

Senate File 533 - Reprinted

SENATE FILE 533

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1210)

(As Amended and Passed by the Senate May 3, 2011)

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:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

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 the fiscal year beginning July 1, 2011, and ending
21 June 30, 2012, and for each succeeding fiscal year, there
22 is appropriated from the general fund of the state to the
23 department the sum of one hundred thousand dollars. The
24 department shall distribute the appropriation to the tribal
25 council of the Sac and Fox Indian settlement for expenses of
26 educating American Indian children residing in the Sac and Fox
27 Indian settlement on land held in trust by the secretary of
28 the interior of the United States in excess of federal moneys
29 paid to the tribal council for educating the American Indian
30 children when moneys are appropriated for that purpose. The
31 tribal council shall administer the moneys distributed pursuant
32 to this section and shall submit an annual report and other
33 reports as required by the department to the department on the
34 expenditure of the moneys.

35 Sec. 6. Section 257.35, Code 2011, is amended by adding the

1 following new subsection:

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

11 DIVISION III

12 SALARIES, COMPENSATION, AND RELATED MATTERS

13 Sec. 7. APPOINTED STATE OFFICERS.

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

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

34 3. A person whose salary is established pursuant to this
35 section and who is a full-time, year-round employee of the

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

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

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

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

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

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

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

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

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

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

35 9. The collective bargaining agreements negotiated

1 pursuant to chapter 20 for employees in the judicial branch of
2 government bargaining units.

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

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

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

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

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

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

22 Sec. 9. NONCONTRACT STATE EMPLOYEES — GENERAL.

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

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

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

33 2. This section does not apply to members of the general
34 assembly, board members, commission members, persons whose
35 salaries are set by the general assembly pursuant to this Act

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

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

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

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

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

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

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

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

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

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

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

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

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

12 DIVISION IV

13 CORRECTIVE PROVISIONS

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

16 9A. *Budget and tax rate databases.* To develop and make
17 available to the public a searchable budget database and
18 internet site as required under chapter 8G, ~~division~~ subchapter
19 I, and to develop and make available to the public a searchable
20 tax rate database and internet site as required under chapter
21 8G, ~~division~~ subchapter II.

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

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

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

31 **8G.13 Updating database.**

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

1 annually be required to report its tax rates to the department
2 of management or the department of revenue and shall report any
3 changes to its tax rates within thirty days of the change.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (1) The rules establishing high school graduation
33 requirements shall authorize a school district or
34 accredited nonpublic school to consider that any student who
35 satisfactorily completes a high school-level unit of English

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

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

9 **327B.5 Penalty.**

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

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

16 **483A.24A License refunds — military service.**

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

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

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

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

33 d. If the ballot of the member is received by the
34 cooperative on or before the date of the regular members'
35 meeting or as otherwise prescribed for an alternative, voting

1 method, the ballot or alternative voting method shall be
2 accepted and counted as the vote of the absent member.

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

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

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

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

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

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

33 Sec. 33. Section 524.310, subsection 5, paragraph b, Code
34 2011, as amended by 2011 Iowa Acts, Senate File 475, section
35 120, is amended to read as follows:

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

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

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

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

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

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

20 **717.4A Livestock in immediate need of sustenance — livestock**
21 **remediation fund.**

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

DIVISION V

MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

1
2
3 Sec. 37. VISION SCREENING PROGRAM — DEPARTMENT OF PUBLIC
4 HEALTH. There is appropriated from the general fund of the
5 state to the department of public health for the fiscal year
6 beginning July 1, 2011, and ending June 30, 2012, the following
7 amount, or so much thereof as is necessary, to be used for the
8 purposes designated:

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

15 \$ 100,000

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

22 \$ 97,000

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

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

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

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

12 \$ 3,000,000

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

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

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

32 For a grant to a nonprofit organization providing
33 residential services for persons with an intellectual
34 disability at the intermediate care facility level and services
35 under the medical assistance program habilitation and brain

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

5 \$ 100,000

6 The grant under this section shall be used for purchase or
7 remodeling costs to develop a group home for not more than four
8 individuals with intellectual disabilities or brain injury.
9 Notwithstanding section 8.33, moneys appropriated in this
10 section that remain unencumbered or unobligated at the close of
11 the fiscal year shall not revert but shall remain available for
12 expenditure for the purposes designated until the close of the
13 succeeding fiscal year.

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

31 Sec. 42. SPECIAL EDUCATION INSTRUCTIONAL PROGRAM. If a
32 school district that is participating on a contractual basis
33 in a special education instructional program operated by an
34 area education agency, in which the area education agency
35 employed teachers on behalf of the school district at the time

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

30 Sec. 43. TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF
31 CHILDREN.

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

34 a. Four members of the general assembly serving as ex
35 officio, nonvoting members, with not more than one member from

1 each chamber being from the same political party. The two
2 senators shall be appointed, one each, by the majority leader
3 of the senate and by the minority leader of the senate. The two
4 representatives shall be appointed, one each, by the speaker of
5 the house of representatives and by the minority leader of the
6 house of representatives.

7 b. The director of human services or the director's
8 designee.

9 c. The director of the department of education or the
10 director's designee.

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

12 e. The state court administrator or the state court
13 administrator's designee.

14 f. A representative of the Iowa county attorneys
15 association, appointed by the president of that association.

16 g. A representative of the chief juvenile court officers,
17 appointed by the chief justice of the supreme court.

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

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

22 j. A representative of school administrators of Iowa,
23 appointed by the president of that organization.

24 k. A representative of the Iowa association of school
25 boards, appointed by the executive director of that
26 organization.

27 l. A representative of the Iowa psychological association,
28 appointed by the president of that association.

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

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

33 o. A child abuse expert employed by or under contract with
34 one of Iowa's nationally accredited child protection centers,
35 appointed by the director of the regional child protection

1 center located in Des Moines.

2 2. Members of the task force shall be individuals who are
3 actively involved in the fields of child abuse prevention. To
4 the extent possible, appointment of members shall reflect the
5 geographic diversity of the state. The voting members of the
6 task force shall serve without compensation and shall not be
7 reimbursed for their expenses.

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

16 4. Prevent child abuse Iowa shall provide staff support to
17 the task force.

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

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

27 a. Age-appropriate curricula for students enrolled in
28 prekindergarten through grade five.

29 b. Training options for school personnel on child sexual
30 abuse.

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

35 d. Counseling options and resources available statewide for

1 students affected by sexual abuse.

2 e. Emotional and educational support services that may
3 be available for a child subject to abuse to continue to be
4 successful in school.

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

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

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

14 a. Gather information concerning child sexual abuse
15 throughout the state.

16 b. Receive reports and testimony from individuals, state
17 and local agencies, community-based organizations, and other
18 public and private organizations.

19 c. Create goals for state policy that would prevent child
20 sexual abuse.

21 d. Submit a final report with its recommendations to the
22 governor and the general assembly on or before January 16,
23 2012. The recommendations may include proposals for specific
24 statutory changes and methods to foster cooperation among state
25 agencies and between the state, local school districts, and
26 other local governments.

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

1 damages caused by the alteration due to a flood.

2 Sec. 45. STATE AGENCY OFFICE SUPPLIES PURCHASE,
3 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND MARKETING
4 — APPLICABILITY. The limitation on expenditures made for
5 office supplies, purchases of equipment, office equipment, and
6 equipment noninventory, printing and binding, and marketing
7 implemented pursuant to 2011 Iowa Acts, House File 45, section
8 2, does not apply to a department or agency receiving a
9 supplemental appropriation for the fiscal year beginning July
10 1, 2010, pursuant to 2011 Iowa Acts, Senate File 209, division
11 III.

12 Sec. 46. ELECTIONS RELATED SOFTWARE.

13 Any computer software developed by a county for purposes of
14 election activities is the property of the county unless the
15 county sells the rights to the software.

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 80B.6, subsection 1, as amended by 2011
34 Iowa Acts, Senate File 236, section 1, is amended to read as
35 follows:

1 1. An Iowa law enforcement academy council is created
2 consisting of the following ~~thirteen~~ fifteen voting members
3 appointed by the governor, subject to confirmation by the
4 senate, to terms of four years commencing as provided in
5 section 69.19:

6 a. Three residents of the state.

7 b. A sheriff of a county with a population of fifty thousand
8 persons or more who is a member of the Iowa state sheriffs and
9 deputies association.

10 c. A sheriff of a county with a population of less than
11 fifty thousand persons who is a member of the Iowa state
12 sheriffs and deputies association.

13 d. A deputy sheriff of a county who is a member of the Iowa
14 state sheriffs and deputies association.

15 e. A member of the Iowa peace officers association.

16 f. A member of the Iowa state police association.

17 g. A member of the Iowa police chiefs association.

18 h. A police officer who is a member of a police department
19 of a city with a population of fifty thousand persons or more.

20 i. A police officer who is a member of a police department
21 of a city with a population of less than fifty thousand
22 persons.

23 j. A member of the department of public safety.

24 k. A member of the office of motor vehicle enforcement of
25 the department of transportation.

26 l. An employee of a county conservation board who is a
27 certified peace officer.

28 m. A conservation peace officer employed under section
29 456A.13.

30 Sec. 49. Section 279.51, subsection 2, Code 2011, is amended
31 to read as follows:

32 2. a. Funds allocated under subsection 1, paragraph "b",
33 shall be used by the child development coordinating council for
34 the following:

35 ~~a-~~ (1) To continue funding for programs previously

1 funded by grants awarded under section 256A.3 and to provide
2 additional grants under section 256A.3. The council shall seek
3 to provide grants on the basis of the location within the state
4 of children meeting at-risk definitions.

5 ~~b.~~ (2) At the discretion of the child development
6 coordinating council, award grants for the following:

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

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

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

25 Sec. 50. Section 303.19A, subsection 1, as enacted by 2011
26 Iowa Acts, House File 267, section 2, is amended to read as
27 follows:

28 1. The state historic preservation officer shall only
29 recommend that a rural electric cooperative or a municipal
30 utility constructing electric distribution and transmission
31 facilities for which it is receiving federal funding conduct
32 an archeological site survey of its proposed route when, based
33 upon a review of existing information on historic properties
34 within the area of potential effects of the construction, the
35 state historic preservation officer has determined that a

1 historic property, as defined by the federal National Historic
2 Preservation Act of 1966, as amended, is likely to exist within
3 the proposed route.

4 Sec. 51. Section 321J.2, subsection 4, paragraph b, Code
5 2011, is amended to read as follows:

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

10 Sec. 52. Section 422.11S, subsection 7, paragraph a,
11 subparagraph (2), Code 2011, is amended to read as follows:

12 (2) *"Total approved tax credits"* means for the tax year
13 beginning in the 2006 calendar year, two million five hundred
14 thousand dollars, for the tax year beginning in the 2007
15 calendar year, five million dollars, and for tax years
16 beginning on or after January 1, 2008, and before January
17 1, 2012, seven million five hundred thousand dollars. For
18 tax years beginning on or after January 1, 2012, and only if
19 legislation is enacted by the eighty-fourth general assembly,
20 2011 session, amending section 257.8, subsections 1 and 2, to
21 establish both the state percent of growth and the categorical
22 state percent of growth for the budget year beginning July 1,
23 2011, at two percent, "total approved tax credits" means ten
24 million dollars.

25 Sec. 53. Section 466B.31, subsection 2, paragraph a, Code
26 2011, is amended by adding the following new subparagraphs:

27 NEW SUBPARAGRAPH. (17) One member selected by the
28 agribusiness association of Iowa.

29 NEW SUBPARAGRAPH. (18) One member selected by the Iowa
30 floodplain and stormwater management association.

31 NEW SUBPARAGRAPH. (19) One member selected by Iowa rivers
32 revival.

33 Sec. 54. Section 537A.5, subsection 1, as enacted by 2011
34 Iowa Acts, Senate File 396, section 1, is amended to read as
35 follows:

1 1. As used in this section, "*construction contract*"
2 means an agreement relating to the construction, alteration,
3 improvement, development, demolition, excavation,
4 rehabilitation, maintenance, or repair of buildings, ~~highways,~~
5 ~~roads, streets, bridges, tunnels, transportation facilities,~~
6 ~~airports,~~ water or sewage treatment plants, power plants,
7 or any other improvements to real property in this state,
8 including shafts, wells, and structures, whether on ground,
9 above ground, or underground, and includes agreements for
10 architectural services, design services, engineering services,
11 construction services, construction management services,
12 development services, maintenance services, material purchases,
13 equipment rental, and labor. "*Construction contract*" includes
14 all public, private, foreign, or domestic agreements as
15 described in this subsection other than such public agreements
16 relating to highways, roads, and streets.

17 Sec. 55. Section 654.4B, subsection 2, paragraph b, Code
18 2011, is amended to read as follows:

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

20 Sec. 56. EFFECTIVE UPON ENACTMENT. The following provision
21 or provisions of this division of this Act, being deemed of
22 immediate importance, take effect upon enactment:

23 1. The section of this division of this Act amending section
24 303.19A.

25 2. The section of this division of this Act amending section
26 654.4B.

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

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

32 5. The section of this division of this Act providing
33 effective dates for certain provisions in 2011 Iowa Acts,
34 Senate File 205.

35 6. The section in this division of this Act making an

1 appropriation to the Iowa finance authority for a group home
2 grant.

3 7. The section of this division of this Act relating to
4 a school district participating on a contractual basis in a
5 special education instructional program operated by an area
6 education agency.

7 Sec. 57. **EFFECTIVE UPON ENACTMENT AND RETROACTIVE**
8 **APPLICABILITY.** The provision of this division of this Act
9 relating to a limitation on state agency office supplies
10 purchase, equipment purchases, printing and binding, and
11 marketing as enacted by 2011 Iowa Acts, House File 45, being
12 deemed of immediate importance, takes effect upon enactment and
13 applies retroactively to March 7, 2011.

14 **DIVISION VI**

15 **REORGANIZATION**

16 Sec. 58. **NEW SECTION. 8.75 Contract services — training.**

17 1. Each department, as defined in section 8.2, shall
18 separately track the budget and actual expenditures for
19 contract services and for employee training for each
20 appropriation line item.

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

24 3. The employee training tracking information shall be
25 further divided into training categories. Each department's
26 report on training tracking shall specifically address the use
27 of electronically based training.

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

33 Sec. 59. **NEW SECTION. 8A.319 State government purchasing**
34 **efforts — department of administrative services.**

35 In order to facilitate efficient and cost-effective

1 purchasing, the department of administrative services shall do
2 the following:

3 1. Require state agencies to provide the department with
4 a report regarding planned purchases on an annual basis and
5 to report on an annual basis regarding efforts to standardize
6 products and services within their own agencies and with other
7 state agencies.

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

11 3. Identify procurement compliance employees within the
12 department.

13 4. Review the process and basis for establishing
14 departmental fees for purchasing.

15 5. Establish a work group to collaborate on best practices
16 to implement the best cost savings for the state concerning
17 purchasing.

18 6. Explore interstate and intergovernmental purchasing
19 opportunities and encourage the legislative and judicial
20 branches to participate in consolidated purchasing and
21 efficiencies wherever possible.

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

24 Sec. 60. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
25 TECHNOLOGY — UTILIZATION BY LEGISLATIVE AND JUDICIAL

26 BRANCH. The department of administrative services shall
27 consult with and explore opportunities with the legislative
28 and judicial branches of government relative to the providing
29 of information technology services to those branches of
30 government.

31 Sec. 61. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State
32 agencies, as defined in section 8A.101, should, to the greatest
33 extent possible, utilize electronic mail or similar electronic
34 means to notify holders of licenses or permits issued by that
35 state agency that the license or permit needs to be renewed.

1 The chief information officer of the state shall assist state
2 agencies in implementing the directive in this section.

3 Sec. 62. STATE AGENCY EFFICIENCY EFFORTS.

4 1. LEAN EFFORTS. State agencies shall budget for and plan
5 to conduct lean projects as described in section 8.70. Each
6 state agency shall coordinate its activities with the office of
7 lean enterprise created in section 8.70 in developing plans to
8 conduct lean projects.

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

13 Sec. 63. JOINT APPROPRIATIONS SUBCOMMITTEES — REVIEW OF
14 AGENCY FEES. Each joint appropriations subcommittee of the
15 general assembly shall examine and review on an annual basis
16 the fees charged by state agencies under the purview of that
17 joint appropriations subcommittee.

18 Sec. 64. DEPARTMENT OF ADMINISTRATIVE SERVICES —
19 STREAMLINED HIRING. The department of administrative services
20 shall, in consultation with the department of management,
21 examine the process by which state agencies hire personnel
22 with the goal of simplifying and reducing the steps needed
23 for state agencies to hire personnel. The department shall
24 provide information to the general assembly concerning steps
25 taken to implement a more streamlined hiring process and any
26 recommendations for legislative action.

27 Sec. 65. TOBACCO RETAIL COMPLIANCE CHECKS. For the
28 fiscal year beginning July 1, 2011, and ending June 30, 2012,
29 the terms of a chapter 28D agreement, entered into between
30 the division of tobacco use prevention and control of the
31 department of public health and the alcoholic beverages
32 division of the department of commerce, governing compliance
33 checks conducted to ensure licensed retail tobacco outlet
34 conformity with tobacco laws, regulations, and ordinances
35 relating to persons under eighteen years of age, shall restrict

1 the number of such checks to one check per retail outlet, and
2 one additional check for any retail outlet found to be in
3 violation during the first check.

4 Sec. 66. DEPARTMENT OF ADMINISTRATIVE SERVICES —
5 CENTRALIZED PAYROLL SYSTEM. The department of administrative
6 services shall examine the possibility of merging all state
7 payroll systems into the centralized payroll system operated
8 by the department. The department shall consult with those
9 entities of state government not utilizing the centralized
10 payroll system, including but not limited to the state
11 department of transportation, about strategies for encouraging
12 utilization of the state's centralized payroll system and by
13 identifying those barriers preventing merging of the payroll
14 systems. The department shall provide information to the joint
15 appropriations subcommittee on administration and regulation
16 concerning efforts by the department to merge payroll systems
17 and any recommendations for legislative action to encourage, or
18 eliminate barriers to, the provision of payroll services by the
19 department to other state agencies.

20 DIVISION VII

21 MEDICATION THERAPY MANAGEMENT

22 Sec. 67. NEW SECTION. 8A.440 Medication therapy management.

23 1. As used in this section, unless the context otherwise
24 requires:

25 *a.* "Eligible employee" means an employee of the state, with
26 the exception of an employee of the state board of regents or
27 institutions under the state board of regents, for whom group
28 health plans are established pursuant to chapter 509A providing
29 for third-party payment or prepayment for health or medical
30 expenses.

31 *b.* "Medication therapy management" means a systematic
32 process performed by a licensed pharmacist, designed to
33 optimize therapeutic outcomes through improved medication use
34 and reduced risk of adverse drug events, including all of the
35 following services:

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

4 (2) A medication action plan, subject to the limitations
5 specified in this section, communicated to the individual and
6 the individual's primary care physician or other appropriate
7 prescriber to address safety issues, inconsistencies,
8 duplicative therapy, omissions, and medication costs. The
9 medication action plan may include recommendations to the
10 prescriber for changes in drug therapy.

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

13 2. a. The department shall amend the contract for the
14 provision of medication therapy management services as
15 initially required pursuant to 2010 Iowa Acts, chapter 1193,
16 section 166, to provide for the continuation of medication
17 therapy management services for eligible employees who meet any
18 of the following criteria:

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

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

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

27 b. The contract shall require the entity to provide annual
28 reports to the general assembly detailing the costs, savings,
29 estimated cost avoidance and return on investment, and patient
30 outcomes related to the medication therapy management services
31 provided. The entity shall guarantee demonstrated annual
32 savings, including any savings associated with cost avoidance
33 at least equal to the program's costs with any shortfall amount
34 refunded to the state. The contract shall include terms,
35 conditions, and applicable measurement standards associated

1 with the demonstration of savings. The department shall verify
2 the demonstrated savings reported by the entity was achieved
3 in accordance with the agreed upon measurement standards. The
4 entity shall be prohibited from using the entity's employees to
5 provide the medication therapy management services and shall
6 instead be required to contract with licensed pharmacies,
7 pharmacists, or physicians.

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

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

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

26 *f.* The department shall utilize the services of the college
27 of pharmacy at a state university to validate reported drug
28 cost savings.

29 **Sec. 68. APPROPRIATION — DEPARTMENT OF ADMINISTRATIVE**
30 **SERVICES.** There is appropriated from the general fund of the
31 state to the department of administrative services for the
32 fiscal year beginning July 1, 2011, and ending June 30, 2012,
33 the following amount or so much thereof as is necessary, to be
34 used for the purpose specified:

35 For the medication therapy management program as enacted in

1 this Act:

2 \$ 510,000

3 Sec. 69. REPEAL. 2010 Iowa Acts, chapter 1193, section 166,
4 is repealed.

5 Sec. 70. EFFECTIVE UPON ENACTMENT. This division of this
6 Act, being deemed of immediate importance, takes effect upon
7 enactment.

8 DIVISION VIII

9 EARNED INCOME TAX CREDIT

10 Sec. 71. Section 422.12B, subsection 1, Code 2011, is
11 amended to read as follows:

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

17 Sec. 72. RETROACTIVE APPLICABILITY. This division of this
18 Act applies retroactively to January 1, 2011, for tax years
19 beginning on or after that date.

20 DIVISION IX

21 ALLOWABLE GROWTH

22 Sec. 73. Section 257.8, subsections 1 and 2, Code 2011, are
23 amended to read as follows:

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

1 economic development, moving to or expanding in Iowa.

2 Sec. 76. Section 403.19A, subsection 3, paragraph c,
3 subparagraph (1), Code 2011, is amended to read as follows:

4 (1) The pilot project city shall enter into a withholding
5 agreement with each employer concerning the targeted jobs
6 withholding credit. The withholding agreement shall provide
7 for the total amount of withholding tax credits awarded. An
8 agreement shall not provide for an amount of withholding
9 credits that exceeds the amount of the qualifying investment
10 made in the project. An agreement shall not be entered into
11 by a pilot project city with a business currently located in
12 this state unless the business either creates or retains ten
13 new jobs or makes a qualifying investment of at least five
14 hundred thousand dollars within the urban renewal area. The
15 withholding agreement may have a term of up to ten years. An
16 employer shall not be obligated to enter into a withholding
17 agreement. An agreement shall not be entered into with an
18 employer not already located in a pilot project city when
19 another Iowa community is competing for the same project and
20 both the pilot project city and the other Iowa community are
21 seeking assistance from the department.

22 Sec. 77. Section 403.19A, subsection 3, paragraph f, Code
23 2011, is amended to read as follows:

24 *f.* If the employer ceases to meet the requirements of the
25 withholding agreement, the agreement shall be terminated and
26 any withholding tax credits for the benefit of the employer
27 shall cease. However, in regard to the number of ~~new~~ jobs
28 that are to be created or retained, if the employer has met
29 the number of ~~new~~ jobs to be created or retained pursuant to
30 the withholding agreement and subsequently the number of ~~new~~
31 jobs falls below the required level, the employer shall not
32 be considered as not meeting the ~~new~~ job requirement until
33 eighteen months after the date of the decrease in the number of
34 ~~new~~ jobs created or retained.

35 Sec. 78. EFFECTIVE UPON ENACTMENT AND RETROACTIVE

1 APPLICABILITY. This division of this Act, being deemed of
2 immediate importance, takes effect upon enactment and applies
3 retroactively to July 1, 2006, for agreements entered into on
4 or after that date.

5 DIVISION XI

6 SCHOOL EMPLOYEE MISCONDUCT

7 Sec. 79. Section 272.2, subsection 1, paragraph b, Code
8 2011, is amended by striking the paragraph and inserting in
9 lieu thereof the following:

10 *b.* Provide annually to any person who holds a license,
11 certificate, authorization, or statement of recognition
12 issued by the board, training relating to the knowledge and
13 understanding of the board's code of professional conduct and
14 ethics. The board shall develop a curriculum that addresses
15 the code of professional conduct and ethics and shall annually
16 provide regional training opportunities throughout the state.

17 Sec. 80. Section 272.15, subsection 1, Code 2011, is amended
18 to read as follows:

19 1. *a.* The board of directors of a school district or area
20 education agency, the superintendent of a school district or
21 the chief administrator of an area education agency, and the
22 authorities in charge of a nonpublic school shall report to the
23 board the nonrenewal or termination, for reasons of alleged
24 or actual misconduct, of a person's contract executed under
25 sections 279.12, 279.13, 279.15 through 279.21, 279.23, and
26 279.24, and the resignation of a person who holds a license,
27 certificate, or authorization issued by the board as a result
28 of or following an incident or allegation of misconduct that,
29 if proven, would constitute a violation of the rules adopted
30 by the board to implement section 272.2, subsection 14,
31 paragraph "b", subparagraph (1), when the board or reporting
32 official has a good faith belief that the incident occurred
33 or the allegation is true. The board may deny a license or
34 revoke the license of an administrator if the board finds by
35 a preponderance of the evidence that the administrator failed

1 to report the termination or resignation of a school employee
2 holding a license, certificate, statement of professional
3 recognition, or coaching authorization, for reasons of alleged
4 or actual misconduct, as defined by this section.

5 b. Information reported to the board in accordance with this
6 section is privileged and confidential, and except as provided
7 in section 272.13, is not subject to discovery, subpoena, or
8 other means of legal compulsion for its release to a person
9 other than the respondent and the board and its employees and
10 agents involved in licensee discipline, and is not admissible
11 in evidence in a judicial or administrative proceeding other
12 than the proceeding involving licensee discipline. The board
13 shall review the information reported to determine whether a
14 complaint should be initiated. In making that determination,
15 the board shall consider the factors enumerated in section
16 272.2, subsection 14, paragraph "a".

17 c. For purposes of this section, unless the context
18 otherwise requires, "misconduct" means an action disqualifying
19 an applicant for a license or causing the license of a person
20 to be revoked or suspended in accordance with the rules
21 adopted by the board to implement section 272.2, subsection 14,
22 paragraph "b", subparagraph (1).

23 Sec. 81. Section 280.17, Code 2011, is amended to read as
24 follows:

25 **280.17 Procedures for handling child abuse reports.**

26 1. The board of directors of a public school district
27 and the authorities in ~~control~~ charge of a nonpublic school
28 shall prescribe procedures, in accordance with the guidelines
29 contained in the model policy developed by the department
30 of education in consultation with the department of human
31 services, and adopted by the department of education pursuant
32 to chapter 17A, for the handling of reports of child abuse, as
33 defined in section 232.68, subsection 2, paragraph "a", "c", or
34 "e", alleged to have been committed by an employee or agent of
35 the public or nonpublic school.

1 2. a. The board of directors of a school district and the
2 authorities in charge of an accredited nonpublic school shall
3 place on administrative leave a school employee who is the
4 subject of an investigation of an alleged incident of abuse of
5 a student conducted in accordance with 281 IAC 102.

6 b. If the results of an investigation of abuse of a
7 student by a school employee who holds a license, certificate,
8 authorization, or statement of recognition issued by the board
9 of educational examiners finds that the school employee's
10 conduct constitutes a crime under any other statute, the board
11 or the authorities, as appropriate, shall report the results of
12 the investigation to the board of educational examiners.

13 Sec. 82. Section 280.27, Code 2011, is amended to read as
14 follows:

15 **280.27 Reporting violence — immunity.**

16 An employee of a school district, an accredited nonpublic
17 school, or an area education agency who participates in good
18 faith and acts reasonably in the making of a report to, or
19 investigation by, an appropriate person or agency regarding
20 violence, threats of violence, physical or sexual abuse of
21 a student, or other inappropriate activity against a school
22 employee or student in a school building, on school grounds,
23 or at a school-sponsored function shall be immune from civil
24 or criminal liability relating to such action, as well as for
25 participating in any administrative or judicial proceeding
26 resulting from or relating to the report or investigation.