



## BILL SUMMARY

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# Standing and Miscellaneous Provisions SF 510

Status of Bill: House Appropriations Committee  
Committee: Appropriations (Senate 26-21)  
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## Background

The Standings and Miscellaneous Provisions bill makes adjustments to standing appropriations in current law, addresses several miscellaneous policy issues, and a number of truly corrective Code editor fixes due to legislative action that has occurred this session. The statutory standing appropriations and those amended by the bill are estimated to appropriate \$22.2 million in FY 2015, \$2.993 billion in FY 2016, and 3.214 billion in FY 2017 from the general fund.

## Summary

### Division I – Standing Appropriations and Related Matters

**Budget Process for FY 2017** - Allows the Governor and state agencies to use full base budgeting as was done in prior years, for the preparation of the FY 2017 recommendations. This provision is intended to avoid the development of two budgeting processes, one to reflect the budgeting requirements in the code and one using the budgeting for results process that is utilized by the current administration. The language requires the Director of the Department of Management (DOM) to consult with the Legislative Services Agency prior to submitting the budgeting process to the state agencies. The DOM director will submit blanks to the agencies to provide their estimates of expenditure requirements, including all proposed expenditures for the ensuing fiscal year together with supporting data and explanations. The expenditures proposed by state agencies are to include a prioritization by program or the results to be achieved. The estimates are to include performance measures for evaluating the effectiveness of the programs or results.

**Limitations on Standings FY 2016** – There are numerous appropriations established in Iowa statutes that are referred to as standing appropriations. The appropriation will occur unless this General Assembly makes modifications to those appropriations. The bill modifies the following FY 2016 standing appropriations and sets the appropriations as follows:

- **County Endowment Community Cultural Grants** – The bill funds at \$416,702 for FY 2016, which is the same as FY 2015. The standing appropriation is at \$520,000.
- **Nonpublic School Transportation** – The bill sets the funding at \$8.56 million for FY 2016, which is the same as FY 2015. This is the same level as recommended by the Governor. The funding is \$1.4 million below the standing appropriation. If claims exceed the amount appropriated, the Department of Education is directed to prorate the amount of each claim.
- **Tobacco Reporting** – The bill provides \$18,416 to the Department of Revenue for tobacco product enforcement requirements in FY 2016, the same as the previous year. This is the same level recommended by the Governor. This funding level is \$6,584 less than the standing appropriation.

**Limitations on Standings FY 2017** –The bill modifies the following FY 2015 standing appropriations and sets the appropriations as follows:

- **County Endowment Community Cultural Grants** – The bill funds at \$208,351 for FY 2017, which is 50% of the FY 2016 amount.
- **Nonpublic School Transportation** – The bill sets the funding at \$8.56 million for FY 2017, the same as FY 2016. The funding is \$1.4 million below the standing appropriation. If claims exceed the amount appropriated, the Department of Education is directed to prorate the amount of each claim.
- **Tobacco Reporting** – The bill provides \$9,208 to the Department of Revenue for tobacco product enforcement requirements in FY 2017, which is 50% of the amount provided in FY 2016. This is \$9,208 below the level recommended by the Governor. This funding level is \$15,792 less than the standing appropriation.

**Instructional Support Program** – The bill provides no funding for the instructional support program in FY 2016 and FY 2017, which is the same level recommended by the Governor. The instructional support program received \$7.5 million in FY 2011, which is the last time the state provided funding. No funding was provided in FY 2012 and FY 2013. The standing appropriation is \$14.8 million. The instructional support program allows schools to raise additional funds with voter approval and the state provides matching funds. Schools will continue to use the funds they raise locally.

**General Assembly** – The General Assembly’s budget is a standing unlimited appropriation, yet for budgeting purposes the FY 2016 proposed budget is \$38.2 million. The bill reduces funding to the General Assembly by \$4.2 million, to \$34 million for FY 2016. The bill allows the General Assembly to adjust their FY 2015 appropriation to reflect unexpended budgeted amounts from the previous fiscal year.

#### **Division II – Miscellaneous Provisions and Appropriations**

**Department of Agriculture and Land Stewardship FY 16** - Provides \$250,000 from the State Bond Repayment Fund in FY 2016 for the Silos and Smokestacks National Heritage Area, which provides continued agricultural-related education and preservation.

**Department of Corrections FY 15** – Provides a \$1 million from the general fund in FY 2015 to supplement funding to the Department of Corrections for salaries, support, maintenance, and miscellaneous purposes, including training and additional costs with the new correctional facility located in Fort Madison. The funds do not revert and remain available to the Department for the designated purpose through end of the succeeding fiscal year. This section is effective upon enactment.

**Department of Public Health** – Provides \$2.8 million from the general fund in FY 2015 to the Department of Public Health to provide a grant for substance-related disorder treatment providers. These funds are to be distributed as a grant to an association representing the majority of the nonprofit substance-related disorder treatment providers licensed under section 125.13 by the department as of January 1, 2015, that receive federal prevention and treatment of substance abuse block grant funding through the department. The grant is for bulk purchasing and to implement an electronic health record system in the providers that receive that federal grant. The electronic health record system implemented with the grant shall comply with the electronic health information provisions implemented pursuant to section 135.156 and with the mental health and disabilities services system central data repository implemented pursuant to section 225C.6A and other data requirements under chapter 225C. Each of the providers is required to have the electronic health record system fully operational on or before July 1, 2018. The funds do not revert and remain available to the Department for the designated purpose through end of the succeeding fiscal year. This section is effective upon enactment.

**Heart Attack Treatment** – Provides \$1.5 million from the general fund in FY 2015 to the Department of Public Health for a collaborative effort between the Department of Public Health, the Iowa Emergency Medical Services Association, the American Heart Association, Midwest affiliate, Iowa’s Health Systems and hospitals, and emergency medical service providers, to supplement funding received through a grant from the Leona M. and Harry

B. Helmsley charitable trust for a program to enhance systems of care, save lives, and improve outcomes for heart attack patients in rural Iowa called the mission: lifeline program.

The funds are to be used to enhance the critical elements of an optimal ST-elevated myocardial infarction (STEMI) system of care including the provision of 12-lead electrocardiogram (EKG) machines, the provision of a system wide data tool for quality measurement and improvement, ongoing medical provider training and STEMI education, coordination of protocols for rural emergency management systems and hospital personnel, the implementation of regional plans for rapid transport and transfer of patients, the implementation of a public education campaign on heart attack signs and symptoms and the need to activate the 911 system, and the provision of assistance to hospitals and emergency medical services providers in acquiring essential electrocardiogram equipment and training. The funds do not revert and remain available to the Department for the designated purpose through end of FY2018. This section is effective upon enactment.

**Court Debt Collection Study** – Directs the Judicial Branch to evaluate and study current practice for the collection of court debt. By January 1, 2016, the Judicial Branch is required to report to the General Assembly regarding findings of the study. The study is to recommend changes that would increase the efficiency of collection of court debt.

**Iowa New Jobs Training Agreements** – Allows an Iowa community college (Eastern Iowa Community College) that entered into a new jobs training agreement under Chapter 260E, which was effective in April 2012, with an Iowa employer (Alcoa) to enter into a new agreement with such employer pursuant to chapter 260E. The new agreement will be effective September 2015, and may use the base employment determined in April 2012 as the base employment for determining the new jobs eligible under the new agreement if the base employment determined in April 2012 was 2,125 employees. The new agreement under Chapter 260E is limited to seven years from the effective date of the agreement.

**ICN Executive Director Salary** – This is a technical fix that allows the Governor to set the salary of the Executive Director of the Iowa Communications Network within the applicable salary range established by the General Assembly. It removes an erroneously established salary range of 9. In 2008 session law, the executive director was at the top of the range which is 7 with a salary range of \$100,840 - \$154,300.

**Write-In Votes (SF 415)** – Amends SF 415 that has been approved and signed into law by the Governor on May 1<sup>st</sup> to clarify that the election officials may after the polls close, direct the precinct election officials to print the write-in report containing digital images of write-in votes for delivery to the special precinct board to tally and record the write-in votes on any day following election day and prior to the canvass by the board of supervisors.

**Treatment of Adoptive Parent Employees** – Requires employers to treat employees who chooses to adopt in the same manner as an employee who is the biological parent of the newborn child for the purposes of employment policies, benefits, and protections for the first year of the adoption. This is the same language as in SF 375 that died in House Labor Committee.

**Peace Officers Retirement, Accident and Disability System** – Repeals the pension offset by compensation benefits under 97A.6 subsection 11. This provision was included in the original version of SF 366. The repealed language is as follows:

*“Pension offset by compensation benefits. Any amounts which may be paid or payable by the state under the provisions of any workers’ compensation or similar law to a member or to the dependents of a member on account of any disability or death, shall be offset against and payable in lieu of any benefits payable out of the retirement fund provided by the state under the provisions of this chapter on account of the same disability or death. In case the present value of the total commuted benefits under said workers’ compensation or similar law is less than the present value of the benefits otherwise payable from the retirement fund provided by the state under this chapter, then the present value of the commuted payments shall be deducted from the pension payable and such benefits as may be provided by the system so reduced shall be payable under the provisions of this chapter.”*

**Growlers (SF456)** – Amends SF 456 that has been approved and signed into law by the Governor on April 24<sup>th</sup> to clarify that the sealed container has not been tampered with and the contents of the container have not been partially removed. This is corrective language to ensure compliance with federal law.

**Breast Density in Mammograms** - This is the same language in SF 205 that died in the House Human Resources Committee. Directs the Department of Public Health to adopt rules that require by January 1, 2016, a facility at which mammography services are performed is required to include information on breast density in mammogram reports sent to patients pursuant to regulations implementing the federal Mammography Quality Standards Act of 1992, Pub. L. No. 102-539, as amended. If a patient is categorized by an interpreting physician at the facility as having heterogeneously dense breasts or extremely dense breasts based on standards as defined in nationally recognized guidelines or systems for breast imaging reporting of mammography screening, including the breast imaging reporting and data system of the American college of radiology, the report to the patient is required to include notice that the patient has dense breast tissue, that this may make it more difficult to detect cancer on a mammogram, and that it may increase the patient’s risk of breast cancer. The notice may contain the following language:

State law requires the following notification: Your mammogram indicates that you have dense breast tissue. Dense breast tissue may make it more difficult to evaluate the results of your mammogram and may also be associated with an increased risk of breast cancer. You are encouraged to consult with your primary health care provider regarding the results of your mammogram. Together you can best decide which additional screening options may be right for you based on your mammogram results, individual risk factors, or physical examination.

**Requirements for Electronic Pharmacy Prescriptions** - Clarifies that a practitioner issuing an electronic prescription must furnish the same information as a written prescription, except the requirement for a written or electronic signature, unless required by federal law or Iowa Code Chapter 124.

**Hospital Health Care Access Assessment Program** - Changes the repeal date from June 30, 2016, to December 31, 2015, for the Hospital Health Care Access Assessment Program, Iowa Code Chapter 249M.

**Department of Education** - Requires the Department of Education to dedicate at least one-half of one FTE to maintain a fine arts consultant. This position will provide guidance and assistance to the Department, school districts, and accredited nonpublic schools relating to music, visual art, drama and theater, and other fine and applied arts programs and coursework.

**Teach Iowa Scholar Program Eligibility** - Amends the Teach Iowa Scholar Program to clarify that individuals have to have met the eligibility requirements for the program on or after January 1, 2013. Persons who met the program eligibility requirements prior to January 1, 2013 are not eligible for the program.

**Flood Mitigation Program** – Language specifies that there won’t be a reduction in sales tax revenue in correlation to the increased federal funds if there is an increase in project costs. Also creates an exception related to the Flood Mitigation Program entities that receive sales tax revenue remittances that are limited to 20 years, unless the remittance amount that is calculated is based on sales subject to the tax under mutual service corporations before the expiration of the 20 year period. This is a technical correction to the process for remitting sales tax revenues to approved flood mitigation districts. Because of the timing of how sales tax revenues are collected and remitted, there is a concern that the last remittance from the state to the district would fall outside the 20-year period for the project. The change would allow additional time for the Department of Revenue to remit the last payment so the district would receive the full amount of money collected for the project.

**Appeal of Protest to Property Assessment Appeal Board** - Extends the last assessment year, from January 1, 2018 to January 1, 2021, when an appeal may be taken from the board of review to the property assessment appeal board.

**Health Insurance Rate Increase Notices** – Under current law health insurance carriers licensed to do business in the state must immediately notify policyholders of any application for a rate increase exceeding the average annual health spending growth rate. The bill creates an exception for health insurance carriers that are filed and purchased with in the exchange or the matching health plans issued by the health insurance carrier that are purchased outside of the exchange. These carriers must notify the policyholders their total premium due and any rate increases to their premium for each upcoming policy year. The notice is required to be provided 30 days prior to the beginning of open enrollment for the health plans and include information about how the policy holder can contact the Insurance Division to submit a comment about a proposed rate increase. A health insurance carrier under this situation is still subject to all other applicable state and federal laws.

**Enhanced Court Collections** – Increases the amount retained by the Enhanced Court Collections Fund from \$4 million to \$7 million in fiscal year 2016-2018, then to \$5 million in FY 2019, and \$4.5 million in FY 2020 and each fiscal year thereafter.

**Restriction of Insurance Benefits for Felons** – This is the same language in SF 178 that died in the House Judiciary Committee. The bill relates to receipt of life insurance proceeds by felons who have committed a violent crime against the insured. A beneficiary of a life insurance policy, or other similar contract, who is convicted of a felonious assault, felonious sex abuse, attempted murder or kidnapping against the insured within the six months prior to the death of the insured is not entitled to the proceeds of the life insurance policy. The felony is not required to be related to the death of the insured. The insured may affirm in a notarized writing that the beneficiary should receive any benefit under the life insurance policy despite the felony conviction.

**Domestic Abuse – Intimate Relationships** – This is the same language in SF 300 that died in the House Judiciary Committee. The bill relates to assault that occurs between persons in an intimate relationship and allows the court to consider whether it is domestic abuse assault. Includes assaults between people in a dating relationship in the definition of criminal domestic abuse assault. Dating relationship assaults are currently considered domestic abuse for purposes of a civil protective order but not for purposes of a criminal domestic abuse charge. Domestic abuse criminal penalties require mandatory confinement and batterer's education upon conviction. In addition, there are enhancements in the law when a person is convicted of a second or subsequent offense.

**GPS Stalking** – This is the same language as SF 416 that died in the House Judiciary Committee. The relates to establish a crime for persons who commits an unauthorized placement of a global positioning device, with intent to intimidate, annoy, or alarm another person, or for the purpose to track the movements of the other person without a legitimate purpose. The violation would be a serious misdemeanor.

**Identity Theft** - Allows for a person that was residing in this state at the time that the identity theft took place to be issued an identity theft passport, as long as they have also filed a report with any law enforcement agency. Currently, the person must be a victim of identity theft in Iowa.

### **Division III – Salaries, Compensation, and Related Matters**

**Special Funds – Authorizations** - The bill provides general authorization to use departmental revolving, trust, or special funds, to provide salary adjustments on the condition that the adjustments do not exceed the operating budget established by the General Assembly for FY 2016 and 2017.

**Salary Model Administrator** – Directs the salary model administrator to work in conjunction with the Legislative Service Agency in maintaining the State's salary model.

### **Division IV – Corrective Provisions**

These are truly corrective provisions as identified by the Code Editor and the Legislative Service Agency or clarify legislation approved earlier this session. The following bills corrected include the following:

- HF 536 – Code Editor's Bill

- SF 463 – Redesign Mental Health Disabilities
- SF 227 – School Start Date
- HF 583 – Animal Truck Wash Facilities
- HF 535 – Non-Substantive Code Editor’s Bill
- SF 404 – Shorthand Reports
- SF 501 –Interstate Tuition Reciprocity Agreements
- SF 448 – Class A Felonies by Minors
- HF 496 –Military Victim Advocates

**Division V – Reimbursement of Defense Costs**

This division is the same language in SF 378 that died in the House Judiciary Committee. The bill relates to reimbursement of certain defense costs for certain peace officers and correction officers. The bill repeals similar language under the Department of Public Safety Chapter 80.37, and put new language under the Rights of Peace Officers and Public Safety and Emergency Personnel Chapter 80F.

If the peace officer or corrections officer is charged with the alleged commission of a public offense, based on acts or omissions within the scope of the officer’s lawful duty or authority, and the charge is dismissed or the officer is acquitted of the charge, the presiding magistrate or judge is required to enter judgment awarding reimbursement to the officer for any costs incurred in defending against the charge, including but not limited to a reasonable attorney fee, if the court finds the existence of any of the following grounds:

- The charge was without probable cause.
- The charge was filed for malicious purposes.
- The charge was unwarranted in consideration of all of the circumstances and matters of law attending the alleged offense.

The officer may apply for review of a failure or refusal to rule or an adverse ruling as to the existence of any of the above grounds. The application is to be filed with a district judge if the officer is seeking review of the act of a magistrate or district associate judge and the application is to be filed with a different district judge if review is sought of an act of a district judge.

**Division VI – Renewable Fuels Infrastructure Program**

This provision expands the renewable fuel infrastructure program to include the storage and dispensing of E-15 gasoline at least from September 16 through May 31 of each year. The ethanol infrastructure must be used to store and dispense E-15 gasoline as a registered fuel recognized by the U.S. Environment Protection Agency. This language is similar to HF 574 that passed out of the Agriculture committee, but was not acted on by the House and re-referred to the Agriculture Committee.

**Division VII – State Employee Retirement Incentive Program**

This provision implements an early retirement incentive program for eligible state employees. The anticipated savings are estimated to be \$4.7 million in FY 2016, and \$19.7 million in FY 2017. The bill sets up an early retirement incentive program for eligible state employees in the Executive Branch of state government. The program is optional for employees in the Judicial and Legislative Branches.

*Program Eligibility* - An eligible employee is an employee who has filed a completed application for benefits with the Iowa Public Employees Retirement System (IPERS) and the employee intends to begin receiving retirement benefits no later than one month following the agreed to separation date. Under IPERS, an employee is eligible to begin receiving retirement benefits upon reaching age 55. Under this program, an eligible employee would be an employee who is at least 55 years of age.

An employee also includes persons employed at the mental health institute at Clarinda and Mount Pleasant as of April 1, 2015, whose employment was terminated at either mental health institute after April 1, 2015.

To participate in the program, an eligible employee is required to do all of the following:

- Submit a written application by the eligible enrollment date, on forms prescribed by the Department of Administrative Services (DAS), seeking participation in the program. The eligible enrollment date is a date to be established by DAS that is not a weekend or a holiday, and it must be at least forty-five days after the effective date of this division. (This division is effective upon enactment.)
- Acknowledge in writing that the employee is voluntarily terminating employment in exchange for the retirement incentive program.
- Agree to waive all rights to file suit against the state, including all its departments, agencies, and other subdivisions, based on state or federal claims arising out of the employment relationship.
- Waive any right to accept any employment with the state other than as an elected official on or after the date the employee retires.
- Agree to leave state employment within thirty days after the eligible enrollment date.

The Department of Administrative Services will determine if the eligible employee meets the requirements to participate in the program.

*Benefits of the Program-* Once accepted into the program, and upon leaving employment, the employee will receive the following benefits:

- Years of services benefit is available to eligible employees with at least ten years of state employment, and they can receive \$1,000 for each year of state employment up to 25 years. The amount will be payable in five equal installments each year for five years in November beginning November 2015.
- A health insurance contribution benefit cost to pay the cost for state group health insurance for five years.
- The participant will receive the health insurance benefit only when the participant is no longer eligible for or exhausts the participant's available remaining value of sick leave used to pay the state share of the participant's continuation of state group health insurance as provided for under Code 70A.23, subsection 3 – Credit for accrued sick leave.

#### *Program Requirements*

- An employer may not offer permanent part-time employment, permanent full-time employment, temporary employment, or retention as an independent contractor to a participant in the program.
- Participation in the program does not prohibit membership on a board or commission.
- DAS and the DOM may adopt emergency rules to implement the program.
- DAS, in collaboration with DOM, is required to provide an interim report to the Legislature, the Legislative Services Agency, and the Fiscal Committee by December 1, 2015, regarding the operation of the program. DAS is also required to submit an annual update for four years beginning December 1, 2016. The update is to include information concerning the number of program participants, cost of the program, including payments to participants, the number of state employment positions that have not been filled as a result of this program, and the number of positions vacated as a result of the program that have been refilled.

#### *Legislative and Judicial Branch Employees*

- The Legislative Council may provide a retirement incentive program for Legislative Branch employees consistent with this program. If provided, the Legislative Council is required to collaborate with DAS to establish the program as nearly identical as possible to this program. The same time guidelines and benefit calculations are to be provided.
- The Supreme Court may provide a retirement incentive program for employees of the Judicial Branch consistent with this program. If provided, the Supreme Court is required to collaborate with DAS to es-

establish the program as nearly as identical to this program. The same time guidelines and benefit calculations are to be provided.

#### Appropriation Reduction

The bill directs the Department of Management to reduce operational expenses in FY 2016 by \$16.13 million.

#### State Employee Retirement Incentive Program (SERIP) Appropriation

The bill appropriates \$16.13 million to the Department of Management in FY 2015 for the purpose of state employee retirement incentive program. These funds are allowed to carry over until the close of the next fiscal year.

#### Effective Date

This division is effective upon enactment.

#### **Division VIII – School Aid – Percents of Growth FY 2016 and FY 2017**

The bill sets K-12 supplemental aid including categorical at 2.625% in FY 2016 and 4% in FY 2017.

- Sets FY16 School Aid at 2.625 percent (including categorical) -- \$155.5 million increase over FY15.
- Sets FY17 School Aid at 4 percent (including categorical) -- \$213.2 million increase over FY16.
- The 30-day requirement on setting school aid does not apply to this division.
- This division is effective upon enactment.

#### FY 2016

At 2.625%, the total amount in State General Fund for FY 2016 is \$3.021 billion, an increase of \$155.5 million compared to FY 2015. The state cost per pupil will go from \$6,366 to \$6,553 (\$167 increase). Preschool aid is \$74.1 million, an increase of \$4.2 million compared to FY 2015. The total property tax levy is \$1.375 billion, an increase of \$25.6 million. The combined district cost is \$4.363 billion, an increase of \$193.2 million compared to FY 2015. The budget guarantee totals \$7.1 million. There are 105 districts (31%) on the budget guarantee, or an increase of 39 districts (59%)

The total General Fund increase from 1.25% to 2.625% is \$55.7 million. Preschool aid is increased by \$1.0 million. The total property tax levy decreases by \$7.1 million. The combined district cost increases by \$47.5 million. The budget guarantee decreases by \$9.4 million. There are 60 less districts on the budget guarantee under 2.625% compared to 1.25%.

#### FY 2017

Sets FY17 School Aid at 4 percent (including categorical) -- \$213.2 million increase over FY16. The estimated amount of state aid in FY 2017 is \$3.234 billion.

#### **Division IX – Apportionment of Transportation Funds**

This provision is a fix for the city of Avoca. The bill allows a city to request an additional distribution from the State Treasurer for their street construction fund, if the city would have received additional funds based on the city's population. The city must submit an application to the Treasurer by October 1, 2015. If the Treasurer determines an additional amount should be credited to the city, an appropriation is made in FY 2016 from the general fund and deposited into the city's street construction fund. This division is effective upon enactment and applies retroactively to March 2011.

#### **Division X – Drug Overdose Prevention Opium Overdose (SF 410)**

This language deals with limiting criminal and civil liability with drug overdoses and the availability of opioid antagonists. One goal of the language is to not criminalize a person for seeking help for a person that is in danger of a drug-related overdose. The language doesn't give immunity to an individual who seeks help for someone who is overdosing, but it suppresses the evidence/information so that it cannot be used against the person if

they are to be charged with a crime as long as certain conditions are met. Some of those conditions include staying at the scene until assistance arrives or is provided, cooperating with law enforcement and medical personnel, and providing their name and contact information to medical or law enforcement personnel. The bill also addresses the availability, use, and prescription of an opioid antagonist. Language states that a health care professional is authorized to prescribe an opioid antagonist to a person is in a position to assist at risk of experiencing an opioid-related overdose, without being penalized. Language requires the Dept. of Human Services to include opioid antagonists on the preferred drug list under the Medicaid program. The Department is required to provide for reimbursement of any device integral to its administration. This language was found in SF 410 which passed the Senate by a vote of 44-2.

#### **Division XI – County Courthouses**

Jury Pools - Repeals 1884 session law, which required two jury pools in Pottawattamie County. Now, the county will be required to have only one jury pool. This provision removes the exception for Pottawattamie County that allows court to be held in Avoca and the county seat (Council Bluffs). The bill maintains that any county having two county seats, court is to be held at each county seat.

#### **Division XII – Refugee Family Support Services**

The bill creates the Refugee Family Support Services Pilot Program within the Bureau of Refugee Services within the Department of Human Services. The purpose of the program is provide a grant to state, local, or community organization working with refugee populations to contract with and trains multiple refugees to act as refugee community navigators. Refugee community navigators educate and provide direct assistance to their respective communities so the refugee communities can successfully access and utilize existing community resources and services. The bill appropriates \$750,000 from the general fund in FY 2015 for a pilot program in Polk County. The bill allows \$10,000 to be used by the Bureau of Refugee Services for administrative costs. The funds are allowed to carry forward for use in FY 2016. This division takes effect upon enactment.

#### **Division XIII – Department of Management Duties**

The bill transfers duties of the Department of Management for Targeted Small Businesses and state programs for Equal Opportunity to the Department of Administrative Services.

#### **Division XIV – Claims Against the State and by the State**

**Economic Emergency Fund Uses** – Allows the Economic Emergency Fund to be used to pay claims authorized to be paid by the State Appeals Board. Currently, Appeals Board claims are funded from a standing unlimited appropriation from the general fund. For budgeting purposes, FY 2016 Appeals Board claims are estimated to be \$3 million. Shifting these costs to the Economic Emergency Fund reduces the general fund expenditure by \$3 million.

**Appeals Board Claims** – Establishes a standing unlimited appropriation for authorized Appeals Board Claims from the Economic Emergency Fund. If the economic emergency fund is insufficient to pay the claims, then the appropriation is to be made from the general fund in the amount necessary to fund the deficiency.

#### **Division XV – State Geological Survey**

The bill shifts the conforming changes to move the State Geological Survey from the Department of Natural Resources to the University of Iowa. The Board of Regents will now be responsible for the appointment of the State Geologist, and requires that this individual have, at minimum, a Master's degree in Geology. The University has been contracting with the DNR to provide these services and transferring funding for these services.

Strikes language that currently requires the State Geologist to rent storage space from DAS. Requires the State Geologist to maintain a complete cabinet which illustrates the natural products of Iowa. Previously, this was optional. Adds the General Assembly to the list of entities that receive the annual publication of the work undertaken in the preceding year. All publications are required to be made available electronically through an internet site maintained by the University of Iowa.

The bill appropriates the following amounts to the University of Iowa for state geological survey purposes in FY 16 from the following sources:

- \$695,000 from the Environment First Fund, and correspondingly reduces the appropriation to the DNR in SF 494 by this same amount (\$495,000 comes from regulating water quality, and \$200,000 comes from geological and water survey).
- \$132,000 from the general fund, and correspondingly reduces the general fund appropriation to the DNR by the same amount from their administration, regulation, and programs.
- \$300,000 from the Rebuild Iowa Infrastructure Fund.

The bill appropriates \$347,500 from the Environment First Fund for FY 17 and correspondingly reduces the appropriation to DNR in SF 494 by this same amount (\$247,500 comes from regulating water quality, and \$100,000 from geological and water survey). Another \$66,000 is appropriation in FY 17 from the general fund, with the corresponding amount reduced from the FY 17 appropriation to DNR in SF 494.

#### **Division XVI – Revival of Use Restrictions**

Establishes a procedure for Homeowners Associations to revive use restrictions on property in the Home Owners Association where the use restrictions have expired.

- The use restrictions are revived if a majority of the affected parcel owners approve of the revival.
- The process for reviving use restrictions can be started with the executive board of the Home Owners Association or by a petition signed by at least 10% of the parcel owners.
- The revived restrictions may contain less than all of the use restrictions that have become unenforceable.
- Any improvements that were made after the use restrictions expired are grandfathered into the newly revived restrictions.
- The board of the Homeowners Association must file the revived use restrictions with the county recorder.

#### **Division XVII – Interoperable Communications**

**Interoperability Board Membership** – This provision increases the membership of the Statewide Interoperable Communications System Board from 15 to 17 members. The two new members are: one representing the local emergency management coordinators, and one representing emergency medical care providers.

#### **Division XVIII – Human Trafficking**

Requires law enforcement officers to complete at least four hours of in-service training every five years related to domestic assault, sexual assault, human trafficking, stalking, and harassment. The training must be approved by the Iowa Law Enforcement Academy in consultation with the Iowa Coalition Against Sexual Assault and the Iowa Coalition Against Domestic Violence.

Requires the Criminal and Juvenile Justice Planning (CJJP) to collect and maintain criminal history data on human trafficking incidents. CJJP must submit an annual report to the general assembly on this data.

Makes human trafficking felony offenses forcible felonies. A forcible felony cannot be granted a deferred judgment, deferred sentence, or a suspended sentence. In addition, a defendant charged with a forcible felony cannot be granted bail.

Requires the Crime Victim Assistance Division of the Attorney General to develop and conduct outreach, public awareness, and training programs for the general public, law enforcement agencies, first responders, victims, and people dealing businesses or ventures that are likely to interact with victims of bondage or forced labor. The program must train participants to recognize and report on incidents of human trafficking and suppress demand for exploitation that leads to human trafficking.

Allows the Attorney General to use up to \$300,000 from the Victim Compensation Fund to provide training for professionals on human trafficking, in addition to other crimes such as stalking, harassment, sexual assault, domestic violence and homicide.

#### **Division XIX – STEM Internship**

Makes changes to Iowa Economic Development Authority's STEM and Targeted Industry Internship programs to clarify the manner in which matching funds will be determined. The state share of both programs is half of the total wages paid to a student. Those dollars are provided on a reimbursement basis.

#### **Division XX – Antiharassment and Antibullying**

##### Department Director Duty

Subject to an appropriation of funds the Director of the Department of Education, subject to an appropriation of funds by the General Assembly, ensure schools have access to adequate training on conducting investigations of complaints of incidents of harassment or bullying to at least one employee per district on an annual basis.

##### The Mentoring Program

The Department of Education is required to establish a student mentoring pilot program to explore how student leadership can prevent bullying and violence, and be modeled after best practices. The program would be established at a minimum of two middle schools and two high schools, and will include both rural and urban schools. The department will establish criteria for selecting the participating schools.

##### Social Networking

Language in the bill nearly matches previous legislation in the expansion of social networking to be included in the definition of "electronic" communication that could include bullying. Current law includes, but it is not limited to, communication via e-mail, internet communications, pager, cell phone or text. The bill includes social networking sites, and any other electronic communication site, device or means.

##### Trait or Characteristic of a Student

The bill modifies the definition of trait or characteristic of a student. Under the "Safe Schools Act," the definition of bullying includes an electronic, written, verbal or physical act or conduct towards the student which is based on a perceived "trait or characteristic" of the student. The current list includes, but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

The bill adds behavior, or any other distinguishing characteristic to this list. The bill also states that the language will be construed broadly to achieve its purpose.

##### Parental Notification

A parental notification procedure is added in the bill that would provide a notification of the parents or guardians as soon as practicable of all alleged targeted students and perpetrators in a reported incident of harassment or bullying. There is an exception to this if the school official or a student who is the target of harassment or bullying reasonably believes that the notification would subject them to rejection, abuse, or neglect.

##### Authority Off School Grounds

The current "Safe Schools Act" of 2007 requires a school district to set a policy against harassment and bullying in schools, on school property, and at any school function or school-sponsored activity, regardless of its location. The bill amends this provision by adding a section that allows an unidentified school official to investigate and impose discipline in a founded case of harassment or bullying that occurs outside school, off of school property, or away from a school function or school-sponsored activity if all the following apply:

1. An incident of harassment or bullying is reported per the proper procedure for reporting an incident.

2. The alleged incident of harassment or bullying has an effect on school grounds that creates an objectively hostile school environment that meets the conditions under current law. Those conditions are:
  - A. Places the student in reasonable fear of harm to the student's person or property.
  - B. Has a substantially detrimental effect on the student's physical or mental health.
  - C. Has the effect of substantially interfering with a student's academic performance.
  - D. Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by the school.
3. The investigation of an incident that occurs outside of school, off school property or away from a school function, includes referring the matter to the appropriate community-based agencies. That includes, but is not limited to social service agencies, law enforcement or non-profit organizations.

Rules of instruction language is added in the bill so the section will not be constructed to diminish an administrator's ability to impose discipline at their discretion in the case of an unfounded incident of harassment or bullying if the student's behavior constitutes other student misconduct.

#### Open Enrollment Changes

Currently under open enrollment law, a student is ineligible to participate in sports for 90 days after they open enroll to another district. There are a few exceptions to this and a victim of bullying or harassment is not one of those exceptions. The bill would allow a victim of bullying to participate in sports right away at a new school if the district of residence determines that the pupil was the subject of a founded incident of harassment or bullying while attending the district of residence in the current or previous school year and both the district of residence and the other school district agree to allow the pupil to participate immediately in a varsity interscholastic sport.

#### School Climate and Bullying Workgroup

The bill adds the creation of the School Climate and Bullying Workgroup under DE. The public-private workgroup would include representatives of local and state agencies, citizens, community groups, and organizations who have experience and expertise in the areas of anti-bullying education, research and training. After reviewing data and strategies, the group will provide recommendations to DE regarding best practices, training, resources, additional research, data collections and changes in state law and administrative rules regarding school climate improvement, bullying prevention, or improve awareness and bullying intervention.

Membership would include an adequate representation of public, nonpublic, urban and rural schools with the following appointed by the director:

1. Three Iowans who are experts in research based anti-bullying curricula or programs.
2. A public or nonpublic high school student.
3. A parent of a public elementary or secondary school student enrolled full-time.
4. A parent of a private elementary or secondary school student enrolled full-time.
5. A member from nominees submitted by the School Administrators of Iowa.
6. A member from nominees submitted by the Iowa Association of School Boards.
7. A member from nominees submitted by the Iowa State Education Association.
8. Representatives from other relevant public or nonpublic school professionals.
9. A representative from a statewide organization that provides research-based training on bullying for school professionals.
10. A representative from at least one statewide organization with at least five years' experience in advocating on bullying prevention based on researched-based best practices.
11. A representative for children placed in foster care.
12. A representative of school counselors.
13. A representative of school counselors.
14. A member from nominees submitted by the Iowa Parent Teacher Association.

15. The workgroup will include two ex-officio members of each house of the General Assembly. Members of the General Assembly would be required to serve under the terms of current statute and will receive per diem and travel expenses.

The workgroup is required to meet by October 1, 2015, and will submit its findings to DE and the chairpersons and ranking members of the Senate and House Education Committees by December 15, 2016.

#### **Division XXI – School District Property Tax Replacement**

This division is similar to SF 176 on the House calendar, and has not been dealt with. The provision extends the freeze on property taxes through FY 2017, and keeps the additional levy portion of the state cost per pupil from school aid growth covered by the general fund. With 4% state percent of growth for FY 2017, State aid will increase \$18.1 million compared to FY 2016. The Governor signed a bill earlier, SF 173, which extended this through FY 2016.

#### **Division XXII – Controlled Substances**

Changes the number of days that the Legislature has to enact into law any designations of a substance as a controlled substance by the Board of Pharmacy. Under current law, that time limit is within 60 days of the next general assembly. The language states that the general assembly must enact the changes and make the changes effective within two years from the effective date of the designation by the Board of Pharmacy. If this timeline is not met, the designation by the Board of Pharmacy is repealed.

Section 131 is language from the Board of Pharmacy which puts a number of substances in the controlled substances chapter. These are new additions to the existing list of controlled substances.

#### **Division XXIII – Greyhound Racing**

Clarifies that funds from the Greyhound Escrow Fund must be used to assist live Greyhound Racing in Dubuque. Escrow funds will be used for operating expenses and purses. This is effective upon enactment.

#### **Division XXIV – Interstate Medical Licensing Compact**

**Interstate Physician Licensure Compact** - Enacts an interstate physician licensure compact, allowing residents of other states to secure an expedited Iowa medical license. The compact has not yet been passed into law in other states but would become operational once at least seven states have enacted the legislation. The bill recognizes the creation of an interstate medical licensure compact commission to administer the compact and outlines membership and voting rights for each participating state. A physician that is disciplined by the medical board of any member state will be similarly disciplined in all member states. The commission's officers and employees are immune from liability for claims of damage that occur within the scope of their duties. The compact's provisions do not override the member states' existing authority to regulate the practice of medicine. This language came from SF 273.

#### **Division XXV – Entrepreneur Investment Awards Program**

Eligible entrepreneurial assistance providers that provide technical and financial assistance to entrepreneurs and start-up would be eligible for up to \$200,000 per award with a maximum program outlay of \$1 million per year. Eligible business accelerators must have its principal place of operations in the state, must offer services at its physical location in Iowa, and must offer business development services to emerging and early-stage innovation companies.

Awards will be made on a competitive basis factoring in experience, capacity, expertise and need of assistance. Financial assistance awards must be used for operating costs; awards cannot be distributed to businesses working with the accelerator.

### **Division XXVI – Business Trade Trucks**

**Business Trade Trucks** - If a tax or fee is applied to a business truck operating in another country or state is imposed on a truck registered in Iowa, then a truck registered in that country or state that is operating in Iowa is required to have the same tax or fee imposed on them by the Department.

### **Division XXVII – Iowa Education Savings Plan Trust**

**Iowa Education Savings Plan Trust** - Allows for a contribution College Savings Plan to be made before the tax filing deadline to be counted towards the previous calendar year's taxes.

### **Division XXVIII – Residential Swimming Pools**

**Residential Swimming Pools** - This is a constituent issue for a person who provides private swimming lesson in their residential pool beyond the number of hours allowed under current law. The current administrative rule limits the number of hours a person can provide swimming lesson at a residential pool to 60 hours per month. The bill expands that number to 207 hours per calendar month, or what is set by local ordinance, whichever is greater. This division is effective upon enactment.

**ADDITIONAL APPROPRIATIONS** - These don't appear in the bill language because they are "standing" appropriations. They only appear in the bill if changes are made. Unless noted they are funded at a status quo level:

- Department of Administrative Services: federal cash management - \$356,587; unemployment compensation: \$440,371
- Department of Corrections - state cases court costs: \$59,733
- Iowa Economic Development Authority - tourism marketing: \$1,124,000
- Department of Education - child development: \$12,606,196; Sac Fox Settlement education: \$100,000
- Executive Council - court costs/public improvements/drainage districts: \$119,847
- Governor's Office - interstate extradition: \$3,032
- Iowa Department of Public Health - congenital & inherited disorders: \$232,500
- Department Human Services - nonresident transfers/nonresident commitment mental illness/child abuse prevention: \$376,833
- Department of Management - Special Olympics: \$100,000
- Department of Public Defense - compensation and expense: \$344,644
- Department Public Safety – Police Officers' Retirement unfunded liabilities: \$5 million
- Department of Revenue - all fully funded based on current estimates for FY16
- Ag land Tax Credit: \$39.1 million (status quo)
- Homestead Tax Credit: \$131.36 million (estimate is a decrease of \$3.46 million)
- Elderly & Disabled Tax Credit: \$24 million (estimate is a decrease of \$2 million)
- Printing cigarette stamps/tobacco reporting: 143,068 (status quo)
- Military Service Tax Refunds: \$2.1 million (decrease of \$75,000)
- Commercial/Industrial Property Tax Replacement: \$162,056,468 (estimate is an increase of \$83.7 million)
- Business Property Tax Credit: \$100 million (estimate is an increase of \$50 million)