

**House File 2459 - Introduced**

HOUSE FILE 2459

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 656)

**A BILL FOR**

1 An Act relating to state and local finances by making  
2 appropriations, providing for legal responsibilities, and  
3 providing for other properly related matters.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. 2015 Iowa Acts, chapter 138, section 3, is amended by adding the following new subsection:

NEW SUBSECTION. 4. For the peace officers' retirement, accident, and disability system retirement fund under section 97A.11A:

..... \$ 2,500,000

Sec. 2. 2015 Iowa Acts, chapter 138, is amended by adding the following new section:

NEW SECTION. SEC. 5A. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2016, and ending June 30, 2017, are reduced by the following amount:

..... \$ 5,850,000

2. The budgeted amounts for the general assembly and legislative agencies for the fiscal year beginning July 1, 2016, may be adjusted to reflect the unexpended budgeted amounts from the previous fiscal year.

3. Annual membership dues for organizations, associations, and conferences shall not be paid from moneys appropriated pursuant to section 2.12.

4. Costs for out-of-state travel and per diems for out-of-state travel shall not be paid from moneys appropriated pursuant to section 2.12.

Sec. 3. 2015 Iowa Acts, chapter 138, is amended by adding the following new section:

NEW SECTION. SEC. 7A. Section 257.35, Code 2016, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2016, and ending June

1 30, 2017, shall be reduced by the department of management by  
2 twenty million dollars. The reduction for each area education  
3 agency shall be prorated based on the reduction that the agency  
4 received in the fiscal year beginning July 1, 2003.

5 Sec. 4. Section 2.48, subsection 3, Code 2016, is amended by  
6 adding the following new paragraph:

7 NEW PARAGRAPH. *Of.* In 2016:

8 (1) The homestead tax credit under chapter 425.

9 (2) The elderly and disabled property tax credit under  
10 chapter 425.

11 (3) The agricultural land tax credit under chapter 426.

12 (4) The military service tax credit under chapter 426A.

13 (5) The business property tax credit under chapter 426C.

14 (6) The commercial and industrial property tax replacement  
15 claims under section 441.21A.

16 Sec. 5. Section 230.8, Code 2016, is amended to read as  
17 follows:

18 **230.8 Transfers of persons with mental illness — expenses.**

19 The transfer to any state hospitals or to the places of their  
20 residence of persons with mental illness who have no residence  
21 in this state or whose residence is unknown and deemed to be a  
22 state case, shall be made according to the directions of the  
23 administrator, and when practicable by employees of the state  
24 hospitals. The actual and necessary expenses of such transfers  
25 shall be paid by the department on itemized vouchers sworn to  
26 by the claimants and approved by the administrator, ~~and the~~  
27 ~~amount of the expenses is appropriated to the department from~~  
28 ~~any funds in the state treasury not otherwise appropriated.~~

29 Sec. 6. Section 820.24, Code 2016, is amended to read as  
30 follows:

31 **820.24 Expenses — how paid.**

32 When the punishment of the crime shall be the confinement of  
33 the criminal in the penitentiary, the expenses shall be paid  
34 ~~out of the state treasury, on the certificate of the governor~~  
35 ~~and warrant of the director of the department of administrative~~

1 services by the department of corrections; and in all other  
2 cases they shall be paid out of the county treasury in the  
3 county wherein the crime is alleged to have been committed.  
4 The expenses shall be the fees paid to the officers of the  
5 state on whose governor the requisition is made, and all  
6 necessary and actual traveling expenses incurred in returning  
7 the prisoner.

8 DIVISION II

9 MISCELLANEOUS PROVISIONS

10 Sec. 7. WATER QUALITY — IOWA FINANCE AUTHORITY. There is  
11 appropriated from the general fund of the state to the Iowa  
12 finance authority for the fiscal year beginning July 1, 2016,  
13 and ending June 30, 2017, the following amount, or so much  
14 thereof as is necessary, to be used for the purpose designated:

15 For deposit in the water quality financial assistance fund  
16 created in section 16.134A, if enacted by 2016 Iowa Acts, House  
17 File 2451:

18 ..... \$ 2,000,000

19 Sec. 8. SALARY MODEL ADMINISTRATOR. The salary model  
20 administrator shall work in conjunction with the legislative  
21 services agency to maintain the state's salary model used for  
22 analyzing, comparing, and projecting state employee salary  
23 and benefit information, including information relating to  
24 employees of the state board of regents. The department of  
25 revenue, the department of administrative services, the five  
26 institutions under the jurisdiction of the state board of  
27 regents, the judicial district departments of correctional  
28 services, and the state department of transportation shall  
29 provide salary data to the department of management and the  
30 legislative services agency to operate the state's salary  
31 model. The format and frequency of provision of the salary  
32 data shall be determined by the department of management and  
33 the legislative services agency. The information shall be  
34 used in collective bargaining processes under chapter 20 and  
35 in calculating the funding needs contained within the annual

1 salary adjustment legislation. A state employee organization  
2 as defined in section 20.3, subsection 4, may request  
3 information produced by the model, but the information provided  
4 shall not contain information attributable to individual  
5 employees.

6 Sec. 9. Section 24.32, Code 2016, is amended to read as  
7 follows:

8 **24.32 Decision certified.**

9 After a hearing upon the appeal, the state board shall  
10 certify its decision to the county auditor and to the parties  
11 to the appeal as provided by rule, and the decision shall  
12 be final. The county auditor shall make up the records in  
13 accordance with the decision and the levying board shall make  
14 its levy in accordance with the decision. Upon receipt of  
15 the decision, the certifying board shall correct its records  
16 accordingly, if necessary. Final disposition of all appeals  
17 shall be made by the state board ~~on or before April 30 of~~  
18 each year within forty-five days after the date of the appeal  
19 hearing.

20 Sec. 10. Section 418.12, subsection 5, Code 2016, is amended  
21 to read as follows:

22 5. If the department of revenue determines that the  
23 revenue accruing to the fund or accounts within the fund  
24 exceeds thirty million dollars for a fiscal year or exceeds  
25 the amount necessary for the purposes of **this chapter** if the  
26 amount necessary is less than thirty million dollars for a  
27 fiscal year, then those excess moneys shall be credited by the  
28 department of revenue for deposit in the general fund of the  
29 state.

30 Sec. 11. Section 669.11, Code 2016, is amended to read as  
31 follows:

32 **669.11 Payment of award.**

33 1. Any Except as provided in subsection 2, an award to  
34 a claimant under **this chapter**, and any judgment in favor of  
35 any claimant under **this chapter**, shall be paid promptly out

1 of appropriations which have been made for such purpose, if  
2 any; but any such amount or part thereof which cannot be paid  
3 promptly from such appropriations shall be paid promptly out  
4 of any money in the state treasury not otherwise appropriated.  
5 Payment shall be made only upon receipt of a written release by  
6 the claimant in a form approved by the attorney general.

7 2. An award under this chapter, and any judgment in favor  
8 of any claimant under this chapter, for a claim relating  
9 to conduct or actions of an employee of the hospital and  
10 medical clinics at the university of Iowa, shall be paid by  
11 the hospital and medical clinics at the university of Iowa.  
12 Payment shall be made only upon receipt of a written release by  
13 the claimant in a form approved by the attorney general.

14 DIVISION III

15 CORRECTIVE PROVISIONS

16 Sec. 12. Section 229.13, subsection 7, paragraph a,  
17 subparagraph (1), if enacted by 2016 Iowa Acts, Senate File  
18 2259, section 1, is amended to read as follows:

19 (1) The respondent's mental health professional acting  
20 within the scope of the mental health professional's practice  
21 shall notify the committing court, with preference given to the  
22 committing judge, if available, in the appropriate county ~~who~~  
23 and the court shall enter a written order directing that the  
24 respondent be taken into immediate custody by the appropriate  
25 sheriff or sheriff's deputy. The appropriate sheriff or  
26 sheriff's deputy shall exercise all due diligence in taking  
27 the respondent into protective custody to a hospital or other  
28 suitable facility.

29 Sec. 13. Section 272.25, subsection 3, Code 2016, as amended  
30 by 2016 Iowa Acts, Senate File 2196, section 3, is amended to  
31 read as follows:

32 3. A requirement that the program include instruction  
33 in skills and strategies to be used in classroom management  
34 of individuals, and of small and large groups, under varying  
35 conditions; skills for communicating and working constructively

1 with pupils, teachers, administrators, and parents; preparation  
2 in reading theory, knowledge, strategies, and approaches, and  
3 for integrating literacy instruction ~~in~~ into content areas in  
4 accordance with section 256.16; and skills for understanding  
5 the role of the board of education and the functions of other  
6 education agencies in the state. The requirement shall be  
7 based upon recommendations of the department of education after  
8 consultation with teacher education faculty members in colleges  
9 and universities.

10 Sec. 14. Section 598C.102, subsection 8, paragraph b, if  
11 enacted by 2016 Iowa Acts, Senate File 2233, section 2, is  
12 amended to read as follows:

13 b. An individual who has custodial responsibility for a  
14 child under a law of this state other than this chapter.

15 Sec. 15. 2016 Iowa Acts, House File 2269, section 20,  
16 subsection 1, is amended to read as follows:

17 1. It is amended, rescinded, or supplemented by the  
18 affirmative action of the executive ~~council~~ committee of the  
19 Iowa beef cattle producers association created in section  
20 181.3, as amended in this Act.

21 Sec. 16. 2016 Iowa Acts, Senate File 378, section 2, is  
22 amended to read as follows:

23 SEC 2. REPEAL. Section 80.37, Code ~~2015~~ 2016, is repealed.

24 Sec. 17. 2016 Iowa Acts, Senate File 2185, section 2, if  
25 enacted, is amended by striking the section and inserting in  
26 lieu thereof the following:

27 SEC. 2. Section 709.21, subsection 3, Code 2016, is amended  
28 to read as follows:

29 3. A person who violates this section commits ~~a serious~~ an  
30 aggravated misdemeanor.

31

#### EXPLANATION

32 The inclusion of this explanation does not constitute agreement with  
33 the explanation's substance by the members of the general assembly.

34 This bill relates to state and local finances by making  
35 appropriations, providing for legal responsibilities, and

1 providing for other properly related matters. The bill is  
2 organized by divisions.

3 STANDING APPROPRIATIONS AND RELATED MATTERS. The bill  
4 limits a standing appropriation for the 2016-2017 fiscal  
5 year made for the peace officers' retirement, accident, and  
6 disability system retirement fund.

7 The bill reduces the standing unlimited appropriation for  
8 the 2016-2017 fiscal year made for the general assembly under  
9 Code section 2.12. The bill prohibits the use of moneys  
10 appropriated under Code section 2.12 from being used to pay  
11 annual membership dues for organizations, associations, and  
12 conferences or to pay for costs for out-of-state travel and per  
13 diems for out-of-state travel.

14 The bill reduces state aid for area education agencies and  
15 the portion of the combined district cost calculated for these  
16 agencies for the 2016-2017 fiscal year by \$20 million.

17 The bill adds five property tax-related tax credits and  
18 the commercial and industrial property tax replacement claims  
19 to the list of items to periodically be reviewed by the  
20 legislative tax expenditure committee beginning in the year  
21 2016.

22 The bill eliminates the standing appropriations for  
23 transfers of certain persons with mental illness and interstate  
24 extradition.

25 MISCELLANEOUS PROVISIONS. The bill appropriates moneys from  
26 the general fund of the state to the Iowa finance authority  
27 for deposit in the water quality financial assistance fund if  
28 enacted by 2016 Iowa Acts, House File 2451.

29 The bill requires the salaries model administrator to work  
30 in conjunction with the legislative services agency to maintain  
31 the state's salary model used for analyzing, comparing, and  
32 projecting state salary and benefit information.

33 Currently, the state appeal board is required to make a  
34 final disposition on all appeals on or before April 30 of each  
35 year. The bill provides that final disposition of appeals must



1 be made within 45 days after the date of the hearing on the  
2 appeal.

3 Currently, under the flood mitigation program, if the  
4 department of revenue determines that the revenue accruing  
5 to the flood mitigation fund is \$30 million or exceeds the  
6 amount necessary for the purposes of the program if the amount  
7 necessary is less than \$30 million, then those excess moneys  
8 are credited for deposit in the general fund of the state. The  
9 bill limits the accrual period for the \$30 million limit or an  
10 amount necessary less than \$30 million to a fiscal year.

11 The bill provides that a state tort claim judgment in favor  
12 of any claimant, for a claim relating to conduct or actions  
13 of an employee of the hospital and medical clinics at the  
14 university of Iowa, shall be paid by the hospital and medical  
15 clinics at the university of Iowa. Payment shall be made only  
16 upon receipt of a written release by the claimant in a form  
17 approved by the attorney general.

18 CORRECTIVE PROVISIONS. Code section 229.13, subsection  
19 7, paragraph "a", subparagraph (1), if enacted by 2016 Iowa  
20 Acts, Senate File 2259, section 1, is amended to grammatically  
21 correct a reference to the court which under the provision is  
22 required to order that a person be taken into immediate custody  
23 to receive mental health treatment.

24 Code section 272.25(3), Code 2016, as amended by 2016 Iowa  
25 Acts, Senate File 2196, section 3, is amended to substitute  
26 the preposition "into" for "in" to correspond to a current  
27 reference in Code section 256.16 relating to the integration of  
28 literacy instruction into content areas taught in practitioner  
29 preparation programs.

30 Iowa Code section 598C.102(8)(b), if enacted by 2016  
31 Iowa Acts, Senate File 2233, section 2, is amended to insert  
32 the indefinite article before the word "law" in a provision  
33 relating to child custody under a law of Iowa in the newly  
34 enacted "Uniform Deployed Parents Custody and Visitation  
35 Act". The amendment conforms the provision to numerous other

1 provisions in the Act.

2 2016 Iowa Acts, House File 2269, section 20, subsection 1, is  
3 amended to correct a reference to the new name of the executive  
4 committee of the Iowa beef cattle producers association,  
5 in this transition provision relating to the continued  
6 effectiveness of administrative rules and actions taken prior  
7 to the effective date of the Act.

8 2016 Iowa Acts, Senate File 378, section 2, which deals with  
9 the reimbursement of certain peace officer defense costs, is  
10 amended to update a reference to the most recent edition of the  
11 Iowa Code containing Code section 80.37, which the Act repeals.

12 2016 Iowa Acts, Senate File 2185, section 2, if enacted,  
13 which deals with the penalty for certain invasions of privacy,  
14 is amended to update a reference to the most recent edition of  
15 the Iowa Code containing Code section 709.21, which the Act  
16 amends.