of public safety, commissioner of insurance, 2 executive director of the Iowa finance authority, director of 3 the department of natural resources, director of the 4 department of corrections, consumer advocate, and chairperson 5 of the utilities board. The other members of the utilities 6 board shall receive an annual salary within a range of not 7 less than 90 percent but not more than 95 percent of the 8 annual salary of the chairperson of the utilities board.
- The following are range 7 positions: administrator of 6 10 the state racing and gaming commission of the department of 6 11 inspections and appeals, director of the department of 6 12 education, director of human services, director of the 6 13 department of economic development, executive director of the 6 14 Iowa telecommunications and technology commission, executive 6 15 director of the state board of regents, director of the state 6 16 department of transportation, director of the department of 6 17 workforce development, director of revenue, director of public 6 18 health, state court administrator, secretary of the state fair 19 board, director of the department of management, and director 6 20 of the department of administrative services.
- Sec. 5. COLLECTIVE BARGAINING AGREEMENTS FUNDED == GENERAL 22 FUND. There is appropriated from the general fund of the 23 state to the salary adjustment fund for distribution by the 6 24 department of management to the various state departments, 6 25 boards, commissions, councils, and agencies, excluding the 6 26 state board of regents, for the fiscal year beginning July 1, 6 27 2005, and ending June 30, 2006, the amount of \$38,500,000, or 28 so much thereof as may be necessary, to fully fund annual pay 29 adjustments, expense reimbursements, and related benefits 6 30 implemented pursuant to the following:
 - 1. The collective bargaining agreement negotiated pursuant 32 to chapter 20 for employees in the blue collar bargaining 33 unit.
 - The collective bargaining agreement negotiated pursuant 35 to chapter 20 for employees in the public safety bargaining
 - The collective bargaining agreement negotiated pursuant 3 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 10 to chapter 20 for employees in the clerical bargaining unit.
- 7 11 7. The collective bargaining agreement negotiated pursuant 7 12 to chapter 20 for employees in the professional social 7 13 services bargaining unit.
- 8. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the community=based corrections 14 7 15 7 16 bargaining unit.
- 7 17 9. The collective bargaining agreements negotiated 7 18 pursuant to chapter 20 for employees in the judicial branch of 7 19 government bargaining units.
 - 20 10. The collective bargaining agreement negotiated 21 pursuant to chapter 20 for employees in the patient care 22 bargaining unit
 - 11. The collective bargaining agreement negotiated 24 pursuant to chapter 20 for employees in the science bargaining 25 unit.
- The annual pay adjustments, related benefits, and 7 27 expense reimbursements referred to in section 6 of this Act

7 28 for employees not covered by a collective bargaining 7 29 agreement.

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Of the amount appropriated in this section, \$4,880,000 31 shall be allocated to the judicial branch for the purpose of 7 32 funding annual pay adjustments, expense reimbursements, and 7 33 related benefits implemented for judicial branch employees.

Sec. 6. NONCONTRACT STATE EMPLOYEES == GENERAL.

- 1. a. For the fiscal year beginning July 1, 2005, 1 maximum salary levels of all pay plans provided for in section 2 8A.413, subsection 2, as they exist for the fiscal year ending 3 June 30, 2005, shall be increased by 2.5 percent for the pay 4 period beginning March 24, 2006, and any additional changes in 5 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 8 10 chapter 8A, subchapter IV, and who are included in the 8 11 department of administrative service's centralized payroll 8 12 system shall be increased in the same manner as provided in 8 13 subsection 1, and any additional changes in any executive 8 14 branch pay plans shall be approved by the governor.
- This section does not apply to members of the general 8 16 assembly, board members, commission members, salaries of 8 17 persons set by the general assembly pursuant to this Act or 8 18 set by the governor, other persons designated in section 3 of 8 19 this Act, employees designated under section 8A.412, 8 20 subsection 5, and employees covered by 11 IAC 53.6(3)
- 4. The pay plans for the bargaining eligible employees of 8 22 the state shall be increased in the same manner as provided in 8 23 subsection 1, and any additional changes in such executive 8 24 branch pay plans shall be approved by the governor. As used 8 25 in this section, "bargaining eligible employee" means an 8 26 employee who is eligible to organize under chapter 20, but has 8 27 not done so.
- 5. The policies for implementation of this section shall 8 29 be approved by the governor.

Sec. 7. APPROPRIATIONS FROM ROAD FUNDS.

1. There is appropriated from the road use tax fund to the 8 32 salary adjustment fund for the fiscal year beginning July 1, 33 2005, and ending June 30, 2006, the following amount, or so 34 much thereof as may be necessary, to be used for the purpose 35 designated:

To supplement other funds appropriated by the general assembly:

2. There is appropriated from the primary road fund to the 5 salary adjustment fund, for the fiscal year beginning July 1, 6 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 9 10 assembly:

9 11\$ 9,233,486 3. Except as otherwise provided in this Act, the amounts 9 13 appropriated in subsections 1 and 2 shall be used to fund the 9 14 annual pay adjustments, expense reimbursements, and related

15 benefits for public employees as provided in this Act. 16 Sec. 8. SPECIAL FUNDS == AUTHORIZATION. To departmental 9 17 revolving, trust, or special funds, except for the primary 9 18 road fund or the road use tax fund, for which the general 9 19 assembly has established an operating budget, a supplemental 9 20 expenditure authorization is provided, unless otherwise

9 21 provided, in an amount necessary to fund salary adjustments as 22 otherwise provided in this Act.

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Sec. 9. GENERAL FUND SALARY MONEYS. Funds appropriated 9 24 for distribution from the salary adjustment fund in section 5 25 of this Act relate only to salaries supported from general 26 fund appropriations of the state except for employees of the 9 27 state board of regents.

9 28 FEDERAL FUNDS APPROPRIATED. All federal grants Sec. 10. 29 to and the federal receipts of the agencies affected by this 9 30 Act which are received and may be expended for purposes of 9 31 this Act are appropriated for those purposes and as set forth 32 in the federal grants or receipts.

STATE TROOPER MEAL ALLOWANCE. The sworn peace Sec. 11. 34 officers in the department of public safety who are not 35 covered by a collective bargaining agreement negotiated 10 1 pursuant to chapter 20 shall receive the same per diem meal 10 2 allowance as the sworn peace officers in the department of 3 public safety who are covered by a collective bargaining

10 4 agreement negotiated pursuant to chapter 20. 10 Sec. 12. SICK LEAVE CONVERSION. Effective with the fiscal 10 6 year beginning July 1, 2006, the sick leave conversion program 10 under the collective bargaining agreement that covers the 8 greatest number of state employees and that affects sick leave 10 10 9 accrual and allows sick leave conversion and use upon 10 10 retirement for payment of certain health insurance premiums, 10 11 shall be extended to employees in the executive branch, 10 12 excluding state board of regents employees, not covered by a 10 13 collective bargaining agreement. Peace officers employed 10 14 within the department of public safety and department of 10 15 natural resources that are not covered under a collective 10 16 bargaining agreement shall have a sick leave conversion 10 17 program extended to them that is equivalent to the sick leave 10 18 conversion program of the state police officers council 10 19 collective bargaining agreement. By December 1, 2005, the 10 20 department of administrative services shall submit to the 10 21 general assembly proposed changes to the Code of Iowa and 10 22 administrative rules needed to implement this program. 10 23 Sec. 13. APRIL 8, 2005, REVENUE ESTIMATE. For use by the 10 24 general assembly in the budget process and the governor's 10 25 approval or disapproval of the appropriations bills for the 10 26 fiscal year beginning July 1, 2005, and for purposes of 10 27 calculating the state general fund expenditure limitation 10 28 pursuant to section 8.54 for the fiscal year beginning July 1, 10 29 2005, the revenue estimate for the fiscal year beginning July 10 30 1, 2005, that shall be used in the budget process and such 10 31 calculation shall be the revenue estimate determined by the 10 32 revenue estimating conference on April 8, 2005, 10 33 notwithstanding the provision in section 8.22A, subsection 3, 34 that disallows the use of a revenue estimate agreed to at a 10 35 later meeting that projects a greater amount than the initial 11 estimated amount agreed to in December 2004. This section also authorizes the use of the estimated revenue figures for 11 11 the purposes or sources designated in section 8.22A, 11 subsection 5. 11 Sec. 14. Section 2.10, subsections 1, 2, 5, and 6, Code 11 6 2005, are amended to read as follows: 11 Every member of the general assembly except the 1. 8 presiding officer of the senate, the speaker of the house, the 11 11 9 majority and minority floor leader of each house, and the 11 10 president pro tempore of the senate and speaker pro tempore of 11 11 the house, shall receive an annual salary of twenty twenty= 11 12 five thousand one hundred twenty dollars for the year 1997
11 13 2007 and subsequent years while serving as a member of the 11 14 general assembly. In addition, each such member shall receive 11 15 the sum of eighty=six dollars per day a per diem, as defined 11 16 in subsection 5, for expenses of office, except travel, for 11 17 each day the general assembly is in session commencing with 11 18 the first day of a legislative session and ending with the day 11 19 of final adjournment of each legislative session as indicated 11 20 by the journals of the house and senate, except that if the 11 21 length of the first regular session of the general assembly 11 22 exceeds one hundred ten calendar days and the second regular 11 23 session exceeds one hundred calendar days, the payments shall 11 24 be made only for one hundred ten calendar days for the first 11 25 session and one hundred calendar days for the second session. 11 26 Members from Polk county shall receive sixty=five dollars per 27 day an amount per day equal to three=fourths of the per diem -1111 28 of the non=Polk county members. Each member shall receive a 11 29 two three hundred dollar per month allowance for legislative 11 30 district constituency postage, travel, telephone costs, and 11 31 other expenses. Travel expenses shall be paid at the rate 11 32 established by section 8A.363 for actual travel in going to 11 33 and returning from the seat of government by the nearest 11 34 traveled route for not more than one time per week during a 11 35 legislative session unless the general assembly otherwise 12 1 provides. 2. The speaker of the house, presiding officer of the 12 12 senate, and the majority and minority floor leader of each 4 house shall each receive an annual salary of thirty=one 5 thirty=seven thousand thirty five hundred dollars for the year 12 12 1997 2007 and subsequent years while serving in that capacity. 12 12 The president pro tempore of the senate and the speaker pro 12 tempore of the house shall receive an annual salary of twenty=one twenty=seven thousand two hundred ninety dollars 12 12 10 for the year 1997 2007 and subsequent years while serving in 12 11 that capacity. Expense and travel allowances shall be the 12 12 same for the speaker of the house and the presiding officer of 12 13 the senate, the president pro tempore of the senate and the

12 14 speaker pro tempore of the house, and the majority and

12 15 minority leader of each house as provided for other members of 12 16 the general assembly. 12 17 5. In addition to the salaries and expenses authorized by 12 18 this section, a member of the general assembly shall be paid 12 19 eighty-six dollars per day a per diem, and necessary travel 12 20 and actual expenses incurred in attending meetings for which 12 21 per diem or expenses are authorized by law for members of the 12 22 general assembly who serve on statutory boards, commissions, 12 23 or councils, and for standing or interim committee or 12 24 subcommittee meetings subject to the provisions of section 12 25 2.14, or when on authorized legislative business when the 12 26 general assembly is not in session. However, if a member of 12 27 the general assembly is engaged in authorized legislative 12 28 business at a location other than at the seat of government 12 29 during the time the general assembly is in session, payment 12 30 may be made for the actual transportation and lodging costs 12 31 incurred because of the business. Such per diem or expenses 12 32 shall be paid promptly from funds appropriated pursuant to 12 33 section 2.12. 12 34 For purposes of this section, "per diem" means the maximum as amount generally allowable to employees of the executive 12 13 13 1 branch of the federal government for per diem while away from 2 home at the seat of government.
3 6. If a special session of the general assembly is 13 13 4 convened, members of the general assembly shall receive, in 13 5 addition to their annual salaries, the sum of eighty-six 6 dollars per day a per diem for each day the general assembly 7 is actually in special session, and the same travel allowances -13 13 13 8 and expenses as authorized by this section. A member of the 9 general assembly shall receive the additional per diem, travel 13 13 10 allowances and expenses only for the days of attendance during 13 11 a special session. 13 12 Sec. 15. Section 99D.5, subsection 4, Code 2005, is 13 13 amended to read as follows: 13 14 4. Commission members are each entitled to receive an 13 15 annual salary of $\frac{1}{1}$ thousand dollars. Members shall also 13 16 be reimbursed for actual expenses incurred in the performance 13 17 of their duties to a maximum of thirty thousand dollars per 13 18 year for the commission. Each member shall be covered by the 13 19 blanket surety bond of the state purchased pursuant to section 13 20 8A.321, subsection 12. 13 21 Sec. 16. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. 13 22 Section 14 of this Act takes effect upon the convening of the 13 23 Eighty=second General Assembly in January 2007. The section 13 24 of this Act relating to the use of the April 8, 2005, revenue 13 25 estimate, being deemed of immediate importance, takes effect 13 26 upon enactment and applies retroactively to January 10, 2005. 13 27 13 28 13 29 CHRISTOPHER C. RANTS 13 30 13 31 Speaker of the House 13 32 13 33 13 34 13 35 JOHN P. KIBBIE 14 1 President of the Senate 14 I hereby certify that this bill originated in the House and 14 14 4 is known as House File 881, Eighty=first General Assembly. 14 5

_____, 2005

MARGARET THOMSON

Chief Clerk of the House

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14 10 Approved _

14 15 Governor

14 14 THOMAS J. VILSACK