

# House File 2465 - Introduced

HOUSE FILE 2465

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 674)

## A BILL FOR

1 An Act relating to state and local finances by making  
2 and adjusting appropriations, providing for legal  
3 responsibilities, and providing for properly related  
4 matters, and including effective date and retroactive and  
5 other applicability provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. GENERAL ASSEMBLY. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and the legislative agencies for the fiscal year beginning July 1, 2012, and ending June 30, 2013, are reduced by the following amount:

..... \$ 2,150,000

Sec. 2. 2011 Iowa Acts, chapter 131, section 42, is amended to read as follows:

SEC. 42. LIMITATION OF STANDING APPROPRIATIONS.

Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "d", subparagraph (1):

..... \$ ~~208,351~~  
374,615

2. For regional tourism marketing under section 99F.11, subsection 3, paragraph "d", subparagraph (2):

..... \$ ~~405,153~~  
728,465

3. For the center for congenital and inherited disorders central registry under section 144.13A, subsection 4, paragraph "a":

..... \$ ~~85,560~~  
153,838

4. For primary and secondary child abuse prevention programs under section 144.13A, subsection 4, paragraph "a":

..... \$ ~~108,886~~  
195,777

1	5. For programs for at-risk children under section 279.51:	
2	.....	\$ <del>5,364,446</del>
3		9,645,273

4     The amount of any reduction in this subsection shall be  
5     prorated among the programs specified in section 279.51,  
6     subsection 1, paragraphs "a", "b", and "c".

7     6. For payment for nonpublic school transportation under  
8 section 285.2:

9 ..... \$ 7,060,931

10 If total approved claims for reimbursement for nonpublic  
11 school pupil transportation exceed the amount appropriated in  
12 accordance with this subsection, the department of education  
13 shall prorate the amount of each approved claim.

14 7. For the enforcement of chapter 453D relating to tobacco  
15 product manufacturers under section 453D.8:

16	.....	\$	<del>9,208</del>
17			16,556

18     8. For the Iowa resources enhancement and protection fund  
19 under section 455A.18:

20 ..... \$ 12,000,000

## DIVISION II

## MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

23       Sec. 3.   TRANSFER OF MONEYS TO THE TAXPAYERS TRUST FUND  
24   — FY 2011-2012. Notwithstanding section 8.55, subsection  
25   2, paragraph "a", or any other provision to the contrary,  
26   all moneys in excess of the maximum balance in the economic  
27   emergency fund after the distribution of the surplus in the  
28   general fund of the state at the conclusion of the fiscal year  
29   beginning July 1, 2011, and ending June 30, 2012, shall be  
30   transferred to the taxpayers trust fund created in section  
31   8.57E.

32       Sec. 4.   Section 97B.52A, subsection 1, paragraph c,  
33 subparagraph (2), subparagraph division (b), Code 2011, is  
34 amended to read as follows:

35 (b) For a member whose first month of entitlement is July

1 2004 or later, but before July ~~2012~~ 2014, covered employment  
2 does not include employment as a licensed health care  
3 professional by a public hospital as defined in section 249J.3,  
4 with the exception of public hospitals governed pursuant to  
5 chapter 226.

6 Sec. 5. Section 256C.4, subsection 1, Code 2011, is amended  
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *g.* For the fiscal year beginning July  
9 1, 2012, and each succeeding fiscal year, of the amount of  
10 preschool foundation aid received by a school district for a  
11 fiscal year in accordance with section 257.16, not less than  
12 ninety-five percent shall be passed through to the preschool  
13 programming to the eligible students enrolled in the district's  
14 approved local program.

15 Sec. 6. Section 257.35, subsection 7, Code Supplement 2011,  
16 is amended to read as follows:

17 7. Notwithstanding subsection 1, and in addition to the  
18 reduction applicable pursuant to subsection 2, the state aid  
19 for area education agencies and the portion of the combined  
20 district cost calculated for these agencies for the fiscal year  
21 beginning July 1, 2012, and ending June 30, 2013, shall be  
22 reduced by the department of management by ~~ten~~ twenty million  
23 dollars. The reduction for each area education agency shall be  
24 prorated based on the reduction that the agency received in the  
25 fiscal year beginning July 1, 2003.

26 Sec. 7. Section 284.6, subsection 8, Code Supplement 2011,  
27 is amended to read as follows:

28 8. *a.* For each year in which a school district and an  
29 area education agency receives funds calculated and paid to  
30 school districts and area education agencies for professional  
31 development pursuant to section 257.10, subsection 10, ~~or~~  
32 and section 257.37A, subsection 2, the school district and  
33 area education agency shall create quality professional  
34 development opportunities. The goal for the use of the funds  
35 is to provide one additional contract day or the equivalent

1 thereof for professional development and use of the funds is  
2 limited to providing professional development to teachers,  
3 including additional salaries for time beyond the normal  
4 negotiated agreement; pay for substitute teachers, professional  
5 development materials, speakers, and professional development  
6 content; and costs associated with implementing the individual  
7 professional development plans. The use of the funds shall  
8 be balanced between school district, attendance center, and  
9 individual professional development plans, or area education  
10 agency and individual professional development plans, as  
11 appropriate, making every reasonable effort to provide equal  
12 access to all teachers.

13 b. Each school district and area education agency receiving  
14 funds under section 257.10, subsection 10, or section 257.37A,  
15 subsection 2, shall set aside up to three percent of such  
16 funds for purposes of compensating substitute teachers to  
17 temporarily replace teachers who are employed by accredited  
18 nonpublic schools located within the school district and area  
19 education boundaries and who are required to receive Iowa  
20 core curriculum professional development provided elsewhere  
21 than on accredited nonpublic school property. The substitute  
22 teacher shall be employed to teach only coursework that is  
23 nonsectarian. Funds set aside by a school district and area  
24 education agency pursuant to this paragraph shall be paid on  
25 a prorated basis to the area education agency providing the  
26 Iowa core curriculum professional development to the accredited  
27 nonpublic school teacher. The proration shall be based upon  
28 the amount of the professional development funds calculated and  
29 paid to the school district under section 257.10, subsection  
30 10, and the amount of the professional development funds  
31 calculated and paid to the area education agency under section  
32 257.37A, subsection 2. The area education agency providing  
33 the professional development to an accredited nonpublic  
34 school teacher pursuant to this paragraph shall reimburse  
35 the accredited nonpublic school for the compensation of the

1 substitute teacher from the professional development funds  
2 available to the agency pursuant to this paragraph. If three  
3 percent of such funds identified in this paragraph are expended  
4 by school districts and area education agencies, this paragraph  
5 requires no further reimbursements.

6 Sec. 8. REPEAL. 2012 Iowa Acts, House File 2168, section  
7 5, is repealed.

8 Sec. 9. EFFECTIVE UPON ENACTMENT. The following provision  
9 or provisions of this Act, being deemed of immediate  
10 importance, take effect upon enactment:

11 1. The section of this Act providing for transfer of moneys  
12 to the taxpayers trust fund.

13 DIVISION III

14 IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM EXPENDITURES

15 Sec. 10. Section 256D.2A, Code 2011, is amended to read as  
16 follows:

17 **256D.2A Program funding.**

18 1. For the budget year beginning July 1, 2009, and each  
19 succeeding budget year, a school district shall expend funds  
20 received pursuant to section 257.10, subsection 11, at the  
21 kindergarten through grade three levels to reduce class sizes  
22 to the state goal of seventeen students for every one teacher  
23 and to achieve a higher level of student success in the basic  
24 skills, especially reading. In order to support these efforts,  
25 school districts may expend funds received pursuant to section  
26 257.10, subsection 11, at the kindergarten through grade three  
27 level on programs, instructional support, and materials that  
28 include but are not limited to the following: additional  
29 licensed instructional staff; additional support for students,  
30 such as before and after school programs, tutoring, and  
31 intensive summer programs; the acquisition and administration  
32 of diagnostic reading assessments; the implementation of  
33 research-based instructional intervention programs for students  
34 needing additional support; the implementation of all-day,  
35 everyday kindergarten programs; and the provision of classroom

1 teachers with intensive training programs to improve reading  
2 instruction and professional development in best practices  
3 including but not limited to training programs related to  
4 instruction to increase students' phonemic awareness, reading  
5 abilities, and comprehension skills.

6 2. Notwithstanding subsection 1, for the budget year  
7 beginning July 1, 2012, and each succeeding budget year, a  
8 school district may expend two-thirds of the moneys received  
9 pursuant to section 257.10, subsection 11, to pay for the costs  
10 of complying with education reform legislation enacted by the  
11 Eighty-fourth General Assembly, 2012 session.

12 Sec. 11. Section 256D.9, Code 2011, is amended to read as  
13 follows:

14 **256D.9 Future repeal.**

15 This chapter is repealed effective July 1, ~~2012~~ 2017.

16 Sec. 12. Section 257.10, subsection 11, Code 2011, is  
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. e. For the budget year beginning July 1,  
19 2012, and succeeding budget years, and after the adjustments  
20 pursuant to paragraphs "b" and "c" have been determined, the  
21 department of management shall reduce the distributions from  
22 the amount generated by the total early intervention supplement  
23 district cost to each school district for the budget year by an  
24 amount equivalent to the amount the department of management  
25 determines is necessary to pay for the state agency costs of  
26 complying with education reform legislation enacted by the  
27 Eighty-fourth General Assembly, 2012 session. For purposes  
28 of the calculation of the combined district cost pursuant to  
29 subsection 8, and the calculation of the additional property  
30 tax pursuant to section 257.4, for the budget year beginning  
31 July 1, 2012, and succeeding budget years, the total early  
32 intervention supplement district cost shall be equal to the  
33 amount remaining after the reduction made pursuant to this  
34 paragraph.

35 Sec. 13. Section 257.16, Code 2011, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 5. There is appropriated from the general  
3 fund of the state to the department of management for the  
4 fiscal year beginning July 1, 2012, and each succeeding fiscal  
5 year, an amount equal to the amount of the early intervention  
6 supplement reduction, determined pursuant to section 257.10,  
7 subsection 11, paragraph "e", for purposes of state agency  
8 compliance with education reform legislation enacted by the  
9 Eighty-fourth General Assembly, 2012 session. Notwithstanding  
10 section 257.10, subsection 11, paragraph "d", the department of  
11 management shall use the moneys appropriated in this subsection  
12 to reimburse state agencies for any costs incurred by the  
13 agency for complying with such legislation.

14 Sec. 14. EFFECTIVE UPON ENACTMENT. The section of this  
15 division of this Act amending section 256D.9, being deemed of  
16 immediate importance, takes effect upon enactment.

17 DIVISION IV

18 STATE EMPLOYEE AND ELECTED OFFICIAL PAYMENT OF HEALTH INSURANCE  
19 PREMIUMS

20 Sec. 15. Section 2.40, subsection 1, paragraph a,  
21 subparagraph (2), Code 2011, is amended to read as follows:

22 (2) The member shall pay the premium for the plan selected  
23 on the same basis as a full-time state employee excluded from  
24 collective bargaining as provided in chapter 20. However, the  
25 member shall pay a portion of the total premium for the plan  
26 selected in an amount as determined by the legislative council.  
27 The payment amount as determined by the legislative council  
28 shall be at least twenty-five percent of the total premium  
29 for the single or family coverage provided in connection with  
30 the member. The payment amount determined by the legislative  
31 council shall apply to employees of the general assembly.

32 Sec. 16. NEW SECTION. 8A.440 Group health insurance premium  
33 costs.

34 1. Collective bargaining agreements entered into pursuant  
35 to chapter 20 for state employees shall provide that a state



1 employee covered by that agreement who is a member of a  
2 state group health insurance plan for employees of the state  
3 established under chapter 509A shall pay at least twenty-five  
4 percent of the total premium for the single or family coverage  
5 provided in connection with each employee.

6 2. A state employee not covered by a collective bargaining  
7 agreement as provided in chapter 20 who is a member of a  
8 state group health insurance plan for employees of the state  
9 established under chapter 509A shall pay the same percentage  
10 of the total premium for such insurance as is paid under the  
11 collective bargaining agreement that covers the greatest number  
12 of state employees in the state government entity employing the  
13 state employee.

14 Sec. 17. STATEWIDE ELECTED OFFICIALS — GROUP HEALTH  
15 INSURANCE PREMIUM COSTS. A statewide elected official who is  
16 a member of a state group insurance plan for employees of the  
17 state established under chapter 509A shall pay a portion of the  
18 total premium for the plan selected in an amount as determined  
19 by the executive council. The payment amount as determined by  
20 the executive council shall be at least twenty-five percent of  
21 the total premium for the single or family coverage provided in  
22 connection with the elected official.

23 Sec. 18. GROUP HEALTH INSURANCE PREMIUMS FOR STATE  
24 EMPLOYEES.

25 1. a. This subsection does not apply to members of the  
26 general assembly or elected officials who are subject to the  
27 provisions of this division of this Act amending section 2.40  
28 or requiring statewide elected officials to pay a portion of  
29 health insurance premiums.

30 b. For the fiscal year beginning July 1, 2012, each state  
31 employee who is a member of a state group health insurance plan  
32 for state employees established under chapter 509A shall pay at  
33 least 25 percent of the total premium for the single or family  
34 coverage provided in connection with the employee's membership  
35 in the insurance plan.

1 c. For the fiscal year beginning July 1, 2012, each person  
2 who is a member of a state group health insurance plan for  
3 employees of the state board of regents and the institutions  
4 under the control of the state board shall pay at least 25  
5 percent of the total premium for the single or family coverage  
6 provided in connection with the person's membership in the  
7 insurance plan.

8 d. For the fiscal year beginning July 1, 2012, each judicial  
9 officer or employee of the judicial branch who is a member  
10 of a state group health insurance plan for state employees  
11 established under chapter 509A shall pay at least 25 percent of  
12 the total premium for the single or family coverage provided in  
13 connection with the judicial officer or employee's membership  
14 in the insurance plan.

15 e. The requirements in this subsection shall be enforceable  
16 against all applicable employees for the fiscal year beginning  
17 July 1, 2012, notwithstanding any provision of chapter 20 to  
18 the contrary, and shall remain applicable to each such state  
19 employee and person in fiscal years succeeding the fiscal year  
20 specified in this subsection until the requirement implemented  
21 pursuant to section 8A.440 is applicable to the employee or  
22 person.

23 2. a. For the fiscal year beginning July 1, 2012,  
24 the portion of the payments made pursuant to subsection  
25 1 attributed to increases in payments as a result of the  
26 percentage requirement implemented pursuant to subsection 1  
27 shall be transferred to the judicial branch or the state agency  
28 charged for the state group health insurance plan premiums of  
29 the judicial officer, employee, or person who made the payment  
30 in lieu of a like amount from the appropriations made to the  
31 judicial branch or the state agency for the fiscal year.

32 b. The moneys paid by members or employees of the general  
33 assembly pursuant to section 2.40, as amended by this division  
34 of this Act, for the fiscal year beginning July 1, 2012, are  
35 appropriated to the general assembly in lieu of a like amount

1 from the appropriations made to the general assembly pursuant  
2 to section 2.12, for the fiscal year.

3 c. The moneys paid by statewide elected officials pursuant  
4 to the section of this division of this Act requiring the  
5 officials to pay a portion of the health insurance premium  
6 costs for the coverage provided to the officials, for the  
7 fiscal year beginning July 1, 2012, are appropriated to the  
8 state agency charged for the state group health insurance plan  
9 premiums of the official who made the payment in lieu of a like  
10 amount from the appropriations made to the state agency for the  
11 fiscal year.

12 3. The department of management, with the assistance of the  
13 department of administrative services, state board of regents,  
14 the state fair board, the state department of transportation,  
15 and each judicial district department of correctional services,  
16 shall submit a quarterly report to the general assembly and the  
17 legislative services agency during the fiscal year beginning  
18 July 1, 2012, regarding the reductions to appropriations made  
19 pursuant to subsection 2 during the quarter.

20 Sec. 19. APPLICABILITY. The section of this division  
21 of this Act enacting section 8A.440, applies to collective  
22 bargaining agreements entered into on or after the effective  
23 date of that section of this division of this Act.

24 Sec. 20. EFFECTIVE UPON ENACTMENT. The following sections  
25 of this division of this Act, being deemed of immediate  
26 importance, take effect upon enactment:

27 1. The section of this Act enacting section 8A.440.

28 2. The section of this Act relating to group health  
29 insurance premiums for state employees.

30 DIVISION V

31 CORRECTIVE PROVISIONS

32 Sec. 21. Section 9B.2, subsection 10, paragraph a, if  
33 enacted by 2012 Iowa Acts, Senate File 2265, section 2, is  
34 amended to read as follows:

35 a. "*Personal appearance*" means an act of a party to

1 physically appear within the presence of a ~~notary public~~  
2 notarial officer at the time the ~~notarization occurs~~ notarial  
3 act is performed.

4 Sec. 22. Section 105.2, subsection 8, Code Supplement 2011,  
5 as amended by 2012 Iowa Acts, House File 2285, section 1, if  
6 enacted, is amended to read as follows:

7 8. "Hydronic" means a heating or cooling system that  
8 transfers heating or cooling by circulating fluid through  
9 a closed system, including boilers, pressure vessels,  
10 refrigerated equipment in connection with chilled water  
11 systems, all steam piping, hot or chilled water piping together  
12 with all control devices and accessories, installed as part  
13 of, or in connection with, any heating or cooling system or  
14 appliance whose primary purpose is to provide comfort using  
15 a liquid, water, or steam as the heating or cooling media.  
16 "Hydronic" includes all low-pressure and high-pressure systems  
17 and all natural, propane, liquid propane, or other gas lines  
18 associated with any component of a hydronic system. For  
19 purposes of this definition, "*primary purpose is to provide*  
20 *comfort*" means a system or appliance in which at least fifty-one  
21 percent of the capacity generated by its operation, on an  
22 annual average, is dedicated to comfort heating or cooling.

23 Sec. 23. Section 135C.6, subsection 8, paragraphs a and  
24 b, Code 2011, as amended by 2012 Iowa Acts, Senate File 2247,  
25 section 15, are amended to read as follows:

26 a. Residential programs providing care to not more than  
27 four individuals and receiving moneys appropriated to the  
28 department of human services under provisions of a federally  
29 approved home and community-based services waiver for persons  
30 with an intellectual disabilities disability or other medical  
31 assistance program under chapter 249A. In approving a  
32 residential program under this paragraph, the department of  
33 human services shall consider the geographic location of the  
34 program so as to avoid an overconcentration of such programs  
35 in an area. In order to be approved under this paragraph,

1 a residential program shall not be required to involve the  
2 conversion of a licensed residential care facility for persons  
3 with an intellectual disability.

4     **b.** Not more than forty residential care facilities for  
5 persons with an intellectual disability that are licensed  
6 to serve not more than five individuals may be authorized  
7 by the department of human services to convert to operation  
8 as a residential program under the provisions of a medical  
9 assistance home and community-based services waiver for persons  
10 with an intellectual disabilities disability. A converted  
11 residential program operating under this paragraph is subject  
12 to the conditions stated in paragraph "a" except that the  
13 program shall not serve more than five individuals.

14     Sec. 24. Section 144D.3, subsection 4, as enacted by 2012  
15 Iowa Acts, House File 2165, section 4, is amended to read as  
16 follows:

17     4. In the absence of actual notice of the revocation  
18 of a POST form, a health care provider, hospital, health  
19 care facility, or any other person who complies with a POST  
20 form shall not be subject to civil or criminal liability or  
21 professional disciplinary action for actions taken under  
22 this chapter which are in accordance with reasonable medical  
23 standards. A health care provider, hospital, health care  
24 facility, or other person against whom criminal or civil  
25 liability or professional disciplinary action is asserted  
26 because of conduct in compliance with this chapter may  
27 interpose the restriction on liability in this paragraph  
28 subsection as an absolute defense.

29     Sec. 25. Section 152B.2, subsection 1, paragraph a,  
30 subparagraph (2), Code 2011, as amended by 2012 Iowa Acts,  
31 Senate File 2248, section 2, if enacted, is amended to read as  
32 follows:

33     (2) Direct and indirect respiratory care services including  
34 but not limited to the administration of pharmacological and  
35 diagnostic and therapeutic agents related to respiratory

1 care procedures necessary to implement a treatment, disease  
2 prevention, pulmonary rehabilitative, or diagnostic regimen  
3 prescribed by a licensed physician~~7~~ or surgeon~~7~~ or a qualified  
4 health care professional prescriber.

5 Sec. 26. Section 152B.3, subsection 1, unnumbered paragraph  
6 1, Code 2011, as amended by 2012 Iowa Acts, Senate File 2248,  
7 section 5, if enacted, is amended to read as follows:

8 The performance of respiratory care shall be in accordance  
9 with the prescription of a licensed physician~~7~~ or surgeon~~7~~ or  
10 a qualified health care professional prescriber and includes  
11 but is not limited to the diagnostic and therapeutic use of the  
12 following:

13 Sec. 27. Section 152B.3, subsection 2, Code 2011, as amended  
14 by 2012 Iowa Acts, Senate File 2248, section 6, if enacted, is  
15 amended to read as follows:

16 2. A respiratory care practitioner may transcribe and  
17 implement a written or verbal order from a licensed physician~~7~~  
18 or surgeon~~7~~ or a qualified health care professional prescriber  
19 pertaining to the practice of respiratory care.

20 Sec. 28. Section 152B.4, Code 2011, as amended by 2012 Iowa  
21 Acts, Senate File 2248, section 7, if enacted, is amended to  
22 read as follows:

23 **152B.4 Location of respiratory care.**

24 The practice of respiratory care may be performed in a  
25 hospital as defined in section 135B.1, subsection 3, and other  
26 settings where respiratory care is to be provided in accordance  
27 with a prescription of a licensed physician~~7~~ or surgeon~~7~~ or a  
28 qualified health care professional prescriber. Respiratory  
29 care may be provided during transportation of a patient and  
30 under circumstances where an emergency necessitates respiratory  
31 care.

32 Sec. 29. Section 249A.12, subsection 5, paragraph a,  
33 unnumbered paragraph 1, Code 2011, as amended by 2012 Iowa  
34 Acts, Senate File 2247, section 101, is amended to read as  
35 follows:

1 The mental health and disability services commission shall  
2 recommend to the department the actions necessary to assist in  
3 the transition of individuals being served in an intermediate  
4 care facility for persons with an intellectual disability,  
5 who are appropriate for the transition, to services funded  
6 under a medical assistance home and community-based services  
7 waiver for persons with an intellectual disability in a  
8 manner which maximizes the use of existing public and private  
9 facilities. The actions may include but are not limited to  
10 submitting any of the following or a combination of any of the  
11 following as a request for a revision of the medical assistance  
12 home and community-based services waiver for persons with an  
13 intellectual ~~disabilities~~ disability:

14 Sec. 30. Section 273.2, subsection 3, Code Supplement 2011,  
15 as amended by 2012 Iowa Acts, Senate File 2203, section 38, if  
16 enacted, is amended to read as follows:

17 3. The area education agency board shall furnish  
18 educational services and programs as provided in ~~sections~~  
19 section 273.1, this section, sections 273.3 to 273.9, and  
20 chapter 256B to the pupils enrolled in public or nonpublic  
21 schools located within its boundaries which are on the list of  
22 accredited schools pursuant to section 256.11. The programs  
23 and services provided shall be at least commensurate with  
24 programs and services existing on July 1, 1974. The programs  
25 and services provided to pupils enrolled in nonpublic schools  
26 shall be comparable to programs and services provided to pupils  
27 enrolled in public schools within constitutional guidelines.

28 Sec. 31. Section 321.188, subsection 6, paragraph c, if  
29 enacted by 2012 Iowa Acts, House File 2403, section 1, is  
30 amended to read as follows:

31 c. An applicant who obtains a skills test waiver under this  
32 subsection shall take and successfully pass the knowledge test  
33 required pursuant to subsection 2 1.

34 Sec. 32. Section 321.323A, subsection 3, paragraph c,  
35 subparagraph (1), if enacted by 2012 Iowa Acts, House File

1 2228, section 3, is amended to read as follows:

2 (1) For a violation causing damage to the property of  
3 another person, but not resulting in bodily injury to or  
4 death of ~~to~~ another person, the department shall suspend the  
5 violator's driver's license or operating privileges for ninety  
6 days.

7 Sec. 33. Section 321.457, subsection 2, paragraph n,  
8 subparagraph (4), if enacted by 2012 Iowa Acts, House File  
9 2428, section 1, is amended to read as follows:

10 (4) For purposes of this paragraph *"n"*, *"full trailer"* means  
11 as defined in 49 C.F.R. § ~~390~~ 390.5.

12 Sec. 34. Section 322.5, subsection 6, paragraph b,  
13 subparagraph (2), if enacted by 2012 Iowa Acts, Senate File  
14 2249, section 4, is amended to read as follows:

15 (2) The state in which the person is licensed as a motor  
16 vehicle dealer allows a motor vehicle dealer licensed in Iowa  
17 to be issued a permit substantially similar to the temporary  
18 permit authorized under this ~~section~~ subsection.

19 Sec. 35. Section 508.37, subsection 5, paragraph c, Code  
20 2011, as amended by 2012 Iowa Acts, Senate File 2203, section  
21 105, if enacted, is amended to read as follows:

22 c. The adjusted premiums for a policy providing term  
23 insurance benefits by rider or supplemental policy provision  
24 shall be equal to (1) the adjusted premiums for an otherwise  
25 similar policy issued at the same age without such term  
26 insurance benefits, increased during the period for which  
27 premiums for such term insurance benefits are payable,  
28 by (2) the adjusted premiums for such term insurance, the  
29 foregoing items (1) and (2) being calculated separately and  
30 as specified in paragraphs *"a"* and *"b"* of this subsection  
31 except that, for the purposes of ~~of~~ paragraph *"a"*, subparagraph  
32 (1), subparagraph divisions (b), (c), and (d), the amount of  
33 insurance or equivalent uniform amount of insurance used in  
34 the calculation of the adjusted premiums referred to in item  
35 (2) in this paragraph shall be equal to the excess of the



1 corresponding amount determined for the entire policy over the  
2 amount used in the calculation of the adjusted premiums in item  
3 (1) in this paragraph.

4 Sec. 36. Section 515I.1, subsection 2, if enacted by 2012  
5 Iowa Acts, House File 2145, section 1, is amended to read as  
6 follows:

7 2. This ~~division~~ chapter shall be liberally construed to  
8 promote these purposes.

9 Sec. 37. Section 536A.10, Code 2011, as amended by 2012 Iowa  
10 Acts, Senate File 2203, section 139, if enacted, is amended to  
11 read as follows:

12 **536A.10 Issuance of license.**

13 1. If The superintendent shall approve the application and  
14 issue to the applicant a license to engage in the industrial  
15 loan business in accordance with the provisions of this  
16 chapter, if the superintendent shall find:

17 a. That the financial responsibility, experience, character  
18 and general fitness of the applicant and of the officers  
19 thereof are such as to command the confidence of the community,  
20 and to warrant the belief that the business will be operated  
21 honestly, fairly and efficiently within the purpose of this  
22 chapter;

23 b. That a reasonable necessity exists for a new industrial  
24 loan company in the community to be served;

25 c. That the applicant has available for the operation of the  
26 business at the specified location paid-in capital and surplus  
27 as required by section 536A.8; and

28 d. That the applicant is a corporation organized for  
29 pecuniary profit under the laws of the state of Iowa.

30 2. ~~The superintendent shall approve the application and~~  
31 ~~issue to the applicant a license to engage in the industrial~~  
32 ~~loan business in accordance with the provisions of this~~  
33 ~~chapter.~~ The superintendent shall approve or deny an  
34 application for a license within one hundred twenty days from  
35 the date of the filing of such application.

1     Sec. 38. Section 602.9202, subsection 4, Code 2011, as  
2 amended by 2012 Iowa Acts, Senate File 2285, section 106, is  
3 amended to read as follows:

4     4. "*Senior judge retirement age*" means seventy-eight years  
5 of age or, if the senior judge is reappointed as a senior judge  
6 for an additional one-year term upon attaining seventy-eight  
7 years of age, and then to a succeeding one-year term, pursuant  
8 to section 602.9203, eighty years of age.

9     Sec. 39. Section 617.11, subsection 3, unnumbered paragraph  
10 1, if enacted by 2012 Iowa Acts, House File 2370, section 1, is  
11 amended to read as follows:

12     If a claim of interest against the property is acquired prior  
13 to the indexing of a petition or municipal infraction citation  
14 affecting real estate and filed by a city and such claim is  
15 not indexed or filed of record prior to the indexing of the  
16 petition or citation, it is subject to the pending action  
17 as provided in subsection 1, unless either of the following  
18 occurs:

19     Sec. 40. EFFECTIVE DATE. The section of this division of  
20 this Act amending section 9B.2, subsection 10, paragraph a,  
21 takes effect January 1, 2013.

22     Sec. 41. EFFECTIVE UPON ENACTMENT. The section of this  
23 division of this Act amending section 105.2, subsection  
24 8, being deemed of immediate importance, takes effect upon  
25 enactment.

26     Sec. 42. RETROACTIVE APPLICABILITY. The section of this  
27 division of this Act amending section 105.2, subsection 8,  
28 applies retroactively to the effective date of 2012 Iowa Acts,  
29 House File 2285.

30     Sec. 43. EFFECTIVE UPON ENACTMENT. The section of this  
31 division of this Act amending section 322.5, subsection 6,  
32 paragraph "b", subparagraph (2), being deemed of immediate  
33 importance, takes effect upon enactment.

34     Sec. 44. RETROACTIVE APPLICABILITY. The section of this  
35 division of this Act amending section 322.5, subsection 6,

1 paragraph "b", subparagraph (2), applies retroactively to the  
2 effective date of 2012 Iowa Acts, Senate File 2249.

3 Sec. 45. EFFECTIVE UPON ENACTMENT. The section of this  
4 division of this Act amending section 515I.1, subsection  
5 2, being deemed of immediate importance, takes effect upon  
6 enactment.

7 Sec. 46. RETROACTIVE APPLICABILITY. The section of this  
8 division of this Act amending section 515I.1, subsection 2,  
9 applies retroactively to the effective date of 2012 Iowa Acts,  
10 House File 2145.

11 EXPLANATION

12 This bill relates to state and local finances by making and  
13 adjusting appropriations, providing for legal responsibilities,  
14 and providing for properly related matters. The bill is  
15 organized by divisions.

16 STANDING APPROPRIATIONS AND RELATED MATTERS. The bill  
17 limits the standing unlimited appropriation to the general  
18 assembly and legislative agencies for FY 2012-2013.

19 In 2011 Iowa Acts, chapter 131, a list of standing  
20 appropriations was limited for the fiscal year 2012-2013.  
21 The bill increases the amount appropriated from the state  
22 general fund for the following purposes: casino wagering tax  
23 proceeds allocated for the department of cultural affairs for  
24 operational support grants and community cultural grants and  
25 for regional tourism marketing; the center of congenital and  
26 inherited disorders central registry; primary and secondary  
27 child abuse prevention programs; programs for at-risk children;  
28 and the enforcement of Code chapter 453D relating to tobacco  
29 product manufacturers. The bill adds a limitation to the  
30 standing appropriation for the Iowa resources enhancement and  
31 protection fund.

32 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. All of  
33 the moneys in excess of the maximum balance in the economic  
34 emergency fund after the distribution of the surplus in the  
35 general fund of the state at the conclusion of fiscal year

1 2011-2012 are required to be transferred to the taxpayers trust  
2 fund created in section 8.57E. The provision in Code section  
3 8.55 limiting the amount of that transfer to not more than \$60  
4 million is made inapplicable. The provision takes effect upon  
5 enactment.

6 Code section 97B.52A, concerning the determination of a  
7 bona fide retirement under IPERS, is amended. Current law  
8 allows, until July 2012, a person to retire, receive retirement  
9 benefits, and to return to covered employment as a licensed  
10 health care professional at a public hospital after one month  
11 and still receive retirement benefits. Most retirees under  
12 IPERS are not allowed to return to covered employment and  
13 continue to receive retirement benefits until at least four  
14 months after they retire. The bill extends the sunset of this  
15 shortened period for licensed health care professionals from  
16 July 2012 to July 2014.

17 The bill requires school districts receiving preschool  
18 foundation aid in a fiscal year to expend not less than 95  
19 percent of the aid for preschool programming to the eligible  
20 students enrolled in the district's approved local program.

21 In Code section 257.35(7), as enacted by 2011 Iowa Acts,  
22 chapter 131, the state aid for area education agencies and  
23 the portion of combined district cost calculated for these  
24 agencies for FY 2012-2013 was reduced by \$10 million. The bill  
25 increases the reduction by \$10 million for a total \$20 million  
26 reduction for FY 2012-2013.

27 The bill requires each school district and area education  
28 agency receiving teacher professional development moneys  
29 to set aside up to 3 percent of such moneys for purposes  
30 of compensating substitute teachers to temporarily replace  
31 teachers who are employed by accredited nonpublic schools  
32 located within the school district and area education  
33 boundaries and who are required to receive Iowa core curriculum  
34 professional development provided elsewhere than on accredited  
35 nonpublic school property.

1 If enacted, 2012 Iowa Acts, House File 2168, is amended to  
2 repeal section 5 of the Act. Section 5 of the Act amends Code  
3 section 12C.23A relating to the assessment of banks in the  
4 event of a failure.

5 IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM EXPENDITURES.  
6 Currently, the Iowa early intervention block grant program is  
7 repealed effective July 1, 2012. The bill extends the repeal  
8 date to July 1, 2017. The bill also allows a school district  
9 to expend two-thirds of the early intervention allocation the  
10 school district receives to pay for the costs of complying  
11 with education reform legislation enacted by the 84th General  
12 Assembly, 2012 session.

13 The department of management is directed to annually reduce  
14 the distributions from the amounts generated by the total early  
15 intervention supplement district cost to each school district  
16 for the budget year by an amount equivalent to the amount the  
17 department of management determines is necessary to pay for  
18 the state agency costs of complying with education reform  
19 legislation enacted by the Eighty-fourth General Assembly, 2012  
20 session. The school district spending authority and additional  
21 levy taxing authority are reduced by an amount corresponding  
22 to the amount of the reduction. An equivalent amount is  
23 appropriated to the department of management for purposes of  
24 state agency compliance with the education reform legislation.  
25 The department of management is directed to use the moneys to  
26 reimburse state agencies for any costs incurred by the agency  
27 for complying with such legislation.

28 The provision extending the repeal takes effect upon  
29 enactment.

30 STATE EMPLOYEE AND ELECTED OFFICIAL PAYMENT OF HEALTH  
31 INSURANCE PREMIUMS. This division requires judicial officers,  
32 state employees, regents personnel, and elected officials to  
33 pay at least 25 percent of the costs of the single or family  
34 group health insurance plan coverage connected to the employees  
35 or state officials.

1 The bill provides that members of the general assembly and  
2 statewide elected officials who become a member of the state  
3 group insurance plan for employees of the state established  
4 under Code chapter 509A shall pay at least 25 percent of  
5 the total premium for the single or family coverage provided  
6 in connection with the plan and single or family coverage  
7 selected. The bill provides that, subject to percentage  
8 minimum, the total premium amount to be paid by members of  
9 the general assembly shall be determined by the legislative  
10 council and the total premium amount to be paid by statewide  
11 elected officials shall be determined by the executive council.  
12 The payment amount determined by the legislative council also  
13 applies to employees of the general assembly.

14 New Code section 8A.440 requires the collective bargaining  
15 agreements entered into pursuant to Code chapter 20 to include  
16 the health insurance premium payment requirement and for the  
17 payment requirement to apply to state employees not covered by  
18 a collective bargaining agreement. The provision takes effect  
19 upon enactment and an applicability provision specifies that it  
20 applies to collective bargaining agreements entered into after  
21 the provision's effective date.

22 CORRECTIVE PROVISIONS. The bill makes corrections to  
23 legislation enacted or considered during the 2012 legislative  
24 session.

25 Code section 9B.2(10)(a), if enacted by 2012 Iowa Acts,  
26 Senate File 2265, section 2, is amended to modify the  
27 definition of "personal appearance" to recognize that such an  
28 appearance will often be before a notarial officer who is not  
29 a notary public but rather a judge or clerk or other person  
30 authorized by law to perform a notarial act.

31 Code section 105.2(8), as amended by 2012 Iowa Acts, House  
32 File 2285, section 1, is amended to indicate that the primary  
33 purpose of a hydronic heating or cooling system is not that  
34 exactly 51 percent of the system's capacity is dedicated to  
35 comfort heating or cooling but that "at least" 51 percent is

1 dedicated to comfort heating or cooling. This amendment is  
2 made effective upon enactment and retroactively applicable to  
3 the effective date of 2012 Iowa Acts, House File 2285.

4 Code section 135C.6(8)(a, b), as amended by 2012 Iowa Acts,  
5 Senate File 2247, section 15, are amended to correctly refer to  
6 a person with an intellectual disability as otherwise referred  
7 to in Senate File 2247.

8 Code section 144D.3(4), as enacted by 2012 Iowa Acts, House  
9 File 2165, section 4, relating to physician orders for scope of  
10 treatment and professional immunity for acting in accordance  
11 with such orders, is amended to correct an internal reference  
12 by substituting "subsection" for "paragraph".

13 Code sections 152B.2(1)(a)(2), 152B.3(1)(ul), 152B.3(2),  
14 and 152B.4, as amended by 2012 Iowa Acts, Senate File 2248,  
15 sections 2, 5, 6, and 7, are amended to correctly refer to a  
16 licensed physician or surgeon.

17 Code section 249A.12(5)(a)(ul), as amended by 2012 Iowa  
18 Acts, Senate File 2247, section 101, is amended to correctly  
19 refer to a person with an intellectual disability as otherwise  
20 referred to in Senate File 2247.

21 Code section 273.2(3), as amended by 2012 Iowa Acts, Senate  
22 File 2203, section 38, is amended to correct a singular noun in  
23 this Code editor's bill provision relating to area education  
24 agencies.

25 Code section 321.188(6)(c), if enacted by 2012 Iowa Acts,  
26 House File 2403, section 1, is amended to correct a Code  
27 reference relating to the knowledge skills test required for  
28 issuance of a commercial driver's license.

29 Code section 321.323A(3)(c)(1), if enacted by 2012 Iowa  
30 Acts, House File 2228, section 3, relating to motor vehicle  
31 operators approaching certain stationary vehicles, is amended  
32 to correct the placement of the preposition "to".

33 Code section 321.457(2)(n)(4), if enacted by 2012 Iowa Acts,  
34 House File 2428, section 1, is amended to correct a reference  
35 to the section in the Code of Federal Regulations containing

1 the definition of "full trailer".

2 Code section 322.5(6)(b)(2), if enacted by 2012 Iowa  
3 Acts, Senate File 2249, section 4, is amended to correct a  
4 reference to the subsection in which a new temporary permit for  
5 motor vehicle dealers is authorized. This amendment is made  
6 effective upon enactment and retroactively applicable to the  
7 effective date of 2012 Iowa Acts, Senate File 2249.

8 Code section 508.37(5)(c), as amended by 2012 Iowa Acts,  
9 Senate File 2203, section 105, is amended to delete a redundant  
10 duplication of the word "of" in this Code editor's bill  
11 provision relating to term life insurance policies.

12 Code section 515I.1(2), if enacted by 2012 Iowa Acts,  
13 House File 2145, section 1, is amended to correct an internal  
14 reference to this "chapter" rather than to the "division" in  
15 the new Code chapter relating to surplus lines insurance. This  
16 amendment is made effective upon enactment and retroactively  
17 applicable to the effective date of 2012 Iowa Acts, House File  
18 2145.

19 Code section 536A.10, as amended by 2012 Iowa Acts, Senate  
20 File 2203, section 139, is amended to move language prior  
21 to rather than after the conditions that apply in this Code  
22 editor's bill provision relating to the issuance of a license  
23 to operate an industrial loan company.

24 Code section 602.9202(4), as amended by 2012 Iowa Acts,  
25 Senate File 2285, section 106, is amended to correctly refer to  
26 two succeeding one-year terms of a senior judge in this Code  
27 editor's bill provision relating to the retirement age of 80  
28 for senior judges.

29 Code section 617.11(3)(ul), if enacted by 2012 Iowa Acts,  
30 House File 2370, section 1, relating to claims against real  
31 estate and pending legal actions, is amended to correctly refer  
32 to a municipal infraction citation.