

Senate Study Bill 1210 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to state and local finances by providing for
2 funding of property tax credits and reimbursements, by
3 making and adjusting appropriations, providing for salaries
4 and compensation of state employees, providing for matters
5 relating to tax credits, providing for fees and penalties,
6 providing for legal responsibilities, and providing for
7 properly related matters, and including effective date and
8 retroactive and other applicability provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2012-2013

Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2012-2013. Notwithstanding section 331.439, subsection 3, the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities service expenditures for the fiscal year beginning July 1, 2012, shall be established by statute which shall be enacted within thirty calendar days of the convening of the Eighty-fourth General Assembly, 2012 Session, on January 9, 2012. The governor shall submit to the general assembly a recommendation for such allowed growth factor adjustment and the amounts of related appropriations to the general assembly on or before January 9, 2012.

DIVISION II

STANDING APPROPRIATIONS AND RELATED MATTERS

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2012-2013.

1. For the budget process applicable to the fiscal year beginning July 1, 2012, on or before October 1, 2011, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

1 Sec. 3. LIMITATION OF STANDING APPROPRIATIONS.

2 Notwithstanding the standing appropriations in the following
3 designated sections for the fiscal year beginning July 1, 2011,
4 and ending June 30, 2012, the amounts appropriated from the
5 general fund of the state pursuant to these sections for the
6 following designated purposes shall not exceed the following
7 amounts:

8 1. For performance of duty by the executive council in
9 sections 7D.29, 8A.321, and 29C.20:

10 \$ 30,712,105

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

14 \$ 416,702

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

17 \$ 810,306

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

21 \$ 171,121

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

24 \$ 217,772

25 6. For programs for at-risk children under section 279.51:

26 \$ 11,493,891

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

30 7. For payment for nonpublic school transportation under
31 section 285.2:

32 \$ 7,060,931

33 If total approved claims for reimbursement for nonpublic
34 school pupil transportation exceed the amount appropriated in
35 accordance with this subsection, the department of education

1 shall prorate the amount of each approved claim.

2 8. For reimbursement for the homestead property tax credit
3 under section 425.1:

4 \$ 86,188,387

5 9. For reimbursement for the family farm and agricultural
6 land tax credits under sections 425A.1 and 426.1:

7 \$ 32,395,131

8 10. For the enforcement of chapter 453D relating to tobacco
9 product manufacturers under section 453D.8:

10 \$ 18,416

11 Sec. 4. INSTRUCTIONAL SUPPORT STATE AID — FY 2011-2012. In
12 lieu of the appropriation provided in section 257.20,
13 subsection 2, the appropriation for the fiscal year
14 beginning July 1, 2011, and ending June 30, 2012, for paying
15 instructional support state aid under section 257.20 for fiscal
16 year 2011-2012 is zero.

17 Sec. 5. Section 256.30, unnumbered paragraph 1, Code 2011,
18 is amended by striking the unnumbered paragraph and inserting
19 in lieu thereof the following:

20 For each fiscal year there is appropriated from the
21 general fund of the state to the department the sum of one
22 hundred thousand dollars. The department shall distribute
23 the appropriation to the tribal council of the Sac and Fox
24 Indian settlement for expenses of educating American Indian
25 children residing in the Sac and Fox Indian settlement on
26 land held in trust by the secretary of the interior of the
27 United States in excess of federal moneys paid to the tribal
28 council for educating the American Indian children when moneys
29 are appropriated for that purpose. The tribal council shall
30 administer the moneys distributed pursuant to this section and
31 shall submit an annual report and other reports as required
32 by the department to the department on the expenditure of the
33 moneys.

34 Sec. 6. Section 257.35, Code 2011, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 5A. Notwithstanding subsection 1, and in
2 addition to the reduction applicable pursuant to subsection
3 2, the state aid for area education agencies and the portion
4 of the combined district cost calculated for these agencies
5 for the fiscal year beginning July 1, 2011, and ending June
6 30, 2012, shall be reduced by the department of management by
7 ten million dollars. The reduction for each area education
8 agency shall be prorated based on the reduction that the agency
9 received in the fiscal year beginning July 1, 2003.

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DIVISION III

11

SALARIES, COMPENSATION, AND RELATED MATTERS

12

Sec. 7. APPOINTED STATE OFFICERS.

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1. The governor shall establish a salary for appointed
14 nonelected persons in the executive branch of state government
15 holding a position enumerated in and within the salary
16 ranges provided in 2008 Iowa Acts, chapter 1191, section 14,
17 by considering, among other items, the experience of the
18 individual in the position, changes in the duties of the
19 position, the incumbent's performance of assigned duties, and
20 subordinates' salaries. However, the attorney general shall
21 establish the salary for the consumer advocate, the chief
22 justice of the supreme court shall establish the salary for the
23 state court administrator, the ethics and campaign disclosure
24 board shall establish the salary of the executive director, and
25 the Iowa public broadcasting board shall establish the salary
26 of the administrator of the public broadcasting division of the
27 department of education, each within the salary range provided
28 in 2008 Iowa Acts, chapter 1191, section 14.

29

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

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3. A person whose salary is established pursuant to this
34 section and who is a full-time, year-round employee of the
35 state shall not receive any other remuneration from the state

1 or from any other source for the performance of that person's
2 duties unless the additional remuneration is first approved by
3 the governor or authorized by law. However, this provision
4 does not exclude the reimbursement for necessary travel and
5 expenses incurred in the performance of duties or fringe
6 benefits normally provided to employees of the state.

7 Sec. 8. COLLECTIVE BARGAINING AGREEMENTS FUNDED. The
8 various state departments, boards, commissions, councils,
9 and agencies, including the state board of regents, for
10 the fiscal year beginning July 1, 2011, and ending June 30,
11 2012, shall provide from available sources pay adjustments,
12 expense reimbursements, and related benefits to fully fund the
13 following:

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

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

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

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

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

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

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

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

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

1 government bargaining units.

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

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

7 12. The collective bargaining agreement negotiated pursuant
8 to chapter 20 for employees in the university of northern Iowa
9 faculty bargaining unit.

10 13. The collective bargaining agreement negotiated pursuant
11 to chapter 20 for employees in the state university of Iowa
12 graduate student bargaining unit.

13 14. The collective bargaining agreement negotiated pursuant
14 to chapter 20 for employees in the state university of Iowa
15 hospital and clinics tertiary health care bargaining unit.

16 15. The annual pay adjustments, related benefits, and
17 expense reimbursements referred to in the sections of this
18 division of this Act addressing noncontract state and state
19 board of regents employees who are not covered by a collective
20 bargaining agreement.

21 Sec. 9. NONCONTRACT STATE EMPLOYEES — GENERAL.

22 1. For the fiscal year beginning July 1, 2011:

23 a. The maximum and minimum salary levels of all pay plans
24 provided for in section 8A.413, subsection 3, as they exist for
25 the fiscal year ending June 30, 2011, shall not increase.

26 b. The pay plan for noncontract judicial branch employees
27 shall not be increased.

28 c. The pay plans for state employees who are exempt
29 from chapter 8A, subchapter IV, and who are included in the
30 department of administrative services' centralized payroll
31 system shall not be increased, and any additional changes
32 in any executive branch pay plans shall be approved by the
33 governor.

34 2. This section does not apply to members of the general
35 assembly, board members, commission members, persons whose

1 salaries are set by the general assembly pursuant to this Act
2 or are set by the governor, or other persons designated in the
3 section of this division of this Act addressing appointed state
4 officers, employees designated under section 8A.412, subsection
5 5, and employees covered by 11 IAC 53.6(3).

6 3. The pay plans for the bargaining eligible employees of
7 the state shall not be increased, and any additional changes
8 in such executive branch pay plans shall be approved by the
9 governor. As used in this section, "bargaining eligible
10 employee" means an employee who is eligible to organize under
11 chapter 20, but has not done so.

12 4. The policies for implementation of this section shall be
13 approved by the governor.

14 Sec. 10. STATE EMPLOYEES — STATE BOARD OF REGENTS. For
15 the fiscal year beginning July 1, 2011, and ending June 30,
16 2012, funds shall be provided from available sources of the
17 state board of regents for funding of collective bargaining
18 agreements for state board of regents employees covered by
19 such agreements and for the following state board of regents
20 employees not covered by a collective bargaining agreement:

21 1. Regents merit system employees and merit supervisory
22 employees.

23 2. Faculty members and professional and scientific
24 employees.

25 Sec. 11. BONUS PAY. For the fiscal year beginning July
26 1, 2011, and ending June 30, 2012, employees of the executive
27 branch, judicial branch, and legislative branch shall not
28 receive bonus pay unless otherwise authorized by law, required
29 pursuant to a contract of employment entered into before July
30 1, 2011, or required pursuant to a collective bargaining
31 agreement. This section does not apply to employees of the
32 state board of regents. For purposes of this section, "bonus
33 pay" means any additional remuneration provided an employee in
34 the form of a bonus, including but not limited to a retention
35 bonus, recruitment bonus, exceptional job performance pay,

1 extraordinary job performance pay, exceptional performance pay,
2 extraordinary duty pay, or extraordinary or special duty pay,
3 and any extra benefit not otherwise provided to other similarly
4 situated employees.

5 Sec. 12. SPECIAL FUNDS. For the fiscal year beginning July
6 1, 2011, and ending June 30, 2012, salary adjustments otherwise
7 provided for in this Act may be funded using departmental
8 revolving, trust, or special funds for which the general
9 assembly has established an operating budget, provided doing so
10 does not exceed the operating budget established by the general
11 assembly.

12 Sec. 13. FEDERAL FUNDS APPROPRIATED. For the fiscal year
13 beginning July 1, 2011, all federal grants to and the federal
14 receipts of the agencies affected by this division of this Act
15 which are received and may be expended for purposes of this
16 division of this Act are appropriated for those purposes and as
17 set forth in the federal grants or receipts.

18 Sec. 14. STATE TROOPER MEAL ALLOWANCE. For the fiscal
19 year beginning July 1, 2011, the sworn peace officers in the
20 department of public safety who are not covered by a collective
21 bargaining agreement negotiated pursuant to chapter 20 shall
22 receive the same per diem meal allowance as the sworn peace
23 officers in the department of public safety who are covered
24 by a collective bargaining agreement negotiated pursuant to
25 chapter 20.

26 Sec. 15. SALARY MODEL ADMINISTRATOR. The salary model
27 administrator shall work in conjunction with the legislative
28 services agency to maintain the state's salary model used for
29 analyzing, comparing, and projecting state employee salary
30 and benefit information, including information relating to
31 employees of the state board of regents. The department of
32 revenue, the department of administrative services, the five
33 institutions under the jurisdiction of the state board of
34 regents, the judicial district departments of correctional
35 services, and the state department of transportation shall

1 provide salary data to the department of management and the
2 legislative services agency to operate the state's salary
3 model. The format and frequency of provision of the salary
4 data shall be determined by the department of management and
5 the legislative services agency. The information shall be
6 used in collective bargaining processes under chapter 20 and
7 in calculating the funding needs contained within the annual
8 salary adjustment legislation. A state employee organization
9 as defined in section 20.3, subsection 4, may request
10 information produced by the model, but the information provided
11 shall not contain information attributable to individual
12 employees.

13 DIVISION IV

14 CORRECTIVE PROVISIONS

15 Sec. 16. Section 8.6, subsection 9A, as enacted by 2011 Iowa
16 Acts, House File 45, section 39, is amended to read as follows:

17 9A. *Budget and tax rate databases.* To develop and make
18 available to the public a searchable budget database and
19 internet site as required under chapter 8G, ~~division~~ subchapter
20 I, and to develop and make available to the public a searchable
21 tax rate database and internet site as required under chapter
22 8G, ~~division~~ subchapter II.

23 Sec. 17. Section 8.57E, subsection 3, paragraph a, as
24 enacted by 2011 Iowa Acts, Senate File 209, section 30, is
25 amended to read as follows:

26 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund may be
27 used for cash flow purposes during a fiscal year provided that
28 any moneys so allocated are returned to the fund by the end of
29 that fiscal year.

30 Sec. 18. Section 8G.13, as enacted by 2011 Iowa Acts, House
31 File 45, section 50, is amended to read as follows:

32 **8G.13 Updating database.**

33 To facilitate the department of management's efforts in
34 creating and maintaining a searchable database of the taxes
35 identified in section 8G.12, subsection 3 1, for all taxing

1 jurisdictions in the state, each taxing jurisdiction may
2 annually be required to report its tax rates to the department
3 of management or the department of revenue and shall report any
4 changes to its tax rates within thirty days of the change.

5 Sec. 19. Section 16.193, subsection 3, paragraph a, Code
6 2011, as amended by 2011 Iowa Acts, Senate File 475, section
7 11, is amended to read as follows:

8 a. During the term of the Iowa jobs program and Iowa jobs
9 II program, the Iowa finance authority shall collect data on
10 all of the projects approved for the ~~program~~ programs. The
11 department of management and the state agencies associated
12 with the projects shall assist the authority with the data
13 collection and in developing the report required by this
14 subsection. The authority shall report quarterly to the
15 governor and the general assembly concerning the data.

16 Sec. 20. Section 68A.401, subsection 4, Code 2011, as
17 amended by 2011 Iowa Acts, Senate File 475, section 17, is
18 amended to read as follows:

19 4. Political committees expressly advocating the
20 nomination, election, or defeat of candidates for both
21 federal office and any elected office created by law or the
22 Constitution of the State of Iowa shall file statements and
23 reports with the board in addition to any federal reports
24 required to be filed with the board. However, a political
25 committee that is registered and filing full disclosure
26 reports of all financial activities with the federal election
27 commission may file verified statements as provided in section
28 ~~68B.201A~~ 68A.201A.

29 Sec. 21. Section 139A.19, subsection 3, as enacted by 2011
30 Iowa Acts, House File 467, section 20, is amended to read as
31 follows:

32 3. This section does not preclude a hospital, clinic, other
33 health facility, or a health care provider from providing
34 notification to a care provider under circumstances in
35 which the hospital's, clinic's, other health facility's, or

1 health care provider's policy provides for notification of
2 the hospital's, ~~clinics~~ clinic's, other health facility's,
3 or health care provider's own employees of exposure to a
4 contagious or infectious disease that is not life-threatening
5 if the notice does not reveal a patient's name, unless the
6 patient consents.

7 Sec. 22. Section 175.3, subsection 1, paragraph a, Code
8 2011, as amended by 2011 Iowa Acts, Senate File 429, section 1,
9 is amended to read as follows:

10 a. The agricultural development authority is established
11 within the department of agriculture and land stewardship. The
12 agency authority is constituted as a public instrumentality
13 and agency of the state exercising public and essential
14 governmental functions.

15 Sec. 23. Section 207.22, subsection 3, paragraph b, Code
16 2011, as amended by 2011 Iowa Acts, Senate File 475, section
17 47, is amended to read as follows:

18 b. Acquisition of coal refuse disposal sites and all
19 coal refuse thereon will serve the purposes of ~~Tit. IV of~~
20 Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25,
21 subch. IV, or that public ownership is desirable to meet
22 emergency situations and prevent recurrences of the adverse
23 effect of past coal mining practices.

24 Sec. 24. Section 232.71D, subsection 3, paragraph a,
25 unnumbered paragraph 1, as enacted by 2011 Iowa Acts, House
26 File 562, section 3, is amended to read as follows:

27 Unless any of the circumstances listed in paragraph "b" are
28 applicable, cases to which any of the following circumstances
29 apply shall not be placed ~~on~~ in the central registry:

30 Sec. 25. Section 256.7, subsection 26, paragraph a,
31 subparagraph (1), as enacted by 2011 Iowa Acts, Senate File
32 453, section 1, is amended to read as follows:

33 (1) The rules establishing high school graduation
34 requirements shall authorize a school district or
35 accredited nonpublic school to consider that any student who

1 satisfactorily completes a high school-level unit of English
2 or language arts, mathematics, science, or social studies has
3 satisfactorily completed a unit of the high school graduation
4 requirements for that area as specified in this lettered
5 paragraph, and ~~to~~ shall authorize the school district or
6 accredited nonpublic school to issue high school credit for the
7 unit to the student.

8 Sec. 26. Section 327B.5, Code 2011, is amended to read as
9 follows:

10 **327B.5 Penalty.**

11 Any person violating the provisions of this chapter shall,
12 upon conviction, be subject to a scheduled fine as provided in
13 section 805.8A, subsection 13, ~~paragraphs~~ paragraph "f" and "~~g~~".

14 Sec. 27. Section 483A.24A, Code 2011, as amended by 2011
15 Iowa Acts, Senate File 194, section 10, is amended to read as
16 follows:

17 **483A.24A License refunds — military service.**

18 Notwithstanding any provision of this chapter to the
19 contrary, a service member deployed for military service, ~~both~~
20 as defined in section 29A.1, subsection 3, shall receive a
21 refund of that portion of any license fee paid by the service
22 member representing the service member's period of military
23 service.

24 Sec. 28. Section 501.101, subsection 01, as enacted by 2011
25 Iowa Acts, House File 348, section 7, is amended to read as
26 follows:

27 01. "*Alternative voting method*" means a method of voting
28 other than a written ballot, including voting by electronic,
29 telephonic, internet, or other means that reasonably ~~allow~~
30 allows members the opportunity to vote.

31 Sec. 29. Section 501A.703, subsection 5, paragraph d, Code
32 2011, as amended by 2011 Iowa Acts, House File 348, section 19,
33 is amended to read as follows:

34 *d.* If the ballot of the member is received by the
35 cooperative on or before the date of the regular members'

1 meeting or as otherwise prescribed for an alternative, voting
2 method, the ballot or alternative voting method shall be
3 accepted and counted as the vote of the absent member.

4 Sec. 30. Section 511.8, subsection 22, paragraph i,
5 unnumbered paragraph 1, as enacted by 2011 Iowa Acts, Senate
6 File 406, section 25, is amended to read as follows:

7 Securities held in the legal reserve of a life insurance
8 company or association pledged as collateral for financial
9 instruments used in highly effective hedging transactions as
10 defined in the national association of insurance commissioners'
11 ~~Statement~~ statement of ~~Statutory Accounting Principles No.~~
12 statutory accounting principles no. 86 shall continue to
13 be eligible for inclusion ~~on~~ in the legal reserve of the
14 life insurance company or association subject to all of the
15 following:

16 Sec. 31. Section 514J.109, subsection 3, paragraph f,
17 if enacted by 2011 Iowa Acts, House File 597, section 9, is
18 amended to read as follows:

19 *f.* The covered person or the covered person's authorized
20 representative has provided all the information and forms
21 required by the commissioner that are necessary to process an
22 external review request pursuant to this section.

23 Sec. 32. Section 521F.4, subsection 1, paragraph b, as
24 enacted by 2011 Iowa Acts, Senate File 406, section 44, is
25 amended to read as follows:

26 *b.* The filing of a risk-based capital report by a health
27 organization which indicates that the health organization has
28 total adjusted capital which is greater than or equal to its
29 company-action-level risk-based capital but less than the
30 product of its authorized-control-level risk-based capital and
31 three and triggers the trend test determined in accordance with
32 the trend test ~~calculations~~ calculation included in the health
33 risk-based capital instructions.

34 Sec. 33. Section 524.310, subsection 5, paragraph b, Code
35 2011, as amended by 2011 Iowa Acts, Senate File 475, section

1 120, is amended to read as follows:

2 *b.* A corporate or company name reserved, registered, or
3 protected as provided in section 489.109, 490.402, 490.403,
4 ~~490A.402~~, 504.402, or 504.403.

5 Sec. 34. Section 717.3, subsection 5, paragraph b, Code
6 2011, as enacted by 2011 Iowa Acts, Senate File 478, section 6,
7 is amended to read as follows:

8 *b.* That the department shall assume supervision of and
9 provide for the sustenance of the livestock ~~and~~ as provided in
10 section 717.4.

11 Sec. 35. Section 717.4, subsection 2, as enacted by 2011
12 Iowa Acts, Senate File 478, section 7, is amended to read as
13 follows:

14 2. The court ordered lien shall be for the benefit of the
15 department. The amount of the lien shall not be ~~not~~ more than
16 for expenses incurred in providing sustenance to the livestock
17 pursuant to section 717.3 and providing for the disposition of
18 the livestock pursuant to section 717.5.

19 Sec. 36. Section 717.4A, as enacted by 2011 Iowa Acts,
20 Senate File 478, section 8, is amended to read as follows:

21 **717.4A Livestock in immediate need of sustenance — livestock**
22 **remediation fund.**

23 The department may utilize the moneys deposited into the
24 livestock remediation fund pursuant to section 459.501 to pay
25 for any expenses associated with providing sustenance to or
26 the disposition of the livestock pursuant to a court order
27 entered pursuant to section 717.3 or 717.5. The department
28 shall utilize moneys from the fund only to the extent that
29 the department determines that expenses cannot be timely
30 paid by utilizing the available provisions of sections 717.4
31 and 717.5. The department shall deposit any unexpended and
32 unobligated moneys in the fund. The department shall pay to
33 the fund the proceeds from the disposition of the livestock and
34 associated products less expenses incurred by the department in
35 providing for the sustenance and disposition of the livestock,

1 as provided in section 717.5.

2 DIVISION V

3 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

4 Sec. 37. VISION SCREENING PROGRAM — DEPARTMENT OF PUBLIC
5 HEALTH. There is appropriated from the general fund of the
6 state to the department of public health for the fiscal year
7 beginning July 1, 2011, and ending June 30, 2012, the following
8 amount, or so much thereof as is necessary, to be used for the
9 purposes designated:

10 For a grant to a national affiliated volunteer eye
11 organization that has an established program for children and
12 adults and that is solely dedicated to preserving sight and
13 preventing blindness through education, nationally certified
14 vision screening and training, and community and patient
15 service programs:

16 \$ 100,000

17 Sec. 38. APPROPRIATION — FARMERS WITH DISABILITIES. There
18 is appropriated from the general fund of the state to the
19 department of agriculture and land stewardship for the fiscal
20 year beginning July 1, 2011, and ending June 30, 2012, the
21 following amount, or so much thereof as is necessary, for a
22 program for farmers with disabilities:

23 \$ 97,000

24 The moneys appropriated in this section shall be used
25 for the public purpose of providing a grant to a national
26 nonprofit organization with over 80 years of experience in
27 assisting children and adults with disabilities and special
28 needs. The moneys shall be used to support a nationally
29 recognized program that began in 1986 and has been replicated
30 in at least 30 other states, but which is not available through
31 any other entity in this state, and that provides assistance
32 to farmers with disabilities in all 99 counties to allow the
33 farmers to remain in their own homes and be gainfully engaged
34 in farming through provision of agricultural worksite and home
35 modification consultations, peer support services, services

1 to families, information and referral, and equipment loan
2 services. Notwithstanding section 8.33, moneys appropriated
3 in this section that remain unencumbered or unobligated at the
4 close of the fiscal year shall not revert but shall remain
5 available for expenditure for the purposes designated until the
6 close of the succeeding fiscal year.

7 Sec. 39. APPROPRIATION — BATTLESHIP IOWA, BB-61.

8 1. There is appropriated from the general fund of the state
9 to the department of cultural affairs for the fiscal year
10 beginning July 1, 2010, and ending June 30, 2011, the following
11 amount, or so much thereof as is necessary, to be credited to
12 the BB-61 fund created in 2010 Iowa Acts, chapter 1194:

13 \$ 3,000,000

14 2. If the department of the navy, pursuant to a process
15 outlined in a notice published in the federal register on
16 May 24, 2010, volume 75, number 99, awards possession or
17 conditionally awards possession of the battleship Iowa,
18 BB-61, to a nonprofit group that is eligible to receive the
19 battleship, the department of cultural affairs shall award a
20 grant to the nonprofit group in an amount equal to \$3 million
21 in addition to any moneys awarded as a grant from the BB-61
22 fund.

23 3. Notwithstanding section 8.33, moneys appropriated in
24 this section that remain unencumbered or unobligated at the
25 close of the fiscal year shall not revert but shall remain
26 available for expenditure for the purposes designated for
27 succeeding fiscal years.

28 Sec. 40. GROUP HOME GRANT. There is appropriated from the
29 general fund of the state to the Iowa finance authority for the
30 fiscal year beginning July 1, 2010, and ending June 30, 2011,
31 the following amount, or so much thereof as is necessary, to be
32 used for the purposes designated:

33 For a grant to a nonprofit organization providing
34 residential services for persons with an intellectual
35 disability at the intermediate care facility level and services

1 under the medical assistance program habilitation and brain
2 injury home and community-based services waivers, that is
3 located in and providing such services in a county with a
4 population between 90,000 and 95,000, according to the latest
5 certified federal census:

6 \$ 100,000

7 The grant under this section shall be used for purchase or
8 remodeling costs to develop a group home for not more than four
9 individuals with intellectual disabilities or brain injury.

10 Sec. 41. INVESTIGATIONS DIVISION OF DEPARTMENT OF
11 INSPECTIONS AND APPEALS — CONTINGENT FTE AUTHORIZATION. If
12 Senate File 313 or successor legislation providing for debt
13 setoff or other recovery activities for nonpayment of premiums
14 pursuant to section 249A.3, subsection 2, paragraph "a",
15 subparagraph (1), relating to a special income eligibility
16 group under the Medicaid program, or pursuant to section
17 249J.8, subsection 1, relating to the expansion population
18 eligibility group under the IowaCare program, is enacted by
19 the Eighty-fourth General Assembly, 2011 Session, in addition
20 to other full-time equivalent positions authorized for the
21 investigations division of the department of inspections and
22 appeals for the fiscal year beginning July 1, 2011, not more
23 than 2.00 FTEs are authorized, to the extent funded through
24 moneys available to the department of human services, to
25 be used to implement such provisions of Senate File 313 or
26 successor legislation.

27 Sec. 42. SPECIAL EDUCATION INSTRUCTIONAL PROGRAM. If a
28 school district that is participating on a contractual basis
29 in a special education instructional program operated by an
30 area education agency, in which the area education agency
31 employed teachers on behalf of the school district at the time
32 the department of management calculated the teacher salary
33 supplement cost per pupil under section 257.10, subsection
34 9, the professional development supplement cost per pupil
35 under section 257.10, subsection 10, the area education agency

1 teacher salary supplement cost per pupil under section 257.37A,
2 subsection 1, and the area education agency professional
3 development supplement cost per pupil under section 257.37A,
4 subsection 2, for the fiscal year beginning July 1, 2009,
5 terminates the contract for participation in the special
6 education instructional program, the area education agency
7 operating the program shall notify the department of management
8 of the contract termination by the following April 1. The
9 department of management shall recalculate the cost per
10 pupil amounts for the area education agency and the school
11 district for the fiscal year succeeding the notification
12 date for the teacher salary supplement cost per pupil under
13 section 257.10, subsection 9, the professional development
14 supplement cost per pupil under section 257.10, subsection
15 10, the area education agency teacher salary supplement cost
16 per pupil under section 257.37A, subsection 1, and the area
17 education agency professional development supplement cost
18 per pupil under section 257.37A, subsection 2, by estimating
19 the amount of the original allocations used in the cost per
20 pupil calculation that would have been allocated to the school
21 district rather than the area education agency had the special
22 education instructional program not existed, and the department
23 of management shall increase the annual supplement cost per
24 pupil for the school district and area education agency by the
25 appropriate allowable growth for the appropriate fiscal years.

26 Sec. 43. TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF
27 CHILDREN.

28 1. A task force on the prevention of sexual abuse of
29 children is established consisting of the following members:

30 a. Four members of the general assembly serving as ex
31 officio, nonvoting members, with not more than one member from
32 each chamber being from the same political party. The two
33 senators shall be appointed, one each, by the majority leader
34 of the senate and by the minority leader of the senate. The two
35 representatives shall be appointed, one each, by the speaker of

1 the house of representatives and by the minority leader of the
2 house of representatives.

3 b. The director of human services or the director's
4 designee.

5 c. The director of the department of education or the
6 director's designee.

7 d. The director of public health or the director's designee.

8 e. The state court administrator or the state court
9 administrator's designee.

10 f. A representative of the Iowa county attorneys
11 association, appointed by the president of that association.

12 g. A representative of the chief juvenile court officers,
13 appointed by the chief justice of the supreme court.

14 h. A representative of the Iowa state education
15 association, appointed by the president of that organization.

16 i. A representative of prevent child abuse Iowa, appointed
17 by the director of human services.

18 j. A representative of school administrators of Iowa,
19 appointed by the president of that organization.

20 k. A representative of the Iowa association of school
21 boards, appointed by the executive director of that
22 organization.

23 l. A representative of the Iowa psychological association,
24 appointed by the president of that association.

25 m. A representative of the Iowa coalition against sexual
26 assault, appointed by the executive director of that coalition.

27 n. A representative of prevent child abuse Iowa, appointed
28 by the executive director of that organization.

29 o. A child abuse expert employed by or under contract with
30 one of Iowa's nationally accredited child protection centers,
31 appointed by the director of the regional child protection
32 center located in Des Moines.

33 2. Members of the task force shall be individuals who are
34 actively involved in the fields of child abuse prevention. To
35 the extent possible, appointment of members shall reflect the

1 geographic diversity of the state. The voting members of the
2 task force shall serve without compensation and shall not be
3 reimbursed for their expenses.

4 3. The director of prevent child abuse Iowa, or the
5 director's designee, shall convene the organizational meeting
6 of the task force. The task force shall elect from among
7 its members a chairperson. Meetings shall be held at the
8 call of the chairperson or at the request of two or more task
9 force members. Six members shall constitute a quorum and the
10 affirmative vote of six members shall be necessary for any
11 action taken by the task force.

12 4. Prevent child abuse Iowa shall provide staff support to
13 the task force.

14 5. The task force shall consult with employees of the
15 department of human services, the Iowa coalition against sexual
16 assault, the department of public safety, the state board
17 of education, and any other state agency or department as
18 necessary to accomplish the task force's responsibilities under
19 this section.

20 6. The task force shall develop a model policy addressing
21 sexual abuse of children that may include but is not limited
22 to the following:

23 a. Age-appropriate curricula for students enrolled in
24 prekindergarten through grade five.

25 b. Training options for school personnel on child sexual
26 abuse.

27 c. Educational information for parents and guardians that
28 may be provided in a school handbook and may include the
29 warning signs of a child being abused, along with any needed
30 assistance, referral, or resource information.

31 d. Counseling options and resources available statewide for
32 students affected by sexual abuse.

33 e. Emotional and educational support services that may
34 be available for a child subject to abuse to continue to be
35 successful in school.

1 f. Methods for increasing teacher, student, and parent
2 awareness of issues regarding sexual abuse of children,
3 including but not limited to knowledge of likely warning signs
4 indicating that a child may be a victim of sexual abuse.

5 g. Actions that a child who is a victim of sexual abuse
6 should take to obtain assistance and intervention.

7 7. The task force shall make recommendations for preventing
8 the sexual abuse of children in Iowa. In making those
9 recommendations, the task force shall do the following:

10 a. Gather information concerning child sexual abuse
11 throughout the state.

12 b. Receive reports and testimony from individuals, state
13 and local agencies, community-based organizations, and other
14 public and private organizations.

15 c. Create goals for state policy that would prevent child
16 sexual abuse.

17 d. Submit a final report with its recommendations to the
18 governor and the general assembly on or before January 16,
19 2012. The recommendations may include proposals for specific
20 statutory changes and methods to foster cooperation among state
21 agencies and between the state, local school districts, and
22 other local governments.

23 Sec. 44. RAILROAD COMPANY — LIMITED LIABILITY. A railroad
24 company which alters facilities described in section 327F.2
25 pursuant to a written agreement executed on or before December
26 31, 2012, with a political subdivision with a population of
27 more than 67,800, but less than 67,900, according to the 2010
28 certified federal census, to construct a flood mitigation
29 project shall receive the limitation on liability contained
30 in section 670.4, subsection 8, for its facilities described
31 in section 327F.2 governed by the written agreement for any
32 damages caused by the alteration due to a flood.

33 Sec. 45. STATE AGENCY OFFICE SUPPLIES PURCHASE,
34 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND MARKETING
35 — APPLICABILITY. The limitation on expenditures made for

1 office supplies, purchases of equipment, office equipment, and
2 equipment noninventory, printing and binding, and marketing
3 implemented pursuant to 2011 Iowa Acts, House File 45, section
4 2, does not apply to a department or agency receiving a
5 supplemental appropriation for the fiscal year beginning July
6 1, 2010, pursuant to 2011 Iowa Acts, Senate File 209, division
7 III.

8 Sec. 46. ELECTIONS RELATED SOFTWARE.

9 1. Any computer software developed by a county for purposes
10 of election activities is the property of the county unless the
11 county sells the rights to the software.

12 2. The secretary of state shall not purchase from a
13 political subdivision any rights to computer software
14 developed by the political subdivision for purposes of election
15 activities.

16 Sec. 47. EFFECTIVE DATE — 2011 IOWA ACTS, SENATE FILE 205.

17 1. 2011 Iowa Acts, Senate File 205, section 3, amending
18 section 321.47, subsection 2, being deemed of immediate
19 importance, takes effect on the effective date of this section
20 of this division of this Act.

21 2. 2011 Iowa Acts, Senate File 205, section 4, enacting
22 section 321.113, subsection 5, being deemed of immediate
23 importance, takes effect on the effective date of this section
24 of this division of this Act.

25 3. 2011 Iowa Acts, Senate File 205, section 5, amending
26 section 321.121, subsection 1, paragraph "b", being deemed of
27 immediate importance, takes effect on the effective date of
28 this section of this division of this Act.

29 4. 2011 Iowa Acts, Senate File 205, section 6, enacting
30 section 321.122, subsection 1, paragraph "b", subparagraph
31 (3), being deemed of immediate importance, takes effect on the
32 effective date of this section of this division of this Act.

33 Sec. 48. Section 279.51, subsection 2, Code 2011, is amended
34 to read as follows:

35 2. a. Funds allocated under subsection 1, paragraph "b",

1 shall be used by the child development coordinating council for
2 the following:

3 ~~a-~~ (1) To continue funding for programs previously
4 funded by grants awarded under section 256A.3 and to provide
5 additional grants under section 256A.3. The council shall seek
6 to provide grants on the basis of the location within the state
7 of children meeting at-risk definitions.

8 ~~b-~~ (2) At the discretion of the child development
9 coordinating council, award grants for the following:

10 ~~(1)~~ (a) To school districts to establish programs for
11 three-year-old, four-year-old, and five-year-old at-risk
12 children which are a combination of preschool and full-day
13 kindergarten.

14 ~~(2)~~ (b) To provide grants to provide educational support
15 services to parents of at-risk children age birth through three
16 years.

17 b. A grantee under this subsection may direct the use of
18 moneys received to serve any qualifying child ranging in age
19 from three years old to five years old, regardless of the age
20 of population indicated on the grant request in its initial
21 year of application. A grantee is encouraged to consider the
22 degree to which the program complements existing programs and
23 services for three-year-old, four-year-old, and five-year-old
24 at-risk children available in the area, including other child
25 care and preschool services, services provided through a school
26 district, and services available through an area education
27 agency.

28 Sec. 49. Section 303.19A, subsection 1, as enacted by 2011
29 Iowa Acts, House File 267, section 2, is amended to read as
30 follows:

31 1. The state historic preservation officer shall only
32 recommend that a rural electric cooperative or a municipal
33 utility constructing electric distribution and transmission
34 facilities for which it is receiving federal funding conduct
35 an archeological site survey of its proposed route when, based

1 upon a review of existing information on historic properties
2 within the area of potential effects of the construction, the
3 state historic preservation officer has determined that a
4 historic property, as defined by the federal National Historic
5 Preservation Act of 1966, as amended, is likely to exist within
6 the proposed route.

7 Sec. 50. Section 321J.2, subsection 4, paragraph b, Code
8 2011, is amended to read as follows:

9 b. Assessment of a minimum fine of one thousand eight
10 hundred ~~fifty~~ seventy-five dollars and a maximum fine of six
11 thousand two hundred fifty dollars. Surcharges and fees shall
12 be assessed pursuant to chapter 911.

13 Sec. 51. Section 466B.31, subsection 2, paragraph a, Code
14 2011, is amended by adding the following new subparagraph:

15 NEW SUBPARAGRAPH. (17) One member selected by the
16 agribusiness association of Iowa.

17 Sec. 52. Section 537A.5, subsection 1, as enacted by 2011
18 Iowa Acts, Senate File 396, section 1, is amended to read as
19 follows:

20 1. As used in this section, "*construction contract*"
21 means an agreement relating to the construction, alteration,
22 improvement, development, demolition, excavation,
23 rehabilitation, maintenance, or repair of buildings, ~~highways,~~
24 ~~roads, streets, bridges, tunnels, transportation facilities,~~
25 ~~airports,~~ water or sewage treatment plants, power plants,
26 or any other improvements to real property in this state,
27 including shafts, wells, and structures, whether on ground,
28 above ground, or underground, and includes agreements for
29 architectural services, design services, engineering services,
30 construction services, construction management services,
31 development services, maintenance services, material purchases,
32 equipment rental, and labor. "*Construction contract*" includes
33 all public, private, foreign, or domestic agreements as
34 described in this subsection other than such public agreements
35 relating to highways, roads, and streets.

1 Sec. 53. Section 654.4B, subsection 2, paragraph b, Code
2 2011, is amended to read as follows:

3 b. This subsection is repealed July 1, ~~2011~~ 2012.

4 Sec. 54. EFFECTIVE UPON ENACTMENT. The following provision
5 or provisions of this division of this Act, being deemed of
6 immediate importance, take effect upon enactment:

7 1. The section of this division of this Act amending section
8 303.19A.

9 2. The section of this division of this Act amending section
10 654.4B.

11 3. The section of this division of this Act appropriating
12 moneys to the department of cultural affairs for purposes of a
13 grant for the battleship Iowa, BB-61.

14 4. The section of this division of this Act creating a task
15 force on the prevention of sexual abuse of children.

16 5. The section of this division of this Act providing
17 effective dates for certain provisions in 2011 Iowa Acts,
18 Senate File 205.

19 6. The section in this division of this Act making an
20 appropriation to the Iowa finance authority for a group home
21 grant.

22 7. The section of this division of this Act relating to
23 a school district participating on a contractual basis in a
24 special education instructional program operated by an area
25 education agency.

26 Sec. 55. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
27 APPLICABILITY. The provision of this division of this Act
28 relating to a limitation on state agency office supplies
29 purchase, equipment purchases, printing and binding, and
30 marketing as enacted by 2011 Iowa Acts, House File 45, being
31 deemed of immediate importance, takes effect upon enactment and
32 applies retroactively to March 7, 2011.

33 DIVISION VI

34 REORGANIZATION

35 Sec. 56. NEW SECTION. 8.75 Contract services — training.

1 1. Each department, as defined in section 8.2, shall
2 separately track the budget and actual expenditures for
3 contract services and for employee training for each
4 appropriation line item.

5 2. The terms of the contracts for contracted services
6 entered into or revised during the fiscal year shall
7 incorporate quality assurance and cost control measures.

8 3. The employee training tracking information shall be
9 further divided into training categories. Each department's
10 report on training tracking shall specifically address the use
11 of electronically based training.

12 4. Each department shall report to the legislative services
13 agency on January 15 and July 15 of each year concerning
14 the budget, expenditure, quality assurance, and cost control
15 information addressed by this section for the previous six
16 calendar months.

17 Sec. 57. NEW SECTION. **8A.319 State government purchasing**
18 **efforts — department of administrative services.**

19 In order to facilitate efficient and cost-effective
20 purchasing, the department of administrative services shall do
21 the following:

22 1. Require state agencies to provide the department with
23 a report regarding planned purchases on an annual basis and
24 to report on an annual basis regarding efforts to standardize
25 products and services within their own agencies and with other
26 state agencies.

27 2. Require state employees who conduct bids for services to
28 receive training on an annual basis about procurement rules and
29 procedures and procurement best practices.

30 3. Identify procurement compliance employees within the
31 department.

32 4. Review the process and basis for establishing
33 departmental fees for purchasing.

34 5. Establish a work group to collaborate on best practices
35 to implement the best cost savings for the state concerning

1 purchasing.

2 6. Explore interstate and intergovernmental purchasing
3 opportunities and encourage the legislative and judicial
4 branches to participate in consolidated purchasing and
5 efficiencies wherever possible.

6 7. Expand the use of procurement cards throughout state
7 government to facilitate purchasing of items by state agencies.

8 Sec. 58. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
9 TECHNOLOGY — UTILIZATION BY LEGISLATIVE AND JUDICIAL
10 BRANCH. The department of administrative services shall
11 consult with and explore opportunities with the legislative
12 and judicial branches of government relative to the providing
13 of information technology services to those branches of
14 government.

15 Sec. 59. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State
16 agencies, as defined in section 8A.101, should, to the greatest
17 extent possible, utilize electronic mail or similar electronic
18 means to notify holders of licenses or permits issued by that
19 state agency that the license or permit needs to be renewed.
20 The chief information officer of the state shall assist state
21 agencies in implementing the directive in this section.

22 Sec. 60. STATE AGENCY EFFICIENCY EFFORTS.

23 1. LEAN EFFORTS. State agencies shall budget for and plan
24 to conduct lean projects as described in section 8.70. Each
25 state agency shall coordinate its activities with the office of
26 lean enterprise created in section 8.70 in developing plans to
27 conduct lean projects.

28 2. SHARED RESOURCES. State agencies are encouraged to
29 share resources and services, including staff, training, and
30 educational services, to the greatest extent possible in order
31 to best fulfill the duties of each agency at the least cost.

32 Sec. 61. JOINT APPROPRIATIONS SUBCOMMITTEES — REVIEW OF
33 AGENCY FEES. Each joint appropriations subcommittee of the
34 general assembly shall examine and review on an annual basis
35 the fees charged by state agencies under the purview of that

1 joint appropriations subcommittee.

2 Sec. 62. DEPARTMENT OF ADMINISTRATIVE SERVICES —
3 STREAMLINED HIRING. The department of administrative services
4 shall, in consultation with the department of management,
5 examine the process by which state agencies hire personnel
6 with the goal of simplifying and reducing the steps needed
7 for state agencies to hire personnel. The department shall
8 provide information to the general assembly concerning steps
9 taken to implement a more streamlined hiring process and any
10 recommendations for legislative action.

11 Sec. 63. TOBACCO RETAIL COMPLIANCE CHECKS. For the
12 fiscal year beginning July 1, 2011, and ending June 30, 2012,
13 the terms of a chapter 28D agreement, entered into between
14 the division of tobacco use prevention and control of the
15 department of public health and the alcoholic beverages
16 division of the department of commerce, governing compliance
17 checks conducted to ensure licensed retail tobacco outlet
18 conformity with tobacco laws, regulations, and ordinances
19 relating to persons under eighteen years of age, shall restrict
20 the number of such checks to one check per retail outlet, and
21 one additional check for any retail outlet found to be in
22 violation during the first check.

23 Sec. 64. DEPARTMENT OF ADMINISTRATIVE SERVICES —
24 CENTRALIZED PAYROLL SYSTEM. The department of administrative
25 services shall examine the possibility of merging all state
26 payroll systems into the centralized payroll system operated
27 by the department. The department shall consult with those
28 entities of state government not utilizing the centralized
29 payroll system, including but not limited to the state
30 department of transportation, about strategies for encouraging
31 utilization of the state's centralized payroll system and by
32 identifying those barriers preventing merging of the payroll
33 systems. The department shall provide information to the joint
34 appropriations subcommittee on administration and regulation
35 concerning efforts by the department to merge payroll systems

1 and any recommendations for legislative action to encourage, or
2 eliminate barriers to, the provision of payroll services by the
3 department to other state agencies.

4 Sec. 65. DEPARTMENT OF ADMINISTRATIVE SERVICES — PAYROLL
5 FREQUENCY. The department of administrative services shall
6 implement to the greatest extent possible a reduction in the
7 frequency of paying state employees by paying employees through
8 the payroll system on a semimonthly instead of a biweekly
9 basis.

10 DIVISION VII

11 MEDICATION THERAPY MANAGEMENT

12 Sec. 66. NEW SECTION. **8A.440 Medication therapy management.**

13 1. As used in this section, unless the context otherwise
14 requires:

15 a. *“Eligible employee”* means an employee of the state, with
16 the exception of an employee of the state board of regents or
17 institutions under the state board of regents, for whom group
18 health plans are established pursuant to chapter 509A providing
19 for third-party payment or prepayment for health or medical
20 expenses.

21 b. *“Medication therapy management”* means a systematic
22 process performed by a licensed pharmacist, designed to
23 optimize therapeutic outcomes through improved medication use
24 and reduced risk of adverse drug events, including all of the
25 following services:

26 (1) A medication therapy review and in-person consultation
27 relating to all medications, vitamins, and herbal supplements
28 currently being taken by an eligible individual.

29 (2) A medication action plan, subject to the limitations
30 specified in this section, communicated to the individual and
31 the individual’s primary care physician or other appropriate
32 prescriber to address safety issues, inconsistencies,
33 duplicative therapy, omissions, and medication costs. The
34 medication action plan may include recommendations to the
35 prescriber for changes in drug therapy.

1 (3) Documentation and follow-up to ensure consistent levels
2 of pharmacy services and positive outcomes.

3 2. *a.* The department shall amend the contract for the
4 provision of medication therapy management services as
5 initially required pursuant to 2010 Iowa Acts, chapter 1193,
6 section 166, to provide for the continuation of medication
7 therapy management services for eligible employees who meet any
8 of the following criteria:

9 (1) An individual who takes four or more prescription drugs
10 to treat or prevent two or more chronic medical conditions.

11 (2) An individual with a prescription drug therapy problem
12 who is identified by the prescribing physician or other
13 appropriate prescriber, and referred to a pharmacist for
14 medication therapy management services.

15 (3) An individual who meets other criteria established by
16 the third-party payment provider contract, policy, or plan.

17 *b.* The contract shall require the entity to provide annual
18 reports to the general assembly detailing the costs, savings,
19 estimated cost avoidance and return on investment, and patient
20 outcomes related to the medication therapy management services
21 provided. The entity shall guarantee demonstrated annual
22 savings, including any savings associated with cost avoidance
23 at least equal to the program's costs with any shortfall amount
24 refunded to the state. The contract shall include terms,
25 conditions, and applicable measurement standards associated
26 with the demonstration of savings. The department shall verify
27 the demonstrated savings reported by the entity was achieved
28 in accordance with the agreed upon measurement standards. The
29 entity shall be prohibited from using the entity's employees to
30 provide the medication therapy management services and shall
31 instead be required to contract with licensed pharmacies,
32 pharmacists, or physicians.

33 *c.* The department may establish an advisory committee
34 comprised of an equal number of physicians and pharmacists
35 to provide advice and oversight in evaluating the results of

1 the program. The department shall appoint the members of the
2 advisory committee based upon designees of the Iowa pharmacy
3 association, the Iowa medical society, and the Iowa osteopathic
4 medical association.

5 *d.* The fees for pharmacist-delivered medication therapy
6 management services shall be separate from the reimbursement
7 for prescription drug product or dispensing services; shall
8 be determined by each third-party payment provider contract,
9 policy, or plan; and must be reasonable based on the resources
10 and time required to provide the service.

11 *e.* A fee shall be established for physician reimbursement
12 for services delivered for medication therapy management as
13 determined by each third-party payment provider contract,
14 policy, or plan, and must be reasonable based on the resources
15 and time required to provide the service.

16 *f.* If any part of the medication therapy management
17 plan developed by a pharmacist incorporates services which
18 are outside the pharmacist's independent scope of practice
19 including the initiation of therapy, modification of dosages,
20 therapeutic interchange, or changes in drug therapy, the
21 express authorization of the individual's physician or other
22 appropriate prescriber is required.

23 *g.* The department shall utilize the services of the college
24 of pharmacy at a state university to validate reported drug
25 cost savings.

26 Sec. 67. APPROPRIATION — DEPARTMENT OF ADMINISTRATIVE
27 SERVICES. There is appropriated from the general fund of the
28 state to the department of administrative services for the
29 fiscal year beginning July 1, 2011, and ending June 30, 2012,
30 the following amount or so much thereof as is necessary, to be
31 used for the purpose specified:

32 For the medication therapy management program as enacted in
33 this Act:

34 \$ 481,000

35 Sec. 68. REPEAL. 2010 Iowa Acts, chapter 1193, section 166,

1 is repealed.

2 Sec. 69. EFFECTIVE UPON ENACTMENT. This division of this
3 Act, being deemed of immediate importance, takes effect upon
4 enactment.

5 DIVISION VIII

6 EARNED INCOME TAX CREDIT

7 Sec. 70. Section 422.12B, subsection 1, Code 2011, is
8 amended to read as follows:

9 1. The taxes imposed under this division less the credits
10 allowed under section 422.12 shall be reduced by an earned
11 income credit equal to ~~seven~~ ten percent of the federal earned
12 income credit provided in section 32 of the Internal Revenue
13 Code. Any credit in excess of the tax liability is refundable.

14 Sec. 71. RETROACTIVE APPLICABILITY. This division of this
15 Act applies retroactively to January 1, 2011, for tax years
16 beginning on or after that date.

17 DIVISION IX

18 ALLOWABLE GROWTH

19 Sec. 72. Section 257.8, subsections 1 and 2, Code 2011, are
20 amended to read as follows:

21 1. *State percent of growth.* ~~The state percent of growth~~
22 ~~for the budget year beginning July 1, 2009, is four percent.~~
23 The state percent of growth for the budget year beginning July
24 1, 2010, is two percent. The state percent of growth for the
25 budget year beginning July 1, 2011, is two percent. The state
26 percent of growth for each subsequent budget year shall be
27 established by statute which shall be enacted within thirty
28 days of the submission in the year preceding the base year of
29 the governor's budget under section 8.21. ~~The~~ Except for the
30 budget year beginning July 1, 2011, the establishment of the
31 state percent of growth for a budget year shall be the only
32 subject matter of the bill which enacts the state percent of
33 growth for a budget year.

34 2. *Categorical state percent of growth.* The categorical
35 state percent of growth for the budget year beginning July 1,

1 2010, is two percent. The categorical state percent of growth
2 for the budget year beginning July 1, 2011, is two percent.
3 The categorical state percent of growth for each budget year
4 shall be established by statute which shall be enacted within
5 thirty days of the submission in the year preceding the base
6 year of the governor's budget under section 8.21. The Except
7 for the budget year beginning July 1, 2011, the establishment
8 of the categorical state percent of growth for a budget year
9 shall be the only subject matter of the bill which enacts the
10 categorical state percent of growth for a budget year. The
11 categorical state percent of growth may include state percents
12 of growth for the teacher salary supplement, the professional
13 development supplement, and the early intervention supplement.
14 Sec. 73. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
15 division of this Act, being deemed of immediate importance,
16 takes effect upon enactment and is applicable for computing
17 state aid under the state school foundation program for the
18 school budget year beginning July 1, 2011.

19 EXPLANATION

20 This bill relates to state and local finances by providing
21 for funding of property tax credits and reimbursements, by
22 making, increasing, and reducing appropriations, providing
23 for salaries and compensation of state employees, providing
24 for matters relating to tax credits, providing for fees and
25 penalties, and providing for properly related matters. The
26 bill is organized by divisions.

27 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY 2012-2013.
28 Code section 331.439, subsection 3, provides that county mental
29 health, mental retardation, and developmental disabilities
30 (MH/MR/DD) service expenditures for a fiscal year are limited
31 to a fixed budget amount and that the fixed amount is subject
32 to an allowed growth factor adjustment. The allowed growth
33 factor adjustment is to be set by statute for the fiscal year
34 which commences two years from the beginning date of the fiscal
35 year in progress at the time the statute is enacted. The

1 mental health and disability services commission is required
2 to make a recommendation of the adjustment amount to the
3 governor annually in November and the governor is required
4 to submit a recommendation for the amount to the general
5 assembly at the time the governor's budget is submitted. This
6 division provides that for the allowed growth adjustment factor
7 legislation for FY 2012-2013, the governor must submit a
8 recommendation on or before January 9, 2012, and the statute
9 providing the allowed growth factor adjustment is to be enacted
10 within 30 calendar days of the date the 2011 session of the
11 general assembly convenes.

12 STANDING APPROPRIATIONS AND RELATED MATTERS. For the budget
13 process applicable to FY 2012-2013, state agencies are required
14 to submit estimates and other expenditure information as called
15 for by the director of the department of management instead of
16 the information required under Code section 8.23.

17 This division limits standing appropriations for FY
18 2011-2012 made for the following purposes: performance of
19 duty by the executive council, casino wagering tax proceeds
20 allocated for department of cultural affairs operational
21 support grants and community cultural grants and for regional
22 tourism marketing; the center for congenital and inherited
23 disorders; primary and secondary child abuse prevention
24 programs; programs for at-risk children; payment for nonpublic
25 school transportation; reimbursement for the homestead property
26 tax credit and for the family farm and agricultural land tax
27 credits; and the enforcement of Code chapter 452D relating to
28 tobacco product manufacturers.

29 The standing appropriation in Code section 257.20 of an
30 amount necessary to pay instructional support state aid, as
31 determined under that Code provision, is replaced with a zero
32 appropriation for FY 2011-2012.

33 Code section 256.30, relating to educational expenses for
34 American Indian children, is amended. Current law requires the
35 department of education to provide moneys to pay the expense

1 of educating American Indian children residing in the Sac and
2 Fox Indian settlement on land held in trust by the secretary of
3 the interior of the United States in excess of federal moneys
4 paid to the tribal council for educating the American Indian
5 children when moneys are appropriated for that purpose. The
6 division makes a standing appropriation of \$100,000 from the
7 general fund of the state to pay the expenses.

8 Code section 257.35 is amended to reduce area education
9 agencies' budgets for fiscal year 2011-2012 by \$10 million.

10 SALARIES, COMPENSATION, AND RELATED MATTERS. This division
11 relates to the funding for the fiscal year beginning July 1,
12 2011, of salary increases for appointed nonelected officers,
13 employees subject to collective bargaining agreements, certain
14 noncontract employees, and board of regents employees.

15 The division prohibits bonus pay for employees of the
16 executive branch except for employees of the state board of
17 regents, the judicial branch, and the legislative branch,
18 unless the bonus pay is otherwise authorized by law, required
19 pursuant to an employment contract entered into before July
20 1, 2011, or required pursuant to a collective bargaining
21 agreement.

22 A supplemental authorization is provided to fund salaries
23 from trust, revolving, and special funds for which the general
24 assembly has established a budget.

25 The division appropriates all federal grants to and the
26 federal receipts of the agencies affected by this division
27 which are received and are expended for purposes of this
28 division.

29 The division requires sworn peace officers in the department
30 of public safety who are not covered by a collective bargaining
31 agreement to receive the same per diem meal allowance as
32 the sworn peace officers covered by a collective bargaining
33 agreement.

34 The salary model administrator is required to work in
35 conjunction with the department of management and the

1 legislative services agency to analyze, compare, and project
2 state salary and benefit information.

3 CORRECTIVE PROVISIONS. Code section 8.6(9A), as enacted
4 by 2011 Iowa Acts, House File 45, section 39, is amended to
5 correct references to the subchapters rather than the divisions
6 of new Code chapter 8G, as created in that Act.

7 Code section 8.57E(3)(a), as enacted by 2011 Iowa Acts,
8 Senate File 209, section 30, is amended to correctly refer to
9 the taxpayers trust fund as created in that Act.

10 Code section 8G.13, as enacted by 2011 Iowa Acts, House File
11 45, section 50, is amended to correct an internal reference to
12 the Act's provision requiring the availability on the internet
13 of a searchable database of all tax rates for each taxing
14 jurisdiction in the state.

15 Code section 16.193(3)(a), as amended by 2011 Iowa Acts,
16 Senate File 475, section 11, is amended to use the plural form
17 of the word "program" with regard to two Iowa jobs programs
18 referenced earlier in the sentence.

19 Code section 68A.401(4), as amended by 2011 Iowa Acts,
20 Senate File 475, section 17, is amended to correct a reference
21 to Code section 68A.201A relating to political committee
22 disclosure reports.

23 Code section 139A.19(3), as enacted by 2011 Iowa Acts, House
24 File 467, section 20, is amended to correct the punctuation
25 in the word "clinics" by adding an apostrophe in this disease
26 exposure notification provision.

27 Code section 175.3(1)(a), as amended by 2011 Iowa Acts,
28 Senate File 429, section 1, is amended to correct a reference
29 to the agricultural development authority in a provision
30 relating to the authority's status as a public instrumentality.

31 Code section 207.22(3)(b), as amended by 2011 Iowa Acts,
32 Senate File 475, section 47, is amended to strike a redundant
33 reference to "Title IV" of Pub. L. No. 95-87, in this rewritten
34 federal Act reference.

35 Code section 232.71D(3)(a)(u1), as enacted by 2011 Iowa

1 Acts, House File 562, section 3, is amended to insert the
2 correct preposition in the phrase "in the central registry"
3 when referring to the central registry for child abuse
4 information.

5 Code section 256.7(26)(a)(1), as enacted by 2011 Iowa Acts,
6 Senate File 453, section 1, is amended to substitute a helping
7 verb for a preposition in order to correct the grammar in this
8 provision relating to high school graduation requirements.

9 Code section 327B.5, relating to the penalty for violation
10 of motor carrier registration requirements, is amended by
11 correcting a reference to scheduled fines in Code section
12 805.8A, in order to conform with changes made by 2011 Iowa
13 Acts, Senate File 205, section 29.

14 Code section 483A.24A, as amended by 2011 Iowa Acts, Senate
15 File 194, section 10, is amended to strike a reference to
16 "both" definitions, since the amended Code section now only
17 refers to one definition in this provision relating to military
18 service members' refunds of certain fishing and hunting license
19 fees.

20 Code section 501.101(01), as enacted by 2011 Iowa Acts,
21 House File 348, section 7, is amended to correct the form of
22 the verb to match the singular subject of the sentence in this
23 provision relating to alternative voting methods for closed
24 cooperatives.

25 Code section 501A.703(5)(d), Code 2011, as amended by 2011
26 Iowa Acts, House File 348, section 19, is amended to delete an
27 unnecessary comma in this provision relating to alternative
28 voting methods for cooperative associations.

29 Code section 511.8(22)(i)(ul), as enacted by 2011 Iowa Acts,
30 Senate File 406, section 25, is amended to use the correct
31 preposition in a provision relating to life insurance company
32 legal reserves.

33 Code section 514J.109(3)(f), if enacted by 2011 Iowa Acts,
34 House File 597, section 9, is amended to correct a reference to
35 a health care coverage external review request in a provision

1 relating to the contents of such a request.

2 Code section 521F.4(1)(b), as enacted by 2011 Iowa Acts,
3 Senate File 406, section 44, is amended to correctly refer to
4 a single trend test calculation in a provision relating to a
5 health organization's risk-based capital report.

6 Code section 524.310(5)(b), as amended by 2011 Iowa Acts,
7 Senate File 475, section 120, is amended to strike a reference
8 to a Code section repealed on December 31, 2010, and to insert
9 the correct reference to the new Code provision in Code chapter
10 489 relating to limited liability companies.

11 Code section 717.3(5)(b), as enacted by 2011 Iowa
12 Acts, Senate File 478, section 6, is amended to strike
13 the conjunction "and" in a phrase where only a preposition
14 is required, in a provision relating to the sustenance of
15 livestock.

16 Code section 717.4(2), as enacted by 2011 Iowa Acts, Senate
17 File 478, section 7, is amended to add the preposition "for" in
18 a phrase relating to the expenses of providing sustenance to
19 livestock, to match similar phrases in Code section 717.5, as
20 amended in the same Act.

21 Code section 717.4A, as enacted by 2011 Iowa Acts, Senate
22 File 478, section 8, is amended to add the preposition "to"
23 in a phrase relating to the payment of proceeds from the
24 disposition of livestock to the livestock remediation fund.

25 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS. The division
26 appropriates moneys to the department of public health for FY
27 2011-2012 for a vision screening program.

28 The division appropriates moneys to the department of
29 agriculture and land stewardship for FY 2011-2012 for purposes
30 of a program for farmers with disabilities.

31 The division appropriates moneys to the department
32 of cultural affairs for FY 2010-2011 for purposes of the
33 battleship Iowa, BB-61. These provisions take effect upon
34 enactment.

35 An appropriation for FY 2010-2011 is provided to the Iowa

1 finance authority for a grant to a nonprofit organization
2 to be used for development of a group home for persons with
3 intellectual disabilities or brain injury.

4 The division authorizes not more than two additional
5 full-time equivalent positions (FTEs) for the investigations
6 division of the department of inspections and appeals for
7 FY 2011-2012 if Senate File 313 or successor legislation is
8 enacted providing for debt setoff or other recovery activities
9 for nonpayment of premiums pursuant to Code section 249A.3,
10 subsection 2, paragraph "a", subparagraph (1), (relating to a
11 special income eligibility group under the Medicaid program)
12 or pursuant to Code section 249J.8, subsection 1, (relating to
13 the expansion population eligibility group under the IowaCare
14 program). The additional FTEs are limited to the extent funded
15 through the department of human services.

16 The division provides a method for recalculating cost
17 per pupil amounts for an area education agency and a school
18 district when a school district participating on a contractual
19 basis in a special education instructional program operated
20 by an area education agency terminates the contract. The
21 provision takes effect upon enactment.

22 The division establishes a task force on the prevention of
23 sexual abuse of children in Iowa. The task force shall develop
24 a model policy addressing sexual abuse of children. The task
25 force shall make recommendations for reducing child sexual
26 abuse in Iowa and in making those recommendations shall gather
27 information concerning child sexual abuse throughout the state;
28 receive reports and testimony from individuals, state and local
29 agencies, community-based organizations, and other public and
30 private organizations; create goals for state policy that would
31 prevent child sexual abuse; and submit a final report with its
32 recommendations to the governor and the general assembly on
33 or before January 16, 2012. The provisions take effect upon
34 enactment.

35 The division provides that a railroad company which alters

1 facilities pursuant to a written agreement with a political
2 subdivision with a population or more than 67,800, but less
3 than 67,900, according to the 2010 certified federal census,
4 to construct a flood mitigation project, shall receive
5 certain limitations on liability for any damages caused by the
6 alteration due to a flood.

7 The division makes inapplicable the limitation on
8 expenditures made for office supplies, purchases of equipment,
9 office equipment, and equipment noninventory, printing and
10 binding, and marketing implemented pursuant to 2011 Iowa
11 Acts, House File 45, for FY 2010-2011 to a department or
12 agency receiving a supplemental appropriation for FY 2010-2011
13 pursuant to 2011 Iowa Acts, Senate File 209. This provision
14 takes effect upon enactment and is retroactively applicable to
15 the effective date of House File 45 of March 7, 2011.

16 The division provides that any computer software developed
17 by a county for purposes of election activities is the property
18 of the county unless the county sells the rights to the
19 software. The division prohibits the secretary of state from
20 purchasing from a political subdivision any rights to computer
21 software developed by the political subdivision for purposes
22 of election activities.

23 The division provides that certain sections of 2011 Iowa
24 Acts, Senate File 205, take effect upon enactment of this bill,
25 rather than on July 1, 2011. The affected provisions require
26 the department of transportation to waive the certificate
27 of title fee and surcharge when ownership of a vehicle is
28 transferred from a decedent to the surviving spouse who is
29 entitled to ownership of the vehicle under the laws of descent
30 or the terms of the decedent's will. The affected provisions
31 also provide that, for purposes of calculating the annual
32 registration fee of a such a motor vehicle, the term "owner"
33 includes a surviving spouse.

34 The division expands the manner in which grant moneys
35 received from the child development coordinating council for

1 programs for at-risk children may be used.

2 The division provides that the state historic preservation
3 officer shall only recommend that a municipal utility
4 constructing electric distribution and transmission facilities
5 for which it is receiving federal funding conduct an
6 archeological site survey of its proposed route when, based
7 upon a review of existing information on historic properties
8 within the area of potential effects of the construction, the
9 state historic preservation officer has determined that a
10 historic property is likely to exist within the proposed route.
11 This provision takes effect upon enactment.

12 The amendment to Code section 321J.2, subsection 4,
13 paragraph b, makes a correction to a criminal penalty provision
14 relating to the court's assessment of a mandatory minimum fine
15 in a second offense operating-while-intoxicated case to reflect
16 previous law in effect through November 30, 2010. Senate File
17 431 (2010 Iowa Acts) reorganized criminal penalty, sentencing,
18 and related license revocation provisions in Code section
19 321J.2.

20 The division adds one member selected by the agribusiness
21 association of Iowa to the watershed planning advisory council.

22 The division amends 2011 Iowa Acts, Senate File 396, section
23 1, by eliminating from the definition of the term "construction
24 contract", as it relates to certain indemnity agreements for
25 construction contracts, agreements related to the construction,
26 alteration, improvement, development, demolition, excavation,
27 rehabilitation, maintenance, or repair of highways, roads,
28 streets, bridges, tunnels, transportation facilities, and
29 airports.

30 The division extends the repeal date from July 1, 2011,
31 to July 1, 2012, for certain notice requirements related to
32 acceleration of mortgage indebtedness. The provision takes
33 effect upon enactment.

34 REORGANIZATION. This division requires each department
35 to separately track the budget and actual expenditures

1 for contract services and for employee training for each
2 appropriation line item.

3 The division requires the department of administrative
4 services to facilitate efficient and cost-effective purchasing
5 for state government by conducting certain activities.

6 The division requires the department of administrative
7 services to consult with the legislative and judicial branches
8 and explore opportunities for providing information technology
9 services to those branches.

10 The division encourages state agencies to utilize electronic
11 mail or similar electronic means for license or permit
12 notification purposes.

13 The division requires state agencies to budget for and
14 plan to conduct lean projects. The division encourages state
15 agencies to share resources and services.

16 The division requires each joint appropriations subcommittee
17 of the general assembly to annually examine and review the fees
18 charged by state agencies.

19 The division requires the department of administrative
20 services, in consultation with the department of management,
21 to examine the state personnel hiring process with the goal of
22 simplifying and reducing the steps needed for state agencies
23 to hire personnel.

24 The division includes requirements for compliance checks of
25 licensed retail tobacco outlets.

26 The division requires the department of administrative
27 services to examine the possibility of merging all state
28 payroll systems into the centralized payroll system.

29 The division requires the department of administrative
30 services to implement to the greatest extent possible a payroll
31 system paying state employees on a semimonthly basis.

32 MEDICATION THERAPY MANAGEMENT. This division codifies the
33 pilot program for medication therapy management implemented
34 on July 1, 2010, for eligible state employees, making the
35 program an ongoing program and directing the department of

1 administrative services to amend the existing contract to
2 continue the program beyond the original pilot program repeal
3 date of December 31, 2011. The division appropriates funds to
4 the department of administrative services for the purpose of
5 the program. The division takes effect upon enactment.

6 EARNED INCOME TAX CREDIT. This division increases the
7 amount of the state earned income tax credit. Currently, the
8 credit is equal to 7 percent of the amount of a taxpayer's
9 federal earned income tax credit. The division increases the
10 amount of the credit to 10 percent.

11 The division applies retroactively to January 1, 2011, for
12 tax years beginning on or after that date.

13 ALLOWABLE GROWTH. This division establishes a state percent
14 growth of 2 percent for purposes of the state school foundation
15 program for the school budget year beginning July 1, 2011. The
16 division establishes a categorical state percent of growth
17 of 2 percent for purposes of the state school foundation
18 program for the school budget year beginning July 1, 2011. The
19 categorical state percent of growth includes the teacher salary
20 supplement, the professional development supplement, and the
21 early intervention supplement. The division takes effect upon
22 enactment and is applicable for computing state aid under the
23 state school foundation program for the school budget year
24 beginning July 1, 2011.