

**House File 2459 - Reprinted**

HOUSE FILE 2459  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 656)

(As Amended and Passed by the House April 19, 2016)

**A BILL FOR**

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

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

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DIVISION I

EQUAL PAY TASK FORCE AND REPORT

Section 1. EQUAL PAY.

1. An equal pay task force is created. The task force shall consist of seven members appointed by the governor.

2. The task force shall study wage discrepancies within public and private employment and between public and private employers.

3. The task force shall submit a report regarding its findings and its recommendations regarding potential actions for the elimination and prevention of such discrepancies to the governor and the general assembly no later than December 22, 2017.

DIVISION II

MISCELLANEOUS PROVISIONS — WAGE DISCRIMINATION

Sec. 2. ADDITIONAL UNFAIR OR DISCRIMINATORY PRACTICE — WAGE DISCRIMINATION IN EMPLOYMENT.

1. As stated in chapter 216, the general assembly finds that the practice of discriminating against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees does all of the following:

- a. Unjustly discriminates against the person receiving the lesser rate.
- b. Leads to low employee morale, high turnover, and frequent labor unrest.
- c. Discourages employees paid at lesser wage rates from training for higher level jobs.
- d. Curtails employment opportunities, decreases employees' mobility, and increases labor costs.
- e. Impairs purchasing power and threatens the maintenance of an adequate standard of living by such employees and their families.
- f. Prevents optimum utilization of the state's available

1 labor resources.

2 g. Threatens the well-being of citizens of this state and  
3 adversely affects the general welfare.

4 2. As stated in section 216.6A, it remains unfair or  
5 discriminatory practice for any employer or agent of any  
6 employer to discriminate against any employee because of the  
7 age, race, creed, color, sex, sexual orientation, gender  
8 identity, national origin, religion, or disability of such  
9 employee by paying wages to such employee at a rate less than  
10 the rate paid to other employees who are employed within the  
11 same establishment for equal work on jobs, the performance of  
12 which requires equal skill, effort, and responsibility, and  
13 which are performed under similar working conditions. As also  
14 stated in section 216.6A, an employer or agent of an employer  
15 who is paying wages to an employee at a rate less than the rate  
16 paid to other employees in violation of this section shall not  
17 remedy the violation by reducing the wage rate of any employee.

18 DIVISION III

19 STANDING APPROPRIATIONS AND RELATED MATTERS

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

22 NEW SUBSECTION. 4. For the peace officers' retirement,  
23 accident, and disability system retirement fund under section  
24 97A.11A:

25 ..... \$ 2,500,000

26 Sec. 4. 2015 Iowa Acts, chapter 138, is amended by adding  
27 the following new section:

28 NEW SECTION. SEC. 5A. GENERAL ASSEMBLY.

29 1. The appropriations made pursuant to section 2.12 for the  
30 expenses of the general assembly and legislative agencies for  
31 the fiscal year beginning July 1, 2016, and ending June 30,  
32 2017, are reduced by the following amount:

33 ..... \$ 5,850,000

34 2. The budgeted amounts for the general assembly and  
35 legislative agencies for the fiscal year beginning July 1,

1 2016, may be adjusted to reflect the unexpended budgeted  
2 amounts from the previous fiscal year.

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

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

9 Sec. 5. 2015 Iowa Acts, chapter 138, is amended by adding  
10 the following new section:

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

13 NEW SUBSECTION. 10A. Notwithstanding subsection 1, and in  
14 addition to the reduction applicable pursuant to subsection  
15 2, the state aid for area education agencies and the portion  
16 of the combined district cost calculated for these agencies  
17 for the fiscal year beginning July 1, 2016, and ending June  
18 30, 2017, shall be reduced by the department of management by  
19 twenty million dollars. The reduction for each area education  
20 agency shall be prorated based on the reduction that the agency  
21 received in the fiscal year beginning July 1, 2003.

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

24 NEW PARAGRAPH. *Of.* In 2016:

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

26 (2) The elderly and disabled property tax credit under  
27 chapter 425.

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

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

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

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

33 Sec. 7. Section 230.8, Code 2016, is amended to read as  
34 follows:

35 **230.8 Transfers of persons with mental illness — expenses.**

1 The transfer to any state hospitals or to the places of their  
2 residence of persons with mental illness who have no residence  
3 in this state or whose residence is unknown and deemed to be a  
4 state case, shall be made according to the directions of the  
5 administrator, and when practicable by employees of the state  
6 hospitals. The actual and necessary expenses of such transfers  
7 shall be paid by the department on itemized vouchers sworn to  
8 by the claimants and approved by the administrator, ~~and the~~  
9 ~~amount of the expenses is appropriated to the department from~~  
10 ~~any funds in the state treasury not otherwise appropriated.~~

11 Sec. 8. Section 820.24, Code 2016, is amended to read as  
12 follows:

13 **820.24 Expenses — how paid.**

14 When the punishment of the crime shall be the confinement of  
15 the criminal in the penitentiary, the expenses shall be paid  
16 ~~out of the state treasury, on the certificate of the governor~~  
17 ~~and warrant of the director of the department of administrative~~  
18 ~~services~~ by the department of corrections; and in all other  
19 cases they shall be paid out of the county treasury in the  
20 county wherein the crime is alleged to have been committed.  
21 The expenses shall be the fees paid to the officers of the  
22 state on whose governor the requisition is made, and all  
23 necessary and actual traveling expenses incurred in returning  
24 the prisoner.

25 DIVISION IV

26 MISCELLANEOUS PROVISIONS

27 Sec. 9. WATER QUALITY — IOWA FINANCE AUTHORITY. There is  
28 appropriated from the general fund of the state to the Iowa  
29 finance authority for the fiscal year beginning July 1, 2016,  
30 and ending June 30, 2017, the following amount, or so much  
31 thereof as is necessary, to be used for the purpose designated:

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

35 ..... \$ 2,000,000

1     Sec. 10. SALARY MODEL ADMINISTRATOR. The salary model  
2 administrator shall work in conjunction with the legislative  
3 services agency to maintain the state's salary model used for  
4 analyzing, comparing, and projecting state employee salary  
5 and benefit information, including information relating to  
6 employees of the state board of regents. The department of  
7 revenue, the department of administrative services, the five  
8 institutions under the jurisdiction of the state board of  
9 regents, the judicial district departments of correctional  
10 services, and the state department of transportation shall  
11 provide salary data to the department of management and the  
12 legislative services agency to operate the state's salary  
13 model. The format and frequency of provision of the salary  
14 data shall be determined by the department of management and  
15 the legislative services agency. The information shall be  
16 used in collective bargaining processes under chapter 20 and  
17 in calculating the funding needs contained within the annual  
18 salary adjustment legislation. A state employee organization  
19 as defined in section 20.3, subsection 4, may request  
20 information produced by the model, but the information provided  
21 shall not contain information attributable to individual  
22 employees.

23     Sec. 11. Section 24.32, Code 2016, is amended to read as  
24 follows:

25     **24.32 Decision certified.**

26     After a hearing upon the appeal, the state board shall  
27 certify its decision to the county auditor and to the parties  
28 to the appeal as provided by rule, and the decision shall  
29 be final. The county auditor shall make up the records in  
30 accordance with the decision and the levying board shall make  
31 its levy in accordance with the decision. Upon receipt of  
32 the decision, the certifying board shall correct its records  
33 accordingly, if necessary. Final disposition of all appeals  
34 shall be made by the state board ~~on or before April 30 of~~  
35 each year within forty-five days after the date of the appeal

1 hearing.

2 Sec. 12. Section 418.12, subsection 5, Code 2016, is amended  
3 to read as follows:

4 5. If the department of revenue determines that the  
5 revenue accruing to the fund or accounts within the fund  
6 exceeds thirty million dollars for a fiscal year or exceeds  
7 the amount necessary for the purposes of this chapter if the  
8 amount necessary is less than thirty million dollars for a  
9 fiscal year, then those excess moneys shall be credited by the  
10 department of revenue for deposit in the general fund of the  
11 state.

12 Sec. 13. Section 669.11, Code 2016, is amended to read as  
13 follows:

14 **669.11 Payment of award.**

15 1. Any Except as provided in subsection 2, an award to  
16 a claimant under this chapter, and any judgment in favor of  
17 any claimant under this chapter, shall be paid promptly out  
18 of appropriations which have been made for such purpose, if  
19 any; but any such amount or part thereof which cannot be paid  
20 promptly from such appropriations shall be paid promptly out  
21 of any money in the state treasury not otherwise appropriated.  
22 Payment shall be made only upon receipt of a written release by  
23 the claimant in a form approved by the attorney general.

24 2. An award under this chapter, and any judgment in favor  
25 of any claimant under this chapter, for a claim relating to  
26 conduct or actions of an employee of the hospital and medical  
27 clinics at the university of Iowa that is paid by moneys from  
28 the general fund of the state through the state appeal board  
29 shall be reimbursed by the hospital and medical clinics at the  
30 university of Iowa. Payment shall be made only upon receipt  
31 of a written release by the claimant in a form approved by the  
32 attorney general.

33 Sec. 14. Section 915.25, subsection 3, as enacted by 2016  
34 Iowa Acts, Senate File 2288, section 16, is amended to read as  
35 follows:

1 3. Notwithstanding the provisions of [sections 232.147,](#)  
2 [232.149,](#) and [232.149A,](#) an intake or juvenile court officer  
3 shall disclose to the alleged victim of a delinquent act, upon  
4 the request of the victim, the complaint, the name and address  
5 of the child who allegedly committed the delinquent act, and  
6 the disposition of the complaint. If the alleged delinquent  
7 act would be a ~~forcible felony~~ serious misdemeanor, aggravated  
8 misdemeanor, or felony offense if committed by an adult, the  
9 intake or juvenile court officer shall provide notification to  
10 the victim of the delinquent act as required by [section 915.24.](#)

11 DIVISION V

12 CORRECTIVE PROVISIONS

13 Sec. 15. Section 29C.24, subsection 3, paragraph a,  
14 subparagraphs (3) and (6), if enacted by 2016 Iowa Acts, Senate  
15 File 2306, section 2, are amended to read as follows:

16 (3) The imposition of income taxes under chapter 422,  
17 divisions II and III, including the requirement to file  
18 tax returns under sections 422.13 through 422.15 or section  
19 422.36, as applicable, and including the requirement to  
20 withhold and remit income tax from out-of-state employees under  
21 section 422.16. In addition, the performance of disaster  
22 or emergency-related work during a disaster response period  
23 by an out-of-state business or out-of-state employee shall  
24 not require an out-of-state business to be included in a  
25 consolidated return under section 422.37, and shall not  
26 increase the amount of net income of the out-of-state business  
27 allocated and apportioned to the state under ~~sections~~ section  
28 422.8 or 422.33, as applicable.

29 (6) The assessment of property taxes by the department  
30 of revenue under sections 428.24 through 428.26, 428.28, and  
31 428.29, or chapters 433, 434, 435, and 437 through 438, or by  
32 a local assessor under another provision of law, on property  
33 brought into the state to aid in the performance of disaster  
34 or emergency-related work during a disaster response period if  
35 such property does not remain in the state after the conclusion



1 of the disaster response period.

2 Sec. 16. Section 29C.24, subsection 4, if enacted by 2016  
3 Iowa Acts, Senate File 2306, section 2, is amended to read as  
4 follows:

5 4. *Business and employee status after a disaster response*  
6 *period.* An out-of-state business or out-of-state employee  
7 that remains in the state after the conclusion of the  
8 disaster response period ~~for~~ during which the disaster or  
9 emergency-related work was performed shall be fully subject to  
10 the state's standards for establishing presence, residency,  
11 or doing business as otherwise provided by law, and shall  
12 be responsible for any resulting taxes, fees, licensing,  
13 registration, filing, or other requirements.

14 Sec. 17. Section 155A.13, subsection 3, paragraph d, if  
15 enacted by 2016 Iowa Acts, Senate File 453, section 3, is  
16 amended to read as follows:

17 *d.* An applicant seeking a special or limited-use pharmacy  
18 ~~licensed~~ license for a proposed telepharmacy site that does not  
19 meet the mileage requirement established in paragraph "c" and is  
20 not statutorily exempt from the mileage requirement may apply  
21 to the board for a waiver of the mileage requirement. A waiver  
22 request shall only be granted if the applicant can demonstrate  
23 to the board that the proposed telepharmacy site is located in  
24 an area where there is limited access to pharmacy services and  
25 can establish the existence of compelling circumstances that  
26 justify waiving the mileage requirement. The board's decision  
27 to grant or deny a waiver request shall be a proposed decision  
28 subject to mandatory review by the director ~~of the department~~  
29 of public health. The director shall review a proposed  
30 decision and shall have the power to approve, modify, or veto a  
31 proposed decision. The director's decision on a waiver request  
32 shall be considered final agency action subject to judicial  
33 review under chapter 17A.

34 Sec. 18. Section 229.13, subsection 7, paragraph a,  
35 subparagraph (1), if enacted by 2016 Iowa Acts, Senate File

1 2259, section 1, is amended to read as follows:

2 (1) The respondent's mental health professional acting  
3 within the scope of the mental health professional's practice  
4 shall notify the committing court, with preference given to the  
5 committing judge, if available, in the appropriate county ~~who~~  
6 and the court shall enter a written order directing that the  
7 respondent be taken into immediate custody by the appropriate  
8 sheriff or sheriff's deputy. The appropriate sheriff or  
9 sheriff's deputy shall exercise all due diligence in taking  
10 the respondent into protective custody to a hospital or other  
11 suitable facility.

12 Sec. 19. Section 272.25, subsection 3, Code 2016, as amended  
13 by 2016 Iowa Acts, Senate File 2196, section 3, is amended to  
14 read as follows:

15 3. A requirement that the program include instruction  
16 in skills and strategies to be used in classroom management  
17 of individuals, and of small and large groups, under varying  
18 conditions; skills for communicating and working constructively  
19 with pupils, teachers, administrators, and parents; preparation  
20 in reading theory, knowledge, strategies, and approaches, and  
21 for integrating literacy instruction ~~in~~ into content areas in  
22 accordance with section 256.16; and skills for understanding  
23 the role of the board of education and the functions of other  
24 education agencies in the state. The requirement shall be  
25 based upon recommendations of the department of education after  
26 consultation with teacher education faculty members in colleges  
27 and universities.

28 Sec. 20. Section 598C.102, subsection 8, paragraph b, if  
29 enacted by 2016 Iowa Acts, Senate File 2233, section 2, is  
30 amended to read as follows:

31 *b.* An individual who has custodial responsibility for a  
32 child under a law of this state other than this chapter.

33 Sec. 21. 2016 Iowa Acts, House File 2269, section 20,  
34 subsection 1, is amended to read as follows:

35 1. It is amended, rescinded, or supplemented by the

1 affirmative action of the executive ~~council~~ committee of the  
2 Iowa beef cattle producers association created in section  
3 181.3, as amended in this Act.

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

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

7 Sec. 23. 2016 Iowa Acts, Senate File 2185, section 2, if  
8 enacted, is amended by striking the section and inserting in  
9 lieu thereof the following:

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

12 3. A person who violates this section commits a ~~serious~~ an  
13 aggravated misdemeanor.

14 DIVISION VI

15 AREA EDUCATION AGENCY FUNDING

16 Sec. 24. SPECIAL EDUCATION SUPPORT SERVICES

17 FUNDING. Notwithstanding the provisions of section 257.35,  
18 subsection 11, and section 257.37, subsection 6, for the  
19 budget year beginning July 1, 2016, an area education agency  
20 shall use the total amount determined to be available to the  
21 area education agency under section 257.35 and any unreserved  
22 fund balances for media services or education services that  
23 exceed an amount equal to 5 percent of the area education  
24 agency's budget for media services and education services for  
25 that budget year, and including funds that exceed the payment  
26 for special education support services pursuant to section  
27 257.35, in a manner to best maintain the level of required area  
28 education agency special education support services.

29 Sec. 25. EFFECTIVE UPON ENACTMENT. This division of this  
30 Act, being deemed of immediate importance, takes effect upon  
31 enactment.