

**House Study Bill 674 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON RAECKER)

**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:

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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 ..... \$ ~~5,364,446~~  
 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 ..... \$ ~~9,208~~  
 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.

25 Notwithstanding section 8.55, subsection 2, paragraph "a", or  
 26 any other provision to the contrary, all moneys in excess of  
 27 the maximum balance in the economic emergency fund after the  
 28 distribution of the surplus in the general fund of the state  
 29 at the conclusion of the fiscal year beginning July 1, 2011,  
 30 and ending June 30, 2012, shall be transferred to the taxpayers  
 31 trust fund created in section 8.57E.

32     Sec. 4. Section 2.43, unnumbered paragraph 1, Code 2011, is  
 33 amended to read as follows:

34     The legislative council in cooperation with the officers of  
 35 the senate and house shall have the duty and responsibility for

1 preparing for each session of the general assembly. Pursuant  
2 to such duty and responsibility, the legislative council  
3 shall assign the use of areas in the state capitol except for  
4 the areas used by the governor as of January 1, 1986, ~~and by~~  
5 ~~the courts as of July 1, 2003,~~ and, in consultation with the  
6 director of the department of administrative services and  
7 the capitol planning commission, may assign areas in other  
8 state office buildings for use of the general assembly or  
9 legislative agencies. The legislative council may authorize  
10 the renovation, remodeling and preparation of the physical  
11 facilities used or to be used by the general assembly or  
12 legislative agencies subject to the jurisdiction of the  
13 legislative council and award contracts pursuant to such  
14 authority to carry out such preparation. The legislative  
15 council may purchase supplies and equipment deemed necessary  
16 for the proper functioning of the legislative branch of  
17 government.

18 Sec. 5. Section 8A.322, subsection 2, Code 2011, is amended  
19 to read as follows:

20 2. Except for buildings and grounds described in section  
21 216B.3, subsection 6; section 2.43, unnumbered paragraph 1; and  
22 any buildings under the custody and control of the Iowa public  
23 employees' retirement system, the director shall assign office  
24 space at the capitol, other state buildings, and elsewhere in  
25 the city of Des Moines, and the state laboratories facility  
26 in Ankeny, for all executive ~~and judicial~~ state agencies.  
27 Assignments may be changed at any time. The various officers  
28 to whom rooms have been so assigned may control the same while  
29 the assignment to them is in force. Official apartments shall  
30 be used only for the purpose of conducting the business of the  
31 state. The term "*capitol*" or "*capitol building*" as used in the  
32 Code shall be descriptive of all buildings upon the capitol  
33 grounds. The capitol building itself is reserved for the  
34 operations of the general assembly, and the governor, ~~and the~~  
35 ~~courts~~ and the assignment and use of physical facilities for

1 the general assembly shall be pursuant to section 2.43.

2 Sec. 6. Section 97B.52A, subsection 1, paragraph c,  
3 subparagraph (2), subparagraph division (b), Code 2011, is  
4 amended to read as follows:

5 (b) For a member whose first month of entitlement is July  
6 2004 or later, but before July ~~2012~~ 2014, covered employment  
7 does not include employment as a licensed health care  
8 professional by a public hospital as defined in section 249J.3,  
9 with the exception of public hospitals governed pursuant to  
10 chapter 226.

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

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

20 Sec. 8. Section 257.35, subsection 7, Code Supplement 2011,  
21 is amended to read as follows:

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

31 Sec. 9. Section 284.6, subsection 8, Code Supplement 2011,  
32 is amended to read as follows:

33 8. a. For each year in which a school district and an  
34 area education agency receives funds calculated and paid to  
35 school districts and area education agencies for professional

1 development pursuant to section 257.10, subsection 10, ~~or~~  
2 and section 257.37A, subsection 2, the school district and  
3 area education agency shall create quality professional  
4 development opportunities. The goal for the use of the funds  
5 is to provide one additional contract day or the equivalent  
6 thereof for professional development and use of the funds is  
7 limited to providing professional development to teachers,  
8 including additional salaries for time beyond the normal  
9 negotiated agreement; pay for substitute teachers, professional  
10 development materials, speakers, and professional development  
11 content; and costs associated with implementing the individual  
12 professional development plans. The use of the funds shall  
13 be balanced between school district, attendance center, and  
14 individual professional development plans, or area education  
15 agency and individual professional development plans, as  
16 appropriate, making every reasonable effort to provide equal  
17 access to all teachers.

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

1 calculated and paid to the area education agency under section  
2 257.37A, subsection 2. The area education agency providing  
3 the professional development to an accredited nonpublic  
4 school teacher pursuant to this paragraph shall reimburse  
5 the accredited nonpublic school for the compensation of the  
6 substitute teacher from the professional development funds  
7 available to the agency pursuant to this paragraph. If three  
8 percent of such funds identified in this paragraph are expended  
9 by school districts and area education agencies, this paragraph  
10 requires no further reimbursements.

11 Sec. 10. REPEAL. 2012 Iowa Acts, House File 2168, section  
12 5, is repealed.

13 Sec. 11. EFFECTIVE UPON ENACTMENT. The following  
14 provision or provisions of this Act, being deemed of immediate  
15 importance, take effect upon enactment:

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

18 DIVISION III

19 IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM EXPENDITURES

20 Sec. 12. Section 256D.2A, Code 2011, is amended to read as  
21 follows:

22 **256D.2A Program funding.**

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

1 intensive summer programs; the acquisition and administration  
2 of diagnostic reading assessments; the implementation of  
3 research-based instructional intervention programs for students  
4 needing additional support; the implementation of all-day,  
5 everyday kindergarten programs; and the provision of classroom  
6 teachers with intensive training programs to improve reading  
7 instruction and professional development in best practices  
8 including but not limited to training programs related to  
9 instruction to increase students' phonemic awareness, reading  
10 abilities, and comprehension skills.

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

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

19 **256D.9 Future repeal.**

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

21 Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this  
22 Act, being deemed of immediate importance, takes effect upon  
23 enactment.

24 DIVISION IV

25 STATE EMPLOYEE AND ELECTED OFFICIAL PAYMENT OF HEALTH INSURANCE  
26 PREMIUMS

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

29 (2) The member shall pay the premium for the plan selected  
30 on the same basis as a full-time state employee excluded from  
31 collective bargaining as provided in chapter 20. However, the  
32 member shall pay a portion of the total premium for the plan  
33 selected in an amount as determined by the legislative council.  
34 The payment amount as determined by the legislative council  
35 shall be at least twenty-five percent of the total premium



1 for the single or family coverage provided in connection with  
2 the member. The payment amount determined by the legislative  
3 council shall apply to employees of the general assembly.

4 Sec. 16. NEW SECTION. **8A.440 Group health insurance premium**  
5 **costs.**

6 1. Collective bargaining agreements entered into pursuant  
7 to chapter 20 for state employees shall provide that a state  
8 employee covered by that agreement who is a member of a  
9 state group health insurance plan for employees of the state  
10 established under chapter 509A shall pay at least twenty-five  
11 percent of the total premium for the single or family coverage  
12 provided in connection with each employee.

13 2. A state employee not covered by a collective bargaining  
14 agreement as provided in chapter 20 who is a member of a  
15 state group health insurance plan for employees of the state  
16 established under chapter 509A shall pay the same percentage  
17 of the total premium for such insurance as is paid under the  
18 collective bargaining agreement that covers the greatest number  
19 of state employees in the state government entity employing the  
20 state employee.

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

30 Sec. 18. GROUP HEALTH INSURANCE PREMIUMS FOR STATE  
31 EMPLOYEES.

32 1. a. This subsection does not apply to members of the  
33 general assembly or elected officials who are subject to the  
34 provisions of this division of this Act amending section 2.40  
35 or requiring statewide elected officials to pay a portion of

1 health insurance premiums.

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

8 c. For the fiscal year beginning July 1, 2012, each person  
9 who is a member of a state group health insurance plan for  
10 employees of the state board of regents and the institutions  
11 under the control of the state board shall pay at least 25  
12 percent of the total premium for the single or family coverage  
13 provided in connection with the person's membership in the  
14 insurance plan.

15 d. For the fiscal year beginning July 1, 2012, each judicial  
16 officer or employee of the judicial branch who is a member  
17 of a state group health insurance plan for state employees  
18 established under chapter 509A shall pay at least 25 percent of  
19 the total premium for the single or family coverage provided in  
20 connection with the judicial officer or employee's membership  
21 in the insurance plan.

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

30 2. a. For the fiscal year beginning July 1, 2012,  
31 the portion of the payments made pursuant to subsection  
32 1 attributed to increases in payments as a result of the  
33 percentage requirement implemented pursuant to subsection 1  
34 shall be transferred to the judicial branch or the state agency  
35 charged for the state group health insurance plan premiums of

1 the judicial officer, employee, or person who made the payment  
2 in lieu of a like amount from the appropriations made to the  
3 judicial branch or the state agency for the fiscal year.

4 b. The moneys paid by members or employees of the general  
5 assembly pursuant to section 2.40, as amended by this division  
6 of this Act, for the fiscal year beginning July 1, 2012, are  
7 appropriated to the general assembly in lieu of a like amount  
8 from the appropriations made to the general assembly pursuant  
9 to section 2.12, for the fiscal year.

10 c. The moneys paid by statewide elected officials pursuant  
11 to the section of this division of this Act requiring the  
12 officials to pay a portion of the health insurance premium  
13 costs for the coverage provided to the officials, for the  
14 fiscal year beginning July 1, 2012, are appropriated to the  
15 state agency charged for the state group health insurance plan  
16 premiums of the official who made the payment in lieu of a like  
17 amount from the appropriations made to the state agency for the  
18 fiscal year.

19 3. The department of management, with the assistance of the  
20 department of administrative services, state board of regents,  
21 the state fair board, the state department of transportation,  
22 and each judicial district department of correctional services,  
23 shall submit a quarterly report to the general assembly and the  
24 legislative services agency during the fiscal year beginning  
25 July 1, 2012, regarding the reductions to appropriations made  
26 pursuant to subsection 2 during the quarter.

27 Sec. 19. APPLICABILITY. The section of this division  
28 of this Act enacting section 8A.440, applies to collective  
29 bargaining agreements entered into on or after the effective  
30 date of that section of this division of this Act.

31 Sec. 20. EFFECTIVE UPON ENACTMENT. The following sections  
32 of this division of this Act, being deemed of immediate  
33 importance, take effect upon enactment:

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

35 2. The section of this Act relating to group health

1 insurance premiums for state employees.

2 DIVISION V

3 CORRECTIVE PROVISIONS

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

7 a. "*Personal appearance*" means an act of a party to  
8 physically appear within the presence of a ~~notary public~~  
9 notarial officer at the time the ~~notarization occurs~~ notarial  
10 act is performed.

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

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

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

33 a. Residential programs providing care to not more than  
34 four individuals and receiving moneys appropriated to the  
35 department of human services under provisions of a federally

1 approved home and community-based services waiver for persons  
2 with an intellectual disabilities disability or other medical  
3 assistance program under chapter 249A. In approving a  
4 residential program under this paragraph, the department of  
5 human services shall consider the geographic location of the  
6 program so as to avoid an overconcentration of such programs  
7 in an area. In order to be approved under this paragraph,  
8 a residential program shall not be required to involve the  
9 conversion of a licensed residential care facility for persons  
10 with an intellectual disability.

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

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

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

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

5     (2) Direct and indirect respiratory care services including  
6 but not limited to the administration of pharmacological and  
7 diagnostic and therapeutic agents related to respiratory  
8 care procedures necessary to implement a treatment, disease  
9 prevention, pulmonary rehabilitative, or diagnostic regimen  
10 prescribed by a licensed physician, or surgeon, or a qualified  
11 health care professional prescriber.

12     Sec. 26. Section 152B.3, subsection 1, unnumbered paragraph  
13 1, Code 2011, as amended by 2012 Iowa Acts, Senate File 2248,  
14 section 5, if enacted, is amended to read as follows:

15     The performance of respiratory care shall be in accordance  
16 with the prescription of a licensed physician, or surgeon, or  
17 a qualified health care professional prescriber and includes  
18 but is not limited to the diagnostic and therapeutic use of the  
19 following:

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

23     2. A respiratory care practitioner may transcribe and  
24 implement a written or verbal order from a licensed physician,  
25 or surgeon, or a qualified health care professional prescriber  
26 pertaining to the practice of respiratory care.

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

30     **152B.4 Location of respiratory care.**

31     The practice of respiratory care may be performed in a  
32 hospital as defined in section 135B.1, subsection 3, and other  
33 settings where respiratory care is to be provided in accordance  
34 with a prescription of a licensed physician, or surgeon, or a  
35 qualified health care professional prescriber. Respiratory

1 care may be provided during transportation of a patient and  
2 under circumstances where an emergency necessitates respiratory  
3 care.

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

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

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

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

35 Sec. 31. Section 321.188, subsection 6, paragraph c, if

1 enacted by 2012 Iowa Acts, House File 2403, section 1, is  
2 amended to read as follows:

3     *c.* An applicant who obtains a skills test waiver under this  
4 subsection shall take and successfully pass the knowledge test  
5 required pursuant to subsection ~~2~~ 1.

6     Sec. 32. Section 321.457, subsection 2, paragraph n,  
7 subparagraph (4), if enacted by 2012 Iowa Acts, House File  
8 2428, section 1, is amended to read as follows:

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

11     Sec. 33. Section 322.5, subsection 6, paragraph b,  
12 subparagraph (2), if enacted by 2012 Iowa Acts, Senate File  
13 2249, section 4, is amended to read as follows:

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

18     Sec. 34. Section 508.37, subsection 5, paragraph c, Code  
19 2011, as amended by 2012 Iowa Acts, Senate File 2203, section  
20 105, if enacted, is amended to read as follows:

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



1 amount used in the calculation of the adjusted premiums in item  
2 (1) in this paragraph.

3 Sec. 35. Section 515I.1, subsection 2, if enacted by 2012  
4 Iowa Acts, House File 2145, section 1, is amended to read as  
5 follows:

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

8 Sec. 36. Section 536A.10, Code 2011, as amended by 2012 Iowa  
9 Acts, Senate File 2203, section 139, if enacted, is amended to  
10 read as follows:

11 **536A.10 Issuance of license.**

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

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

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

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

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

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

35 Sec. 37. Section 602.9202, subsection 4, Code 2011, as

1 amended by 2012 Iowa Acts, Senate File 2285, section 106, is  
2 amended to read as follows:

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

8 Sec. 38. EFFECTIVE DATE. The section of this division of  
9 this Act amending section 9B.2, subsection 10, paragraph a,  
10 takes effect January 1, 2013.

11 Sec. 39. EFFECTIVE UPON ENACTMENT. The section of this  
12 division of this Act amending section 105.2, subsection  
13 8, being deemed of immediate importance, takes effect upon  
14 enactment.

15 Sec. 40. RETROACTIVE APPLICABILITY. The section of this  
16 division of this Act amending section 105.2, subsection 8,  
17 applies retroactively to the effective date of 2012 Iowa Acts,  
18 House File 2285.

19 Sec. 41. EFFECTIVE UPON ENACTMENT. The section of this  
20 division of this Act amending section 322.5, subsection 6,  
21 paragraph "b", subparagraph (2), being deemed of immediate  
22 importance, takes effect upon enactment.

23 Sec. 42. RETROACTIVE APPLICABILITY. The section of this  
24 division of this Act amending section 322.5, subsection 6,  
25 paragraph "b", subparagraph (2), applies retroactively to the  
26 effective date of 2012 Iowa Acts, Senate File 2249.

27 Sec. 43. EFFECTIVE UPON ENACTMENT. The section of this  
28 division of this Act amending section 515I.1, subsection  
29 2, being deemed of immediate importance, takes effect upon  
30 enactment.

31 Sec. 44. RETROACTIVE APPLICABILITY. The section of this  
32 division of this Act amending section 515I.1, subsection 2,  
33 applies retroactively to the effective date of 2012 Iowa Acts,  
34 House File 2145.

35

EXPLANATION

1 This bill relates to state and local finances by making and  
2 adjusting appropriations, providing for legal responsibilities,  
3 and providing for properly related matters. The bill is  
4 organized by divisions.

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

8 In 2011 Iowa Acts, chapter 131, a list of standing  
9 appropriations was limited for the fiscal year 2012-2013.  
10 The bill increases the amount appropriated from the state  
11 general fund for the following purposes: casino wagering tax  
12 proceeds allocated for the department of cultural affairs for  
13 operational support grants and community cultural grants and  
14 for regional tourism marketing; the center of congenital and  
15 inherited disorders central registry; primary and secondary  
16 child abuse prevention programs; programs for at-risk children;  
17 and the enforcement of Code chapter 453D relating to tobacco  
18 product manufacturers. The bill adds a limitation to the  
19 standing appropriation for the Iowa resources enhancement and  
20 protection fund.

21 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. All of  
22 the moneys in excess of the maximum balance in the economic  
23 emergency fund after the distribution of the surplus in the  
24 general fund of the state at the conclusion of fiscal year  
25 2011-2012 are required to be transferred to the taxpayers trust  
26 fund created in section 8.57E. The provision in Code section  
27 8.55 limiting the amount of that transfer to not more than \$60  
28 million is made inapplicable. The provision takes effect upon  
29 enactment.

30 Current Code provisions prohibit the legislative council  
31 from assigning for use areas of the state capitol building used  
32 by the judicial branch as of July 1, 2003. The bill eliminates  
33 the prohibition. The bill also eliminates a requirement that  
34 a portion of the state capitol building be reserved for the  
35 operations of the judicial branch.

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

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

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

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

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

35 IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM EXPENDITURES.

1 Currently, the Iowa early intervention block grant program is  
2 repealed effective July 1, 2012. The bill extends the repeal  
3 date to July 1, 2017. The bill also allows a school district  
4 to expend two-thirds of the early intervention allocation the  
5 school district receives to pay for the costs of complying  
6 with education reform legislation enacted by the 84th General  
7 Assembly, 2012 session.

8 This division of the bill takes effect upon enactment.

9 STATE EMPLOYEE AND ELECTED OFFICIAL PAYMENT OF HEALTH  
10 INSURANCE PREMIUMS. This division requires judicial officers,  
11 state employees, regents personnel, and elected officials to  
12 pay at least 25 percent of the costs of the single or family  
13 group health insurance plan coverage connected to the employees  
14 or state officials.

15 The bill provides that members of the general assembly and  
16 statewide elected officials who become a member of the state  
17 group insurance plan for employees of the state established  
18 under Code chapter 509A shall pay at least 25 percent of  
19 the total premium for the single or family coverage provided  
20 in connection with the plan and single or family coverage  
21 selected. The bill provides that, subject to percentage  
22 minimum, the total premium amount to be paid by members of  
23 the general assembly shall be determined by the legislative  
24 council and the total premium amount to be paid by statewide  
25 elected officials shall be determined by the executive council.  
26 The payment amount determined by the legislative council also  
27 applies to employees of the general assembly.

28 New Code section 8A.440 requires the collective bargaining  
29 agreements entered into pursuant to Code chapter 20 to include  
30 the health insurance premium payment requirement and for the  
31 payment requirement to apply to state employees not covered by  
32 a collective bargaining agreement. The provision takes effect  
33 upon enactment and an applicability provision specifies that it  
34 applies to collective bargaining agreements entered into after  
35 the provision's effective date.

1 CORRECTIVE PROVISIONS. The bill makes corrections to  
2 legislation enacted or considered during the 2012 legislative  
3 session.

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

10 Code section 105.2(8), as amended by 2012 Iowa Acts, House  
11 File 2285, section 1, is amended to indicate that the primary  
12 purpose of a hydronic heating or cooling system is not that  
13 exactly 51 percent of the system's capacity is dedicated to  
14 comfort heating or cooling but that "at least" 51 percent is  
15 dedicated to comfort heating or cooling. This amendment is  
16 made effective upon enactment and retroactively applicable to  
17 the effective date of 2012 Iowa Acts, House File 2285.

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

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

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

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

35 Code section 273.2(3), as amended by 2012 Iowa Acts, Senate

1 File 2203, section 38, is amended to correct a singular noun in  
2 this Code editor's bill provision relating to area education  
3 agencies.

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

8 Code section 321.457(2)(n)(4), if enacted by 2012 Iowa Acts,  
9 House File 2428, section 1, is amended to correct a reference  
10 to the section in the Code of Federal Regulations containing  
11 the definition of "full trailer".

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

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

22 Code section 515I.1(2), if enacted by 2012 Iowa Acts,  
23 House File 2145, section 1, is amended to correct an internal  
24 reference to this "chapter" rather than to the "division" in  
25 the new Code chapter relating to surplus lines insurance. This  
26 amendment is made effective upon enactment and retroactively  
27 applicable to the effective date of 2012 Iowa Acts, House File  
28 2145.

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

34 Code section 602.9202(4), as amended by 2012 Iowa Acts,  
35 Senate File 2285, section 106, is amended to correctly refer to

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1 two succeeding one-year terms of a senior judge in this Code  
2 editor's bill provision relating to the retirement age of 80  
3 for senior judges.