

Senate Study Bill 1262 - Introduced

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

A BILL FOR

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

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DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY

2019-2020. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the amount appropriated from the general fund of the state pursuant to that section for the following designated purpose shall not exceed the following amount:

For payment of claims for nonpublic school transportation under section 285.2:
..... \$ 8,197,091

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

Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2019-2020. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2019, and ending June 30, 2020, for paying instructional support state aid under section 257.20 for such fiscal year is zero.

Sec. 3. Section 257.35, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. 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, 2019, and ending June 30, 2020, shall be reduced by the department of management by fifteen million dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

DIVISION II

MISCELLANEOUS APPROPRIATIONS

1 general assembly and to the governor concerning the exercise
2 of the ombudsman's functions during the preceding calendar
3 year. In discussing matters with which the ombudsman has been
4 concerned, the ombudsman shall not identify specific persons
5 if to do so would cause needless hardship. If the annual
6 report criticizes a named agency or official, it shall also
7 include unedited replies made by the agency or official to the
8 criticism, unless excused by the agency or official affected.

9 Sec. 8. Section 262.9, subsection 16, Code 2019, is amended
10 by striking the subsection and inserting in lieu thereof the
11 following:

12 16. Notwithstanding section 13.7, employ or retain
13 attorneys or counselors as necessary in the board's discretion
14 or in the discretion of the institutions governed by the board,
15 to carry out the duties of the board or its institutions. In
16 addition, the board or its institutions may be represented
17 in any court or tribunal by an attorney or counselor on the
18 board's staff or on the staff of an institution governed by the
19 board, by the office of the attorney general, or, if authorized
20 by the executive council, by other attorneys retained by the
21 board or by the institutions the board governs.

22 DIVISION IV

23 CORRECTIVE PROVISIONS

24 Sec. 9. Section 225C.51, subsection 1, paragraph a, if
25 enacted by 2019 Iowa Acts, House File 690, section 8, is
26 amended to read as follows:

27 a. The director of the department of human services or the
28 director's designee.

29 Sec. 10. Section 225C.51, subsection 3, if enacted by 2019
30 Iowa Acts, House File 690, section 8, is amended to read as
31 follows:

32 3. The director of the department of human services and the
33 director of the department of education, or their designees,
34 shall serve as co-chairpersons of the state board. Board
35 members shall not be entitled to a per diem as specified in

1 section 7E.6 and shall not be entitled to actual and necessary
2 expenses incurred while engaged in their official duties.

3 Sec. 11. Section 261H.3, subsections 1 and 2, as enacted by
4 2019 Iowa Acts, Senate File 274, section 3, are amended to read
5 as follows:

6 1. Noncommercial expressive activities protected under the
7 provisions of this chapter include but are not limited to any
8 lawful oral or written means by which members of the campus
9 community may communicate ideas to one another, including
10 but not limited to all forms of peaceful assembly, protests,
11 speeches including by invited speakers, distribution of
12 literature, circulating petitions, and publishing, including
13 publishing or streaming on an internet site, or audio or video
14 recorded in outdoor areas of campus.

15 2. A member of the campus community who wishes to engage in
16 noncommercial expressive activity in outdoor areas of campus
17 shall be permitted to do so freely, subject to reasonable
18 time, place, and manner restrictions, and as long as the
19 member's conduct is not unlawful, does not impede others'
20 access to a facility or use of walkways, and does not disrupt
21 the functioning of the public institution of higher education,
22 subject to the protections of subsection 1. The public
23 institution of higher education may designate other areas of
24 campus available for use by the campus community according to
25 institutional policy, but in all cases access to designated
26 areas of campus must be granted on a viewpoint-neutral basis
27 within the bounds of established principles of the first
28 amendment ~~principles~~ to the Constitution of the United States.

29 Sec. 12. Section 513D.2, subsection 2, Code 2019, as amended
30 by 2019 Iowa Acts, House File 679, section 185, if enacted, is
31 amended to read as follows:

32 2. The commissioner ~~or~~ of insurance may take any enforcement
33 action under the commissioner's authority to enforce compliance
34 with [this chapter](#).

35 Sec. 13. Section 515I.4A, subsection 1, paragraph c, as

1 enacted by 2019 Iowa Acts, Senate File 558, section 4, is
2 amended to read as follows:

3 *c.* The board of directors of the insurer has passed a
4 resolution seeking approval as a domestic surplus lines insurer
5 in this state and stating that the insurer shall only write
6 surplus ~~line~~ lines business. The resolution shall not be
7 amended without approval of the commissioner.

8 Sec. 14. Section 522E.13, subsection 6, Code 2019, as
9 amended by 2019 Iowa Acts, Senate File 559, section 6, is
10 amended to read as follows:

11 6. Whenever notice or correspondence with respect to a
12 policy of portable electronics insurance is required pursuant
13 to [this section](#), it shall be in writing and sent within the
14 notice period required pursuant to [this section](#). Notices
15 and correspondence shall be sent to the licensed portable
16 electronics vendor that is the policyholder at the portable
17 electronics vendor's mailing or electronic mail address
18 specified for that purpose and to its affected enrolled
19 consumers' last known mailing or electronic mail addresses on
20 file with the insurer or the portable electronics vendor. All
21 notices and documents that are delivered by electronic means
22 shall comply with section 505B.1, except for the provisions
23 in section 505B.1, subsection 4. The insurer or portable
24 electronics vendor shall maintain proof that the notice or
25 correspondence was sent for not less than three years after
26 that notice or correspondence was sent.

27 Sec. 15. Section 633.648, Code 2019, as amended by 2019
28 Iowa Acts, House File 610, section 34, if enacted, is amended
29 to read as follows:

30 **633.648 Appointment of attorney in compromise of personal**
31 **injury settlements.**

32 Notwithstanding the provisions of [section 633.642](#) prior to
33 authorizing a compromise of a claim for damages on account
34 of personal injuries to the ~~ward~~ protected person, the court
35 may order an independent investigation by an attorney other

1 than by the attorney for the conservator. The cost of such
2 investigation, including a reasonable attorney fee, shall be
3 taxed as part of the cost of the conservatorship.

4 Sec. 16. 2019 Iowa Acts, Senate File 333, section 104,
5 subsection 6, is amended to read as follows:

6 6. Sections 15E.206, subsection 3, paragraph "a";
7 15E.207, subsection 2, paragraph "b", subparagraph (2),
8 subparagraph division (c); 15E.208, subsection 5, paragraph
9 "g", subparagraphs (1) and (2); 15E.208, subsection 6,
10 paragraph "d", subparagraph (1), subparagraph division
11 (a); 135.61, unnumbered paragraph 1; 135.61, subsection
12 1, paragraph "d"; 135.61, subsection 4; 135.62, subsection
13 1; 135.62, subsection 2, paragraph "f", subparagraphs (2),
14 (4), and (5); 135.63, subsection 1; 135.63, subsection 2,
15 unnumbered paragraph 1; 135.63, subsection 2, paragraph "f";
16 135.63, subsection 2, paragraph "g", subparagraph (1); 135.63,
17 subsection 2, paragraph "h", subparagraph (1), unnumbered
18 paragraph 1; 135.63, subsection 2, paragraph "j"; 135.63,
19 subsection 2, paragraph "k", subparagraph (1), unnumbered
20 paragraph 1; 135.63, subsection 2, paragraph "l", unnumbered
21 paragraph 1; 135.63, subsection 2, paragraphs "m" and "n";
22 135.63, subsection 2, paragraph "p", unnumbered paragraph 1;
23 135.63, subsection 3; 135.64, subsection 3; 135.72, unnumbered
24 paragraph 1; 135.73, subsection 1; 135.73, subsection
25 2, unnumbered paragraph 1; 135.73, subsection 3; 135.74,
26 subsections 1 and 3; 135.75, subsection 2; 135.76, subsection
27 1; 135.100, unnumbered paragraph 1; 135.105A, subsection 5;
28 135.108, unnumbered paragraph 1; 135.140, unnumbered paragraph
29 1; 249K.2, subsection 6; 490.120, subsection 12, paragraph "c",
30 subparagraph (1); 490.140, subsection 29; 490.640, subsection
31 8; 490.809, subsection 2; 490.858, subsection 2; 490.1101,
32 unnumbered paragraph 1; 490.1105, subsection 3; 490.1107,
33 subsection 1, paragraph "h"; 490.1107, subsection 2; 490.1107,
34 subsection 4, paragraph "b"; 490.1108, subsection 1; 490.1114,
35 subsection 1; 490.1114, subsection 2, paragraph "g"; 490.1202,

1 subsection 7; 490.1301, unnumbered paragraph 1; 490.1320,
2 subsection 1; 490.1320, subsection 3, paragraphs "a" and "b";
3 490.1322, subsection 2, paragraph "c"; 490.1323, subsection
4 3; 490.1331, subsection 1; 490.1340, subsection 2, paragraph
5 "a", subparagraph (1); 490.1403, subsection 3; 490.1405,
6 subsection 2, paragraph "c"; 499.69A, subsection 6; 524.1309,
7 subsection 8; 524.1406, subsection 1; 524.1417, subsection 1;
8 and 524.1805, subsection 6, Code 2019, are amended by striking
9 the word "division" and inserting in lieu thereof the word
10 "subchapter".

11 DIVISION V

12 STATE BUDGET PROCESS

13 Sec. 17. Section 8.6, Code 2019, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 16. *Salary model administrator.* To
16 designate a position within the department to serve as the
17 salary model administrator.

18 *a.* The salary model administrator shall work in conjunction
19 with the legislative services agency to maintain the state's
20 salary model used for analyzing, comparing, and projecting
21 state employee salary and benefit information, including
22 information relating to employees of the state board of
23 regents.

24 *b.* The department of revenue, the department of
25 administrative services, the institutions governed by the state
26 board of regents pursuant to section 262.7, each judicial
27 district's department of correctional services, and the state
28 department of transportation shall provide salary data to the
29 department of management and the legislative services agency
30 to operate the state's salary model. The format and frequency
31 of provision of the salary data shall be determined by the
32 department of management and the legislative services agency.

33 *c.* The information shall be used in collective bargaining
34 processes under chapter 20 and in calculating the funding needs
35 contained within any annual salary adjustment legislation.

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

5 Sec. 18. Section 8.23, subsection 1, unnumbered paragraph
6 1, Code 2019, is amended to read as follows:

7 On or before October 1, prior to each legislative session,
8 all departments and establishments of the government shall
9 transmit to the director, on blanks to be furnished by the
10 director, estimates of their expenditure requirements,
11 including every proposed expenditure, for the ensuing fiscal
12 year, ~~classified so as to distinguish between expenditures~~
13 ~~estimated for administration, operation, and maintenance, and~~
14 ~~the cost of each project involving the purchase of land or the~~
15 ~~making of a public improvement or capital outlay of a permanent~~
16 ~~character,~~ together with supporting data and explanations
17 as called for by the director after consultation with the
18 legislative services agency.

19 Sec. 19. Section 8.23, subsection 1, paragraph a, Code 2019,
20 is amended to read as follows:

21 a. The estimates of expenditure requirements shall be
22 ~~based upon seventy-five percent of the funding provided for~~
23 ~~the current fiscal year accounted for by program reduced by~~
24 ~~the historical employee vacancy factor in a~~ form specified by
25 the director, and the remainder of the estimate of expenditure
26 requirements shall include all proposed expenditures and shall
27 be prioritized by program or the results to be achieved. The
28 estimates shall be accompanied with by performance measures
29 for evaluating the effectiveness of the program programs or
30 results.

31 Sec. 20. Section 602.1301, subsection 2, paragraph a,
32 unnumbered paragraph 1, Code 2019, is amended to read as
33 follows:

34 As early as possible, but not later than December 1, the
35 supreme court shall submit to the legislative services agency

1 the annual budget request and detailed supporting information
2 for the judicial branch. The submission shall be designed
3 to assist the legislative services agency in its preparation
4 for legislative consideration of the budget request. The
5 information submitted shall contain and be arranged in a format
6 substantially similar to the format specified by the director
7 of the department of management and used by all departments
8 and establishments in transmitting to the director estimates
9 of their expenditure requirements pursuant to [section 8.23](#),
10 ~~except the estimates of expenditure requirements shall be based~~
11 ~~upon one hundred percent of funding for the current fiscal~~
12 ~~year accounted for by program, and using the same line item~~
13 ~~definitions of expenditures as used for the current fiscal~~
14 ~~year's budget request, and the remainder of the estimate of~~
15 ~~expenditure requirements prioritized by program.~~ The supreme
16 court shall also make use of the department of management's
17 automated budget system when submitting information to the
18 director of the department of management to assist the director
19 in the transmittal of information as required under section
20 8.35A. The supreme court shall budget and track expenditures by
21 the following separate organization codes:

22 DIVISION VI

23 BLACKOUT SPECIAL REGISTRATION PLATES

24 Sec. 21. Section 321.34, Code 2019, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 11C. *Blackout plates.*

27 *a.* Upon application and payment of the proper fees,
28 the director may issue blackout plates to the owner of a
29 motor vehicle subject to registration under section 321.109,
30 subsection 1, autocycle, motor truck, motor home, multipurpose
31 vehicle, motorcycle, trailer, or travel trailer.

32 *b.* Blackout plates shall be designed by the department. A
33 blackout plate's background shall be black, and the plate's
34 letters and numbers shall be white.

35 *c.* The special blackout fee for letter-number designated

1 blackout plates is thirty-five dollars. An applicant may
2 obtain personalized blackout plates upon payment of the fee for
3 personalized plates as provided in subsection 5, which is in
4 addition to the special blackout fee. The fees collected by
5 the director under this subsection shall be paid monthly to
6 the treasurer of state and deposited in the road use tax fund.
7 The treasurer of state shall credit monthly from the statutory
8 allocations fund created under section 321.145, subsection 2,
9 to each county's county mental health and disabilities services
10 fund created pursuant to section 331.424A, the amount of the
11 special blackout fees collected in the previous month for the
12 blackout plates issued to vehicles registered in that county.

13 d. Upon receipt of the special registration plates, the
14 applicant shall surrender the current registration plates to
15 the county treasurer. The county treasurer shall validate
16 the special registration plates in the same manner as regular
17 registration plates are validated under this section. The
18 annual special blackout fee for letter-number designated plates
19 is ten dollars which shall be paid in addition to the regular
20 annual registration fee. The annual fee for personalized
21 blackout plates is five dollars which shall be paid in addition
22 to the annual special blackout fee and the regular annual
23 registration fee. The annual special blackout fee shall be
24 credited as provided under paragraph "c".

25 e. The department shall not condition the issuance of
26 blackout plates on the receipt of any number of orders for
27 blackout plates.

28 Sec. 22. Section 321.166, subsection 9, Code 2019, is
29 amended to read as follows:

30 9. Special registration plates issued pursuant to section
31 321.34, other than gold star, medal of honor, collegiate, fire
32 fighter, ~~and~~ natural resources, and blackout registration
33 plates, shall be consistent with the design and color of
34 regular registration plates but shall provide a space on a
35 portion of the plate for the purpose of allowing the placement

1 of a distinguishing processed emblem or an organization
2 decal. Special registration plates shall also comply with
3 the requirements for regular registration plates as provided
4 in [this section](#) to the extent the requirements are consistent
5 with the section authorizing a particular special vehicle
6 registration plate.

7 EXPLANATION

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

10 This bill relates to state and local finances by
11 making appropriations, providing for legal and regulatory
12 responsibilities, and providing for other properly related
13 matters.

14 STANDING APPROPRIATIONS AND RELATED MATTERS. The bill
15 limits standing appropriations for payment of claims for
16 nonpublic school transportation, instructional support state
17 aid, and state aid for area education agencies.

18 MISCELLANEOUS APPROPRIATIONS. The bill makes an
19 appropriation from the general fund to the flood mitigation
20 fund for FY 2018-2019 for projects located in any county that
21 has been declared a major disaster by the president of the
22 United States on or after March 12, 2019, and that is also a
23 county in which individuals are eligible for federal individual
24 assistance. This provision of the bill is effective upon
25 enactment.

26 MISCELLANEOUS PROVISIONS. The bill strikes a requirement
27 that the compensation of the chaplains, officers, and employees
28 of the general assembly shall be fixed by joint action of the
29 house and senate by resolution at the opening of each session,
30 or as soon thereafter as conveniently can be done.

31 The bill requires the ombudsman to submit a report to the
32 general assembly and to the governor concerning the exercise of
33 the ombudsman's functions during the preceding calendar year by
34 December 15 instead of April 1.

35 The bill provides that the state board of regents may employ

1 or retain attorneys or counselors as necessary in the board's
2 discretion or in the discretion of the institutions governed
3 by the board, to carry out the duties of the board or its
4 institutions. In addition, the board or its institutions
5 may be represented in any court or tribunal by an attorney
6 or counselor on the board's staff or on the staff of an
7 institution governed by the board, by the office of the
8 attorney general, or, if authorized by the executive council,
9 by other attorneys retained by the board or by the institutions
10 the board governs.

11 CORRECTIVE PROVISIONS. Code section 225C.51(1)(a), if
12 enacted by 2019 Iowa Acts, House File 690, section 8, is
13 amended to use the complete terminology of a defined term in
14 Code chapter 225C.

15 Code section 225C.51(3), if enacted by 2019 Iowa Acts, House
16 File 690, section 8, is amended to use the complete terminology
17 of a defined term in Code chapter 225C.

18 Code section 261H.3(1) and (2), as enacted by 2019 Iowa
19 Acts, Senate File 274, section 3, are amended to include an
20 erroneously omitted conjunction "or" and to correct a reference
21 to the Constitution of the United States to be consistent with
22 the reference throughout the Act.

23 Code section 513D.2(2), as amended by 2019 Iowa Acts, House
24 File 679, section 185, if enacted, is amended to correct a
25 reference to the "commissioner of insurance".

26 Code section 515I.4A(1)(c), as enacted by 2019 Iowa Acts,
27 Senate File 558, section 4, is amended to correct a reference
28 to the term "surplus lines business" to be consistent with the
29 usage of the term throughout the Act.

30 Code section 522E.13(6), as amended by 2019 Iowa Acts,
31 Senate File 559, section 6, is amended to include the complete
32 cross reference citation related to notices and documents that
33 are delivered by electronic means.

34 Code section 633.648, as amended by 2019 Iowa Acts, House
35 File 610, section 34, if enacted, is amended to correct a

1 reference to the term "protected person" to be consistent with
2 the usage of the term throughout the Act.

3 2019 Iowa Acts, Senate File 333, section 104, subsection 6,
4 the nonsubstantive Code editor's bill, is amended to correctly
5 identify a codified subunit included in the Code editor
6 directives of the Act.

7 STATE BUDGET PROCESS. The bill codifies provisions relating
8 to the salary model administrator that appeared annually in
9 previous standings appropriations bills, with one exception.
10 The provisions, in part, required the five institutions under
11 the jurisdiction of the state board of regents to provide
12 salary data to the department of management and the legislative
13 services agency to operate the state's salary model. The bill
14 instead requires such action by the institutions governed by
15 the state board of regents pursuant to Code section 262.7.
16 These institutions include the state university of Iowa
17 including the university of Iowa hospitals and clinics, the
18 Iowa state university of science and technology including the
19 agricultural experiment station, the university of northern
20 Iowa, the Iowa braille and sight saving school, the state
21 school for the deaf, the Oakdale campus, and the university
22 of Iowa hospitals and clinics' center for disabilities and
23 development.

24 The bill also codifies provisions relating to the state
25 budget process that appeared biennially and applied annually
26 in previous standings appropriations bills. The provisions
27 specify the contents of the estimates of expenditure
28 requirements required to be submitted by all departments and
29 establishments of the government, including the judicial
30 branch, each year to the director of the department of
31 management.

32 BLACKOUT SPECIAL REGISTRATION PLATES. The bill authorizes
33 the department of transportation (DOT) to issue blackout
34 special registration plates. The bill requires the plate's
35 background to be black and the plate's letters and numbers to

1 be white.

2 The bill provides that the special blackout fee for
3 letter-number designated blackout plates is \$35. An applicant
4 may obtain personalized blackout plates upon payment of the \$25
5 fee for personalized plates set forth under current law, which
6 is in addition to the special blackout fee. The bill requires
7 the fees collected by the DOT for the plates to be paid monthly
8 to the treasurer of state and deposited in the road use tax
9 fund. The treasurer of state must then credit monthly from
10 the statutory allocations fund to each county's county mental
11 health and disabilities services fund the amount of the special
12 blackout fees collected in the previous month for the blackout
13 plates issued to vehicles registered in that county.

14 Upon receipt of the special registration plates, the
15 applicant must surrender the current registration plates to
16 the county treasurer. The county treasurer must validate the
17 special registration plates in the same manner as regular
18 registration plates are validated. The annual special blackout
19 fee for letter-number designated plates is \$10, which is in
20 addition to the regular annual registration fee. The annual
21 fee for personalized blackout plates is \$5, which is in
22 addition to the annual special blackout fee and the regular
23 annual registration fee. The bill requires the annual special
24 blackout fee to be credited in the same way as the special
25 blackout fee.

26 The bill prohibits the DOT from conditioning the issuance
27 of blackout plates on the receipt of any number of orders for
28 blackout plates.