

FILED MAR 10 2005

SENATE FILE 342
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1266)

Passed Senate, Date 3-16-05 Passed House, Date _____
Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____
Approved 6-3-05

A BILL FOR

1 An Act relating to appropriation matters by making and increasing
2 appropriations for the fiscal year beginning July 1, 2004, and
3 providing effective and applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 342
S-3020
1 Amend Senate File 342 as follows:
2 1. Page 3, line 27, by striking the figure
3 "416,394,101" and inserting the following:
4 "422,794,101".
By JEFF ANGELO
ROBERT E. DVORSKY
S-3020 FILED MARCH 15, 2005

SF 342

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DIVISION I

ADMINISTRATION AND REGULATION

Section 1. 2004 Iowa Acts, chapter 1175, section 7, is amended to read as follows:

SEC. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	411,296
		<u>418,796</u>
.....	FTEs	6.00

GOVERNOR AND LIEUTENANT GOVERNOR

Sec. 2. 2004 Iowa Acts, chapter 1175, section 12, subsection 4, is amended to read as follows:

4. NATIONAL GOVERNORS ASSOCIATION

For payment of Iowa's membership in the national governors association:

.....	\$	64,393
		<u>364,393</u>

Of the funds appropriated in this subsection, \$300,000 is allocated for security-related costs and other expenses associated with the national governors association national meeting. Notwithstanding section 8.33, the moneys allocated for the meeting that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

RACING AND GAMING COMMISSION

Sec. 3. 2004 Iowa Acts, chapter 1175, section 16, subsection 2, is amended to read as follows:

1 section 288, subsection 6, paragraph "b":

2 \$ 500,000

3 Notwithstanding section 8.33, moneys appropriated in this
4 subsection that remain unencumbered or unobligated at the
5 close of the fiscal year shall not revert but shall remain
6 available for expenditure for the purpose designated until the
7 close of the fiscal year that begins July 1, 2006.

8 NEW SUBSECTION. 6. For distribution to one or more
9 organizations which administer special olympics programs
10 benefiting citizens of Iowa with disabilities:

11 \$ 10,000

12 Sec. 6. EFFECTIVE DATE. The section of this division of
13 this Act amending section 8.8 takes effect July 1, 2005.

14 DIVISION III

15 HEALTH AND HUMAN SERVICES

16 DEPARTMENT OF HUMAN SERVICES

17 Sec. 7. 2004 Iowa Acts, chapter 1175, section 116,
18 unnumbered paragraph 2, is amended to read as follows:

19 For medical assistance reimbursement and associated costs
20 as specifically provided in the reimbursement methodologies in
21 effect on June 30, 2004, except as otherwise expressly
22 authorized by law, including reimbursement for abortion
23 services, which shall be available under the medical
24 assistance program only for those abortions which are
25 medically necessary:

26 \$352,794,101
27 416,394,101

28 Sec. 8. 2004 Iowa Acts, chapter 1175, section 118,
29 unnumbered paragraph 2, is amended to read as follows:

30 For medical contracts, including salaries, support,
31 maintenance, and miscellaneous purposes, and for not more than
32 the following full-time equivalent position:

33 \$ 9,725,035
34 10,725,035
35 FTEs 1.00

1 Of the amount appropriated in this section, \$1,000,000 is
2 allocated for implementation costs for the Iowa Medicaid
3 enterprise initiative.

4 Sec. 9. 2004 Iowa Acts, chapter 1175, section 130,
5 subsections 1 and 2, are amended to read as follows:

6 1. For the state resource center at Glenwood for salaries,
7 support, maintenance, and miscellaneous purposes:

8 \$ 8,550,280
9 9,550,280

10 2. For the state resource center at Woodward for salaries,
11 support, maintenance, and miscellaneous purposes:

12 \$ 4,520,459
13 5,520,459

14 Sec. 10. 2004 Iowa Acts, chapter 1175, section 131, is
15 amended to read as follows:

16 SEC. 131. MI/MR/DD STATE CASES. There is appropriated
17 from the general fund of the state to the department of human
18 services for the fiscal year beginning July 1, 2004, and
19 ending June 30, 2005, the following amount, or so much thereof
20 as is necessary, to be used for the purpose designated:

21 For purchase of local services for persons with mental
22 illness, mental retardation, and developmental disabilities
23 where the client has no established county of legal
24 settlement:

25 \$ ~~11,701,476~~19
26 11,264,619

27 The general assembly encourages the department to continue
28 discussions with the Iowa state association of counties and
29 administrators of county central point of coordination offices
30 regarding proposals for moving state cases to county budgets.

31 Sec. 11. 2004 Iowa Acts, chapter 1175, section 134,
32 subsection 1, unnumbered paragraph 2, is amended to read as
33 follows:

34 For costs associated with the commitment and treatment of
35 sexually violent predators in the unit located at the state

1 mental health institute at Cherokee, including costs of legal
 2 services and other associated costs, including salaries,
 3 support, maintenance, and miscellaneous purposes:
 4 \$ 2,833,646
 5 3,608,646

6 DIVISION IV
 7 JUSTICE SYSTEM
 8 DEPARTMENT OF JUSTICE

9 Sec. 12. 2004 Iowa Acts, chapter 1175, section 180,
 10 subsection 1, paragraph a, is amended to read as follows:

11 a. For the general office of attorney general for
 12 salaries, support, maintenance, miscellaneous purposes
 13 including the prosecuting attorneys training program, victim
 14 assistance grants, office of drug control policy (ODCP)
 15 prosecuting attorney program, legal services for persons in
 16 poverty grants as provided in section 13.34, odometer fraud
 17 enforcement, and for not more than the following full-time
 18 equivalent positions:

19 \$ 7,565,245
 20 8,165,245
 21 FTEs 208.50

22 (1) It is the intent of the general assembly that as a
 23 condition of receiving the appropriation provided in this
 24 lettered paragraph, the department of justice shall maintain a
 25 record of the estimated time incurred representing each agency
 26 or department.

27 (2) Of the amount appropriated in this lettered paragraph,
 28 \$600,000 is allocated as additional funding for the legal
 29 services for persons in poverty grants as provided in section
 30 13.34. Notwithstanding section 8.33, moneys allocated in this
 31 subparagraph that remain unencumbered or unobligated at the
 32 close of the fiscal year shall not revert but shall remain
 33 available for expenditure for the purposes designated until
 34 the close of the succeeding fiscal year.

35 DEPARTMENT OF CORRECTIONS -- FACILITIES

1 Sec. 13. 2004 Iowa Acts, chapter 1175, section 183,
2 subsection 1, paragraph c, is amended to read as follows:

3 c. For the operation of the Oakdale correctional facility,
4 including salaries, support, maintenance, and miscellaneous
5 purposes:

6 \$ 23,536,936
7 23,636,936

8 Of the funds allocated in this paragraph "c", \$100,000 is
9 allocated for the costs of remodeling and construction to
10 establish a specialized 24-bed mental health unit for
11 offenders who are not ordered to inpatient mental health
12 treatment. The unit shall operate as an adjunct to the
13 licensed hospital program within the Oakdale correctional
14 facility.

15 DEPARTMENT OF CORRECTIONS -- ADMINISTRATION

16 Sec. 14. 2004 Iowa Acts, chapter 1175, section 184,
17 subsection 1, paragraph a, unnumbered paragraph 1, is amended
18 to read as follows:

19 For general administration, including salaries, support,
20 maintenance, employment of an education director to administer
21 a centralized education program for the correctional system,
22 and miscellaneous purposes:

23 \$ 2,784,393
24 3,198,809

25 Sec. 15. 2004 Iowa Acts, chapter 1175, section 188, is
26 amended to read as follows:

27 SEC. 188. STATE PUBLIC DEFENDER. There is appropriated
28 from the general fund of the state to the office of the state
29 public defender of the department of inspections and appeals
30 for the fiscal year beginning July 1, 2004, and ending June
31 30, 2005, the following amounts, or so much thereof as is
32 necessary, to be allocated as follows for the purposes
33 designated:

34 1. For salaries, support, maintenance, and miscellaneous
35 purposes, and for not more than the following full-time

1 equivalent positions:

2	.....	\$ 16,663,446
3		<u>18,247,561</u>
4	..... FTEs	202.00

5 2. For the fees of court-appointed attorneys for indigent
6 adults and juveniles, in accordance with section 232.141 and
7 chapter 815:

8	.....	\$ 19,355,297
9		<u>22,251,339</u>

10 DEPARTMENT OF PUBLIC DEFENSE

11 Sec. 16. 2004 Iowa Acts, chapter 1175, section 191,
12 subsection 1, is amended to read as follows:

13 1. MILITARY DIVISION

14 For salaries, support, maintenance, miscellaneous purposes,
15 and for not more than the following full-time equivalent
16 positions:

17	.....	\$ 5,084,143
18		<u>10,837,143</u>
19	..... FTEs	310.80

20 Of the amount appropriated in this subsection, \$5,753,000
21 is allocated for repayment of grant funding to the federal
22 government and the accrued interest.

23 If there is a surplus in the general fund of the state for
24 the fiscal year ending June 30, 2005, within 60 days after the
25 close of the fiscal year, the military division may incur up
26 to an additional \$500,000 in expenditures from the surplus
27 prior to transfer of the surplus pursuant to section 8.57.

28 DEPARTMENT OF PUBLIC SAFETY

29 Sec. 17. 2004 Iowa Acts, chapter 1175, section 192, is
30 amended by adding the following new subsection:

31 NEW SUBSECTION. 1A. For capitol building and judicial
32 building security:

33	\$ 800,000
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34 Moneys appropriated in this subsection shall not be
35 expended, encumbered, or obligated prior to July 1, 2005.

1 Notwithstanding section 8.33, moneys appropriated in this
2 subsection 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 purpose designated until the
5 close of the succeeding fiscal year.

6 Sec. 18. 2004 Iowa Acts, chapter 1175, section 192,
7 subsection 2, unnumbered paragraph 1, is amended to read as
8 follows:

9 For the division of criminal investigation and bureau of
10 identification, including the state's contribution to the
11 peace officers' retirement, accident, and disability system
12 provided in chapter 97A in the amount of 17 percent of the
13 salaries for which the funds are appropriated, to meet federal
14 fund matching requirements, and for not more than the
15 following full-time equivalent positions:

16	\$ 14,058,510
17	<u>14,208,510</u>
18	FTEs 221.50

19 Sec. 19. 2004 Iowa Acts, chapter 1175, section 193, is
20 amended to read as follows:

21 SEC. 193. CIVIL RIGHTS COMMISSION. There is appropriated
22 from the general fund of the state to the Iowa state civil
23 rights commission for the fiscal year beginning July 1, 2004,
24 and ending June 30, 2005, the following amount, or so much
25 thereof as is necessary, to be used for the purposes
26 designated:

27 For salaries, support, maintenance, miscellaneous purposes,
28 and for not more than the following full-time equivalent
29 positions:

30	\$ 825,752
31	<u>881,752</u>
32	FTEs 28.00

33 The Iowa state civil rights commission may enter into a
34 contract with a nonprofit organization to provide legal
35 assistance to resolve civil rights complaints.

1 DIVISION V

2 Sec. 20. EFFECTIVE DATE. Unless specifically provided
3 otherwise, this Act, being deemed of immediate importance,
4 takes effect upon enactment.

5 EXPLANATION

6 This bill relates to appropriation matters by making and
7 increasing appropriations for the fiscal year beginning July
8 1, 2004. Unless stated otherwise, the affected appropriations
9 are from the general fund of the state. The bill is organized
10 into divisions.

11 ADMINISTRATION AND REGULATION. This division provides
12 supplemental appropriations to the Iowa ethics and campaign
13 disclosure board, offices of the governor and lieutenant
14 governor for the security costs and other expenses associated
15 with the national meeting of the national governor's
16 association, and the racing and gaming commission of the
17 department of inspections and appeals for examination of new
18 gaming license applications.

19 ECONOMIC DEVELOPMENT. This division provides a
20 supplemental appropriation to the department of economic
21 development to be used for sole source grant costs associated
22 with the hosting of the national special olympics in Iowa by a
23 special olympics nonprofit entity, to supplement an
24 appropriation made for this purpose from the rebuild Iowa
25 infrastructure fund. The appropriation does not revert until
26 the close of fiscal year 2005-2006. In addition, beginning in
27 FY 2005-2006 the standing appropriation for distribution to
28 one or more organizations administering special olympics
29 programs in this state is increased.

30 HEALTH AND HUMAN SERVICES. This division provides
31 supplemental appropriations to the department of human
32 services for the medical assistance (Medicaid) program,
33 Medicaid medical contracts, state resource centers, the unit
34 for commitment and treatment of sexually violent predators,
35 and mental illness, mental retardation, and developmental

1 disabilities state cases. The appropriation for state cases
2 does not revert until the close of FY 2005-2006.

3 JUSTICE SYSTEM. This division provides supplemental
4 appropriations to the department of justice for the legal
5 services for persons in poverty grants, the department of
6 corrections for the Oakdale correctional facility to establish
7 a mental health unit, the department of corrections for
8 general administration, the state public defender, the
9 department of public defense for repayment of a federal grant,
10 the department of public safety for capitol building and
11 judicial building security, the department of public safety
12 division of criminal investigation and bureau of
13 identification, and the civil rights commission. The
14 appropriation for capitol building and judicial building
15 security does not revert until the close of FY 2005-2006.

16 EFFECTIVE DATE. This division provides that the bill takes
17 effect upon enactment, unless otherwise provided.

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SENATE FILE 342

S-3035

1 Amend Senate File 342 as follows:

2 1. Page 9, by inserting before line 1 the
3 following:

4 "DIVISION

5 MISCELLANEOUS PROVISIONS

6 Sec. _____. 2003 Iowa Acts, chapter 179, section 21,
7 subsections 2 and 5, as enacted by 2005 Iowa Acts,
8 Senate File 75, section 1, are amended to read as
9 follows:

10 2. Of the funds appropriated in this section,
11 \$10,000 is transferred to the Iowa department of
12 ~~public health~~ human services for allocation to
13 community mental health centers to provide counseling
14 services to persons, whether or not employed by the
15 state, who are members of the national guard or
16 reservists and who are assigned to active duty service
17 in the armed forces of the United States and to the
18 persons' family members. The sessions shall be
19 provided on a first come, first served basis and shall
20 be limited to three visits per family.

21 5. The remainder of the funds appropriated in this
22 section are transferred to the Iowa finance authority
23 to be used for a home ownership assistance program for
24 persons who are eligible members of the armed forces
25 of the United States. In the event an eligible member
26 is deceased, the surviving spouse of the eligible
27 member shall be eligible for a loan under the program,
28 subject to the surviving spouse meeting the program's
29 eligibility requirements other than the military
30 service requirement. For the purposes of this
31 subsection, "eligible member of the armed forces of
32 the United States" means a resident of this state who
33 is or was a member of the national guard, reserve, or
34 regular component of the armed forces of the United
35 States who has served at least ninety days of active
36 duty service during the period beginning September 11,
37 2001, and ending June 30, 2006.

38 Sec. _____. APPLICABILITY. This division of this
39 Act is retroactively applicable to May 17, 2004."

40 2. By renumbering as necessary.

By STEVEN H. WARNSTADT
ROBERT E. DVORSKY
JEFF ANGELO

S-3035 FILED MARCH 16, 2005

ADOPTED

SENATE FILE 342

S-3030

1 Amend Senate File 342 as follows:

2 1. Page 2, by inserting after line 17 the
3 following:

4 "Sec. ____ DEPARTMENT OF ADMINISTRATIVE SERVICES
5 -- RECORDS AND PROPERTY CENTER. There is appropriated
6 from the general fund of the state to the department
7 of administrative services for the fiscal year
8 beginning July 1, 2004, and ending June 30, 2005, the
9 following amount, or so much thereof as is necessary,
10 to be used for the purpose designated:

11 To supplement the appropriations made for costs
12 associated with the remodeling of the records and
13 property center in 2004 Iowa Acts, chapter 1175,
14 section 288, subsection 1, paragraph "e":

15 \$ 2,200,000

16 Notwithstanding section 8.33, moneys appropriated
17 in this section that remain unencumbered or
18 unobligated at the close of the fiscal year shall not
19 revert but shall remain available for expenditure for
20 the purposes designated until the close of the fiscal
21 year beginning July 1, 2006, or until completion of
22 the remodeling project, whichever is earlier."

23 2. By renumbering as necessary.

By JEFF ANGELO
ROBERT E. DVORSKY

S-3030 FILED MARCH 16, 2005
ADOPTED

SENATE FILE 342
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1266)

(AS AMENDED AND PASSED BY THE SENATE MARCH 16, 2005)

~~_____~~ - New Language by the Senate

Re - Passed Senate, Date 5-20-05 Passed House, Date 5-11-05
Vote: Ayes 47 Nays 2 Vote: Ayes 99 Nays 0
Approved _____ *Re-passed*
5-20-05 97-0

A BILL FOR

1 An Act relating to appropriation matters by making and increasing
2 appropriations for the fiscal year beginning July 1, 2004, and
3 providing effective and applicability date provisions.

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

S.F. 342

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DIVISION I

ADMINISTRATION AND REGULATION

Section 1. 2004 Iowa Acts, chapter 1175, section 7, is amended to read as follows:

SEC. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	411,296
		<u>418,796</u>
.....	FTEs	6.00

GOVERNOR AND LIEUTENANT GOVERNOR

Sec. 2. 2004 Iowa Acts, chapter 1175, section 12, subsection 4, is amended to read as follows:

4. NATIONAL GOVERNORS ASSOCIATION

For payment of Iowa's membership in the national governors association:

.....	\$	64,393
		<u>364,393</u>

Of the funds appropriated in this subsection, \$300,000 is allocated for security-related costs and other expenses associated with the national governors association national meeting. Notwithstanding section 8.33, the moneys allocated for the meeting that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

RACING AND GAMING COMMISSION

Sec. 3. 2004 Iowa Acts, chapter 1175, section 16, subsection 2, is amended to read as follows:

1 2. EXCURSION BOAT REGULATION

2 There is appropriated from the general fund of the state to
3 the racing and gaming commission of the department of
4 inspections and appeals for the fiscal year beginning July 1,
5 2004, and ending June 30, 2005, the following amount, or so
6 much thereof as is necessary, to be used for the purposes
7 designated:

8 For salaries, support, maintenance, and miscellaneous
9 purposes for administration and enforcement of the excursion
10 boat gambling laws, and for not more than the following full-
11 time equivalent positions:

12	\$	1,806,048
13		<u>1,856,048</u>
14	FTEs	30.22

15 Of the funds appropriated in this subsection, \$50,000 is
16 allocated for costs associated with the examination of new
17 gaming license applications.

18 Sec. 4. DEPARTMENT OF ADMINISTRATIVE SERVICES -- RECORDS
19 AND PROPERTY CENTER. There is appropriated from the general
20 fund of the state to the department of administrative services
21 for the fiscal year beginning July 1, 2004, and ending June
22 30, 2005, the following amount, or so much thereof as is
23 necessary, to be used for the purpose designated:

24 To supplement the appropriations made for costs associated
25 with the remodeling of the records and property center in 2004
26 Iowa Acts, chapter 1175, section 288, subsection 1, paragraph
27 "e":

28	\$	2,200,000
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29 Notwithstanding section 8.33, moneys appropriated in this
30 section that remain unencumbered or unobligated at the close
31 of the fiscal year shall not revert but shall remain available
32 for expenditure for the purposes designated until the close of
33 the fiscal year beginning July 1, 2006, or until completion of
34 the remodeling project, whichever is earlier.

35 DIVISION II

1 ECONOMIC DEVELOPMENT

2 Sec. 5. Section 8.8, Code 2005, is amended to read as
3 follows:

4 8.8 SPECIAL OLYMPICS FUND -- APPROPRIATION.

5 A special olympics fund is created in the office of the
6 treasurer of state under the control of the department of
7 management. There is appropriated annually from the general
8 fund of the state to the special olympics fund thirty forty-
9 five thousand dollars for distribution to one or more
10 organizations which administer special olympics programs
11 benefiting the citizens of Iowa with disabilities.

12 Sec. 6. 2004 Iowa Acts, chapter 1175, section 50, is
13 amended by adding the following new subsections:

14 NEW SUBSECTION. 5. For sole source grant costs associated
15 with the hosting of the national special olympics in Iowa by a
16 special olympics nonprofit entity, in addition to the amount
17 appropriated for this purpose in 2004 Iowa Acts, chapter 1175,
18 section 288, subsection 6, paragraph "b":

19 \$ 500,000

20 Notwithstanding section 8.33, moneys appropriated in this
21 subsection that remain unencumbered or unobligated at the
22 close of the fiscal year shall not revert but shall remain
23 available for expenditure for the purpose designated until the
24 close of the fiscal year that begins July 1, 2006.

25 NEW SUBSECTION. 6. For distribution to one or more
26 organizations which administer special olympics programs
27 benefiting citizens of Iowa with disabilities:

28 \$ 10,000

29 Sec. 7. EFFECTIVE DATE. The section of this division of
30 this Act amending section 8.8 takes effect July 1, 2005.

31 DIVISION III
32 HEALTH AND HUMAN SERVICES
33 DEPARTMENT OF HUMAN SERVICES

34 Sec. 8. 2004 Iowa Acts, chapter 1175, section 116,
35 unnumbered paragraph 2, is amended to read as follows:

1 For medical assistance reimbursement and associated costs
2 as specifically provided in the reimbursement methodologies in
3 effect on June 30, 2004, except as otherwise expressly
4 authorized by law, including reimbursement for abortion
5 services, which shall be available under the medical
6 assistance program only for those abortions which are
7 medically necessary:

8 \$352,794,101
9 422,794,101

10 Sec. 9. 2004 Iowa Acts, chapter 1175, section 118,
11 unnumbered paragraph 2, is amended to read as follows:

12 For medical contracts, including salaries, support,
13 maintenance, and miscellaneous purposes, and for not more than
14 the following full-time equivalent position:

15 \$ 97,725,035
16 10,725,035
17 FTEs 1.00

18 Of the amount appropriated in this section, \$1,000,000 is
19 allocated for implementation costs for the Iowa Medicaid
20 enterprise initiative.

21 Sec. 10. 2004 Iowa Acts, chapter 1175, section 130,
22 subsections 1 and 2, are amended to read as follows:

23 1. For the state resource center at Glenwood for salaries,
24 support, maintenance, and miscellaneous purposes:

25 \$ 87,550,280
26 9,550,280

27 2. For the state resource center at Woodward for salaries,
28 support, maintenance, and miscellaneous purposes:

29 \$ 47,520,459
30 5,520,459

31 Sec. 11. 2004 Iowa Acts, chapter 1175, section 131, is
32 amended to read as follows:

33 SEC. 131. MI/MR/DD STATE CASES. There is appropriated
34 from the general fund of the state to the department of human
35 services for the fiscal year beginning July 1, 2004, and

1 ending June 30, 2005, the following amount, or so much thereof
2 as is necessary, to be used for the purpose designated:

3 For purchase of local services for persons with mental
4 illness, mental retardation, and developmental disabilities
5 where the client has no established county of legal
6 settlement:

7 \$ ~~11,701,476~~19
8 11,264,619

9 The general assembly encourages the department to continue
10 discussions with the Iowa state association of counties and
11 administrators of county central point of coordination offices
12 regarding proposals for moving state cases to county budgets.

13 Sec. 12. 2004 Iowa Acts, chapter 1175, section 134,
14 subsection 1, unnumbered paragraph 2, is amended to read as
15 follows:

16 For costs associated with the commitment and treatment of
17 sexually violent predators in the unit located at the state
18 mental health institute at Cherokee, including costs of legal
19 services and other associated costs, including salaries,
20 support, maintenance, and miscellaneous purposes:

21 \$ 2,783,376
22 3,608,646

23 DIVISION IV
24 JUSTICE SYSTEM
25 DEPARTMENT OF JUSTICE

26 Sec. 13. 2004 Iowa Acts, chapter 1175, section 180,
27 subsection 1, paragraph a, is amended to read as follows:

28 a. For the general office of attorney general for
29 salaries, support, maintenance, miscellaneous purposes
30 including the prosecuting attorneys training program, victim
31 assistance grants, office of drug control policy (ODCP)
32 prosecuting attorney program, legal services for persons in
33 poverty grants as provided in section 13.34, odometer fraud
34 enforcement, and for not more than the following full-time
35 equivalent positions:

1	\$	7,756,245
2		<u>8,165,245</u>
3	FTEs	208.50

4 (1) It is the intent of the general assembly that as a
5 condition of receiving the appropriation provided in this
6 lettered paragraph, the department of justice shall maintain a
7 record of the estimated time incurred representing each agency
8 or department.

9 (2) Of the amount appropriated in this lettered paragraph,
10 \$600,000 is allocated as additional funding for the legal
11 services for persons in poverty grants as provided in section
12 13.34. Notwithstanding section 8.33, moneys allocated in this
13 subparagraph that remain unencumbered or unobligated at the
14 close of the fiscal year shall not revert but shall remain
15 available for expenditure for the purposes designated until
16 the close of the succeeding fiscal year.

17 DEPARTMENT OF CORRECTIONS -- FACILITIES

18 Sec. 14. 2004 Iowa Acts, chapter 1175, section 183,
19 subsection 1, paragraph c, is amended to read as follows:

20 c. For the operation of the Oakdale correctional facility,
21 including salaries, support, maintenance, and miscellaneous
22 purposes:

23	\$	23,536,936
24		<u>23,636,936</u>

25 Of the funds allocated in this paragraph "c", \$100,000 is
26 allocated for the costs of remodeling and construction to
27 establish a specialized 24-bed mental health unit for
28 offenders who are not ordered to inpatient mental health
29 treatment. The unit shall operate as an adjunct to the
30 licensed hospital program within the Oakdale correctional
31 facility.

32 DEPARTMENT OF CORRECTIONS -- ADMINISTRATION

33 Sec. 15. 2004 Iowa Acts, chapter 1175, section 184,
34 subsection 1, paragraph a, unnumbered paragraph 1, is amended
35 to read as follows:

1 For general administration, including salaries, support,
2 maintenance, employment of an education director to administer
3 a centralized education program for the correctional system,
4 and miscellaneous purposes:

5 \$ 2,784,393
6 3,198,809

7 Sec. 16. 2004 Iowa Acts, chapter 1175, section 188, is
8 amended to read as follows:

9 SEC. 188. STATE PUBLIC DEFENDER. There is appropriated
10 from the general fund of the state to the office of the state
11 public defender of the department of inspections and appeals
12 for the fiscal year beginning July 1, 2004, and ending June
13 30, 2005, the following amounts, or so much thereof as is
14 necessary, to be allocated as follows for the purposes
15 designated:

16 1. For salaries, support, maintenance, and miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions:

19 \$ 1,663,446
20 18,247,561
21 FTEs 202.00

22 2. For the fees of court-appointed attorneys for indigent
23 adults and juveniles, in accordance with section 232.141 and
24 chapter 815:

25 \$ 1,935,297
26 22,251,339

27 DEPARTMENT OF PUBLIC DEFENSE

28 Sec. 17. 2004 Iowa Acts, chapter 1175, section 191,
29 subsection 1, is amended to read as follows:

30 1. MILITARY DIVISION

31 For salaries, support, maintenance, miscellaneous purposes,
32 and for not more than the following full-time equivalent
33 positions:

34 \$ 5,084,143
35 10,837,143

1 FTEs 310.80

2 Of the amount appropriated in this subsection, \$5,753,000
3 is allocated for repayment of grant funding to the federal
4 government and the accrued interest.

5 If there is a surplus in the general fund of the state for
6 the fiscal year ending June 30, 2005, within 60 days after the
7 close of the fiscal year, the military division may incur up
8 to an additional \$500,000 in expenditures from the surplus
9 prior to transfer of the surplus pursuant to section 8.57.

10 DEPARTMENT OF PUBLIC SAFETY

11 Sec. 18. 2004 Iowa Acts, chapter 1175, section 192, is
12 amended by adding the following new subsection:

13 NEW SUBSECTION. 1A. For capitol building and judicial
14 building security:

15 \$ 800,000

16 Moneys appropriated in this subsection shall not be
17 expended, encumbered, or obligated prior to July 1, 2005.
18 Notwithstanding section 8.33, moneys appropriated in this
19 subsection that remain unencumbered or unobligated at the
20 close of the fiscal year shall not revert but shall remain
21 available for expenditure for the purpose designated until the
22 close of the succeeding fiscal year.

23 Sec. 19. 2004 Iowa Acts, chapter 1175, section 192,
24 subsection 2, unnumbered paragraph 1, is amended to read as
25 follows:

26 For the division of criminal investigation and bureau of
27 identification, including the state's contribution to the
28 peace officers' retirement, accident, and disability system
29 provided in chapter 97A in the amount of 17 percent of the
30 salaries for which the funds are appropriated, to meet federal
31 fund matching requirements, and for not more than the
32 following full-time equivalent positions:

33 \$ ~~14,705,510~~

34 14,208,510

35 FTEs 221.50

1 Sec. 20. 2004 Iowa Acts, chapter 1175, section 193, is
2 amended to read as follows:

3 SEC. 193. CIVIL RIGHTS COMMISSION. There is appropriated
4 from the general fund of the state to the Iowa state civil
5 rights commission for the fiscal year beginning July 1, 2004,
6 and ending June 30, 2005, the following amount, or so much
7 thereof as is necessary, to be used for the purposes
8 designated:

9 For salaries, support, maintenance, miscellaneous purposes,
10 and for not more than the following full-time equivalent
11 positions:

12	\$	825,752
13		<u>881,752</u>
14	FTEs	28.00

15 The Iowa state civil rights commission may enter into a
16 contract with a nonprofit organization to provide legal
17 assistance to resolve civil rights complaints.

18 DIVISION V

19 MISCELLANEOUS PROVISIONS

20 Sec. 21. 2003 Iowa Acts, chapter 179, section 21,
21 subsections 2 and 5, as enacted by 2005 Iowa Acts, Senate File
22 75, section 1, are amended to read as follows:

23 2. Of the funds appropriated in this section, \$10,000 is
24 transferred to the Iowa department of public-health human
25 services for allocation to community mental health centers to
26 provide counseling services to persons, whether or not
27 employed by the state, who are members of the national guard
28 or reservists and who are assigned to active duty service in
29 the armed forces of the United States and to the persons'
30 family members. The sessions shall be provided on a first
31 come, first served basis and shall be limited to three visits
32 per family.

33 5. The remainder of the funds appropriated in this section
34 are transferred to the Iowa finance authority to be used for a
35 home ownership assistance program for persons who are eligible

1 members of the armed forces of the United States. In the
2 event an eligible member is deceased, the surviving spouse of
3 the eligible member shall be eligible for a loan under the
4 program, subject to the surviving spouse meeting the program's
5 eligibility requirements other than the military service
6 requirement. For the purposes of this subsection, "eligible
7 member of the armed forces of the United States" means a
8 resident of this state who is or was a member of the national
9 guard, reserve, or regular component of the armed forces of
10 the United States who has served at least ninety days of
11 active duty service during the period beginning September 11,
12 2001, and ending June 30, 2006.

13 Sec. 22. APPLICABILITY. This division of this Act is
14 retroactively applicable to May 17, 2004.

15 DIVISION VI

16 Sec. 23. EFFECTIVE DATE. Unless specifically provided
17 otherwise, this Act, being deemed of immediate importance,
18 takes effect upon enactment.

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SENATE FILE 342

H-1638

- 1 Amend Senate File 342, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 17 through 32.
4 2. Page 2, by striking lines 18 through 34.
5 3. By striking page 2, line 35, through page 3,
6 line 30.
7 4. By striking page 5, line 25, through page 6,
8 line 16.
9 5. By striking page 7, line 27, through page 8,
10 line 9.
11 6. Page 8, by striking lines 11 through 22.
12 7. By striking page 9, line 18, through page 10,
13 line 14.
14 8. Page 10, by inserting before line 15, the
15 following:

16 "DIVISION
17 EMPLOYMENT

- 18 Sec. _____. Section 22.7, Code 2005, is amended by
19 adding the following new subsection:
20 NEW SUBSECTION. 51. Confidential information, as
21 defined in section 86.45, subsection 1, filed with the
22 workers' compensation commissioner.
23 Sec. _____. Section 85.27, subsection 7, Code 2005,
24 is amended to read as follows:
25 7. If, after the third day of incapacity to work
26 following the date of sustaining a compensable injury
27 which does not result in permanent partial disability,
28 or if, at any time after sustaining a compensable
29 injury which results in permanent partial disability,
30 an employee, who is not receiving weekly benefits
31 under section 85.33 or section 85.34, subsection 1,
32 returns to work and is required to leave work for one
33 full day or less to receive services pursuant to this
34 section, the employee shall be paid an amount
35 equivalent to the wages lost at the employee's regular
36 rate of pay for the time the employee is required to
37 leave work. For the purposes of this subsection, "day
38 of incapacity to work" means eight hours of
39 accumulated absence from work due to incapacity to
40 work or due to the receipt of services pursuant to
41 this section. The employer shall make the payments
42 under this subsection as wages to the employee after
43 making such deductions from the amount as legally
44 required or customarily made by the employer from
45 wages. Payments made under this subsection shall be
46 required to be reimbursed pursuant to any insurance
47 policy covering workers' compensation. Payments under
48 this subsection shall not be construed to be payment
49 of weekly benefits.
50 Sec. _____. Section 85.35, Code 2005, is amended to

H-1638

1 read as follows:

2 85.35 ~~SETTLEMENT IN CONTESTED CASE SETTLEMENTS.~~

3 1. The parties to a contested case or persons who
4 are involved in a dispute which could culminate in a
5 contested case may enter into a settlement of any
6 claim arising under this chapter or chapter 85A, 85B,
7 or 86, providing for final disposition of the claim,
8 ~~provided that no final disposition affecting rights to~~
9 ~~future benefits may be had when the only dispute is~~
10 ~~the degree of disability resulting from an injury for~~
11 ~~which an award for payments or agreement for~~
12 ~~settlement under section 86.13 has been made. The~~
13 settlement shall be in writing on forms prescribed by
14 the workers' compensation commissioner and submitted
15 to the workers' compensation commissioner for
16 approval.

17 2. The parties may enter into an agreement for
18 settlement that establishes the employer's liability,
19 fixes the nature and extent of the employee's current
20 right to accrued benefits, and establishes the
21 employee's right to statutory benefits that accrue in
22 the future.

23 3. The parties may enter into a compromise
24 settlement of the employee's claim to benefits as a
25 full and final disposition of the claim.

26 4. The parties may enter into a settlement that is
27 a combination of an agreement for settlement and a
28 compromise settlement that establishes the employer's
29 liability for part of a claim but makes a full and
30 final disposition of other parts of a claim.

31 5. A contingent settlement may be made and
32 approved, conditioned upon subsequent approval by a
33 court or governmental agency, or upon any other
34 subsequent event that is expected to occur within one
35 year from the date of the settlement. If the
36 subsequent approval or event does not occur, the
37 contingent settlement and its approval may be vacated
38 by order of the workers' compensation commissioner
39 upon a petition for vacation filed by one of the
40 parties or upon agreement by all parties. If a
41 contingent settlement is vacated, the running of any
42 period of limitation provided for in section 85.26 is
43 tolled from the date the settlement was initially
44 approved until the date that the settlement is
45 vacated, and the claim is restored to the status that
46 the claim held when the contingent settlement was
47 initially approved. The contingency on a settlement
48 lapses and the settlement becomes final and fully
49 enforceable if an action to vacate the contingent
50 settlement or to extend the period of time allowed for

1 the subsequent approval or event to occur is not
2 initiated within one year from the date that the
3 contingent settlement was initially approved.

4 6. The parties may agree that settlement proceeds,
5 which are paid in a lump sum, are intended to
6 compensate the injured worker at a given monthly or
7 weekly rate over the life expectancy of the injured
8 worker. If such an agreement is reached, neither the
9 weekly compensation rate which either has been paid,
10 or should have been paid, throughout the case, nor the
11 maximum statutory weekly rate applicable to the injury
12 shall apply. Instead, the rate set forth in the
13 settlement agreement shall be the rate for the case.

14 ~~The settlement shall not be approved unless~~
15 ~~evidence of a bona fide dispute exists concerning any~~
16 ~~of the following:~~

17 ~~1. The claimed injury arose out of or in the~~
18 ~~course of the employment.~~

19 ~~2. The injured employee gave notice under section~~
20 ~~85.23.~~

21 ~~3. Whether or not the statutes of limitations as~~
22 ~~provided in section 85.26 have run. When the issue~~
23 ~~involved is whether or not the statute of limitations~~
24 ~~of section 85.26, subsection 2, has run, the final~~
25 ~~disposition shall pertain to the right to weekly~~
26 ~~compensation unless otherwise provided for in~~
27 ~~subsection 7 of this section.~~

28 ~~4. The injury was caused by the employee's willful~~
29 ~~intent to injure the employee's self or to willfully~~
30 ~~injure another.~~

31 ~~5. Intoxication, which did not arise out of and in~~
32 ~~the course of employment but which was due to the~~
33 ~~effects of alcohol or another narcotic, depressant,~~
34 ~~stimulant, hallucinogenic, or hypnotic drug not~~
35 ~~prescribed by an authorized medical practitioner, was~~
36 ~~a substantial factor in causing the employee's injury.~~

37 ~~6. The injury was caused by the willful act of a~~
38 ~~third party directed against the employee for reasons~~
39 ~~personal to such employee.~~

40 ~~7. This chapter or chapter 85A, 85B, 86 or 87~~
41 ~~applies to the party making the claim.~~

42 ~~8. A substantial portion of the claimed disability~~
43 ~~is related to physical or mental conditions other than~~
44 ~~those caused by the injury.~~

45 7. A settlement shall be approved by the workers'
46 compensation commissioner if the parties show all of
47 the following:

48 a. Substantial evidence exists to support the
49 terms of the settlement.

50 b. Waiver of the employee's right to a hearing,

1 decision, and statutory benefits is made knowingly by
2 the employee.

3 c. The settlement is a reasonable and informed
4 compromise of the competing interests of the parties.

5 If an employee is represented by legal counsel, it
6 is presumed that the required showing for approval of
7 the settlement has been made.

8 8. Approval of a settlement by the workers'
9 compensation commissioner shall be is binding on the
10 parties and shall not be construed as an original
11 proceeding. Notwithstanding any provisions of this
12 chapter and chapters 85A, 85B, 86 and 87, an approved
13 compromise settlement shall constitute a final bar to
14 any further rights arising under this chapter and
15 chapters 85A, 85B, 86, and 87.—Such regarding the
16 subject matter of the compromise and a payment made
17 pursuant to a compromise settlement agreement shall
18 not be construed as the payment of weekly
19 compensation.

20 Sec. ____ . Section 85.38, subsection 2, unnumbered
21 paragraph 2, Code 2005, is amended to read as follows:

22 If an employer denies liability under this chapter,
23 chapter 85A, or chapter 85B, for payment for any
24 medical services received or weekly compensation
25 requested by an employee ~~with a disability~~, and the
26 employee is a beneficiary under either an individual
27 or group plan for nonoccupational illness, injury, or
28 disability, the nonoccupational plan shall not deny
29 payment for the medical services received or for
30 benefits under the plan on the basis that the
31 employer's liability for the medical services under
32 this chapter, chapter 85A, or chapter 85B is
33 unresolved.

34 Sec. ____ . Section 85.71, Code 2005, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 5. The employer has a place of
37 business in Iowa, and the employee is working under a
38 contract of hire which provides that the employee's
39 workers' compensation claims be governed by Iowa law.

40 Sec. ____ . Section 86.24, subsection 4, Code 2005,
41 is amended to read as follows:

42 4. A transcript of a contested case proceeding
43 shall be provided to the workers' compensation
44 commissioner by an appealing party at the party's cost
45 ~~and an affidavit shall be filed by the appealing party~~
46 ~~or the party's attorney with the workers' compensation~~
47 ~~commissioner within ten days after the filing of the~~
48 ~~appeal to the workers' compensation commissioner~~
49 ~~stating that the transcript has been ordered and~~
50 ~~identifying the name and address of the reporter or~~

1 ~~reporting firm from which the transcript has been~~
2 ~~ordered.~~

3 Sec. ____ . NEW SECTION. 86.45 CONFIDENTIAL
4 INFORMATION.

5 1. "Confidential information", for the purposes of
6 this section, means all information that is filed with
7 the workers' compensation commissioner as a result of
8 an employee's injury or death that would allow the
9 identification of the employee or the employee's
10 dependents. Confidential information includes first
11 reports of injury and subsequent reports of claim
12 activity. Confidential information does not include
13 pleadings, motions, decisions, opinions, or
14 applications for settlement that are filed with the
15 workers' compensation commissioner.

16 2. The workers' compensation commissioner shall
17 not disclose confidential information except as
18 follows:

19 a. Pursuant to the terms of a written waiver of
20 confidentiality executed by the employee or the
21 dependents of the employee whose information is filed
22 with the workers' compensation commissioner.

23 b. To another governmental agency, or to an
24 advisory, rating, or research organization, for the
25 purpose of compiling statistical data, evaluating the
26 state's workers' compensation system, or conducting
27 scientific, medical, or public policy research, where
28 such disclosure will not allow the identification of
29 the employee or the employee's dependents.

30 c. To the employee or to the agent or attorney of
31 the employee whose information is filed with the
32 workers' compensation commissioner.

33 d. To the person or to the agent of the person who
34 submitted the information to the workers' compensation
35 commissioner.

36 e. To an agent, representative, attorney,
37 investigator, consultant, or adjuster of an employer,
38 or insurance carrier or third-party administrator of
39 workers' compensation benefits, who is involved in
40 administering a claim for such benefits related to the
41 injury or death of the employee whose information is
42 filed with the workers' compensation commissioner.

43 f. To all parties to a contested case proceeding
44 before the workers' compensation commissioner in which
45 the employee or a dependent of the employee, whose
46 information is filed with the workers' compensation
47 commissioner, is a party.

48 g. In compliance with a subpoena.

49 h. To an agent, representative, attorney,
50 investigator, consultant, or adjuster of the employee,

1 employer, or insurance carrier or third-party
2 administrator of insurance benefits, who is involved
3 in administering a claim for insurance benefits
4 related to the injury or death of the employee whose
5 information is filed with the workers' compensation
6 commissioner.

7 i. To another governmental agency that is charged
8 with the duty of enforcing liens or rights of
9 subrogation or indemnity.

10 3. This section does not create a cause of action
11 for a violation of its provisions against the workers'
12 compensation commissioner or against the state or any
13 governmental subdivision of the state.

14 Sec. _____. Section 87.11, unnumbered paragraph 1,
15 Code 2005, is amended to read as follows:

16 When an employer coming under this chapter
17 furnishes satisfactory proofs to the insurance
18 commissioner of such employer's solvency and financial
19 ability to pay the compensation and benefits as by law
20 provided and to make such payments to the parties when
21 entitled thereto, or when such employer deposits with
22 the insurance commissioner security satisfactory to
23 the insurance commissioner ~~and the workers'~~

24 ~~compensation commissioner~~ as guaranty for the payment
25 of such compensation, such employer shall be relieved
26 of the provisions of this chapter requiring insurance;
27 but such employer shall, from time to time, furnish
28 such additional proof of solvency and financial
29 ability to pay as may be required by such insurance
30 commissioner ~~or workers' compensation commissioner.~~

31 Such security shall be held in trust for the sole
32 purpose of paying compensation and benefits and is not
33 subject to attachment, levy, execution, garnishment,
34 liens, or any other form of encumbrance. However, the
35 insurance commissioner shall be reimbursed from the
36 security for all costs and fees incurred by the
37 insurance commissioner in resolving disputes involving
38 the security. A political subdivision, including a

39 city, county, community college, or school
40 corporation, that is self-insured for workers'
41 compensation is not required to submit a plan or
42 program to the insurance commissioner for review and
43 approval.

44 Sec. _____. Section 87.14A, Code 2005, is amended to
45 read as follows:

46 87.14A INSURANCE ~~OR BOND~~ REQUIRED.

47 An employer subject to this chapter and chapters
48 85, 85A, 85B, and 86 shall not engage in business
49 without first obtaining insurance covering
50 compensation benefits or obtaining relief from

1 insurance as provided in this chapter ~~or furnishing a~~
2 ~~bond pursuant to section 87.16.~~ A person who
3 willfully and knowingly violates this section is
4 guilty of a class "D" felony.

5 Sec. _____. Section 87.19, unnumbered paragraph 1,
6 Code 2005, is amended to read as follows:

7 Upon the receipt of information by the workers'
8 compensation commissioner of any employer failing to
9 comply with ~~sections 87.16 and 87.17~~ section 87.14A,
10 the commissioner shall at once notify such employer by
11 certified mail that unless such employer comply with
12 the requirements of law, legal proceedings will be
13 instituted to enforce such compliance.

14 Sec. _____. Section 87.20, Code 2005, is amended to
15 read as follows:

16 87.20 REVOCATION OF RELEASE FROM INSURANCE.

17 The insurance commissioner ~~with the concurrence of~~
18 ~~the workers' compensation commissioner~~ may, at any
19 time, upon reasonable notice to such employer and upon
20 hearing, revoke for cause any order theretofore made
21 relieving any employer from carrying insurance as
22 provided by this chapter.

23 Sec. _____. Section 91A.3, subsection 3, Code 2005,
24 is amended to read as follows:

25 3. The wages paid under subsection 1 shall be sent
26 to the employee by mail or be paid at the employee's
27 normal place of employment during normal employment
28 hours or at a place and hour mutually agreed upon by
29 the employer and employee, or the employee may elect
30 to have the wages sent for direct deposit, on or by
31 the regular payday of the employee, into a financial
32 institution designated by the employee. An employer
33 shall not require a current employee to participate in
34 direct deposit. The employer may require, as a
35 condition of hire, a new employee to sign up for
36 direct deposit of the employee's wages in a financial
37 institution of the employee's choice unless either of
38 the following conditions exist:

39 a. The costs to the employee of establishing and
40 maintaining an account for purposes of the direct
41 deposit would effectively reduce the employee's wages
42 to a level below the minimum wage provided under
43 section 91D.1.

44 b. The provisions of a collective bargaining
45 agreement mutually agreed upon by the employer and the
46 employee organization prohibit the employer from
47 requiring an employee to sign up for direct deposit as
48 a condition of hire.

49 Sec. _____. Section 91A.6, Code 2005, is amended by
50 adding the following new subsection:

1 NEW SUBSECTION. 4. On each regular payday, the
2 employer shall send to each employee by mail or shall
3 provide at the employee's normal place of employment
4 during normal employment hours a statement showing the
5 hours the employee worked, the wages earned by the
6 employee, and deductions made for the employee. An
7 employer who provides each employee access to view an
8 electronic statement of the employee's earnings and
9 provides the employee free and unrestricted access to
10 a printer to print the employee's statement of
11 earnings, if the employee chooses, is in compliance
12 with this subsection.

13 Sec. _____. Sections 87.16 and 87.17, Code 2005, are
14 repealed.

15 Sec. _____. EFFECTIVE DATE. This division of this
16 Act takes effect July 1, 2005."

17 9. Title page, line 1, by striking the word
18 "appropriation" and inserting the following:
19 "financial and regulatory".

20 10. Title page, line 2, by inserting after the
21 figure "2004," the following: "making civil penalties
22 applicable".

23 11. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS

DIX of Butler, Chairperson

**SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 342**

H-1715

1 Amend the House amendment, S-3321, to Senate File
2 342, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 and 4, and
5 inserting the following:

6 "____. By striking page 1, line 1, through page 2,
7 line 34."

8 2. Page 1, by inserting after line 6, the
9 following:

10 "____. Page 3, by inserting before line 31, the
11 following:

12 "DIVISION
13 EDUCATION

14 Sec. ____ . STATE BOARD OF REGENTS -- GENERAL FUND
15 ENDING BALANCE.

16 1. Prior to the appropriation of the surplus
17 existing in the general fund of the state at the
18 conclusion of the fiscal year beginning July 1, 2004,
19 pursuant to section 8.57, subsection 1, from
20 appropriations that remain unencumbered or unobligated
21 and would otherwise revert on August 31, 2005,
22 pursuant to section 8.33, up to \$2,800,000 shall be
23 transferred to the state board of regents.

24 2. The transfer made in subsection 1 shall be
25 distributed to the state board of regents in the
26 fiscal year beginning July 1, 2005, to be used as
27 additional funding for the fiscal year beginning July
28 1, 2005, for the institutions under the state board of
29 regents.""

30 3. Page 1, by inserting after line 6, the
31 following:

32 "____. Page 5, by inserting after line 22, the
33 following:

34 "Notwithstanding section 8.33, moneys appropriated
35 in this section that remain unencumbered or
36 unobligated at the close of the fiscal year shall not
37 revert but shall remain available for expenditure for
38 the purposes designated until the close of the
39 succeeding fiscal year.""

40 4. Page 1, by striking lines 7 through 11, and
41 inserting the following:

42 "____. By striking page 5, line 25, through page
43 9, line 17, and inserting the following:

44 "Sec. ____ . INDIGENT DEFENSE CLAIMS - TRANSFERS.

45 It is the intent of the general assembly that the
46 director of the department of management, with the
47 approval of the governor, shall utilize the transfer
48 authority available under section 8.39 to provide the
49 office of the state public defender of the department
50 of inspections and appeals with sufficient funding to

H-1715

H-1715

Page 2

1 satisfy all valid indigent defense claims under
2 section 232.141 and chapter 815 for the fiscal year
3 beginning July 1, 2004, and ending June 30, 2005.""
4 5. Page 7, line 37, by striking the word "either"
5 and inserting the following: "any".
6 6. Page 7, by inserting after line 43, the
7 following:
8 "b. The employee would incur fees charged to the
9 employee's account as a result of the direct deposit."
10 7. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1715 FILED MAY 20, 2005
CONCURRED

SENATE FILE 342

H-1696

1 Amend the amendment, H-1638, to Senate File 342, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, by inserting after line 48 the
5 following:

6 "Sec. ____ Section 91A.6, subsection 3, Code 2005,
7 is amended to read as follows:

8 3. Within ten working days of a request by an
9 employee, an employer shall furnish to the employee a
10 written, itemized statement or access to a written,
11 itemized statement as provided in subsection 4,
12 listing the earnings and deductions made from the
13 wages for each pay period in which the deductions were
14 made together with an explanation of how the wages and
15 deductions were computed. ~~An employer need honor only~~
16 ~~one such request in any calendar year unless the rate~~
17 ~~of earnings, hours or deductions are changed during~~
18 ~~the calendar year. Each change shall entitle an~~
19 ~~employee to a further request for an itemized~~
20 ~~statement."~~

21 2. By renumbering as necessary.

By HORBACH of Tama

H-1696 FILED MAY 11, 2005

ADOPTED

**EIGHTY FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

MAY 16, 2005

**HOUSE AMENDMENT TO
SENATE FILE 342**

S-3321

- 1 Amend Senate File 342, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 17 through 32.
4 2. Page 2, by striking lines 18 through 34.
5 3. By striking page 2, line 35, through page 3,
6 line 30.
7 4. By striking page 5, line 25, through page 6,
8 line 16.
9 5. By striking page 7, line 27, through page 8,
10 line 9.
11 6. Page 8, by striking lines 11 through 22.
12 7. By striking page 9, line 18, through page 10,
13 line 14.
14 8. Page 10, by inserting before line 15, the
15 following:

"DIVISION
EMPLOYMENT

- 16
17
18 Sec. ____ . Section 22.7, Code 2005, is amended by
19 adding the following new subsection:
20 NEW SUBSECTION. 51. Confidential information, as
21 defined in section 86.45, subsection 1, filed with the
22 workers' compensation commissioner.
23 Sec. ____ . Section 85.27, subsection 7, Code 2005,
24 is amended to read as follows:
25 7. If, after the third day of incapacity to work
26 following the date of sustaining a compensable injury
27 which does not result in permanent partial disability,
28 or if, at any time after sustaining a compensable
29 injury which results in permanent partial disability,
30 an employee, who is not receiving weekly benefits
31 under section 85.33 or section 85.34, subsection 1,
32 returns to work and is required to leave work for one
33 full day or less to receive services pursuant to this
34 section, the employee shall be paid an amount
35 equivalent to the wages lost at the employee's regular
36 rate of pay for the time the employee is required to
37 leave work. For the purposes of this subsection, "day
38 of incapacity to work" means eight hours of
39 accumulated absence from work due to incapacity to
40 work or due to the receipt of services pursuant to
41 this section. The employer shall make the payments
42 under this subsection as wages to the employee after
43 making such deductions from the amount as legally
44 required or customarily made by the employer from
45 wages. Payments made under this subsection shall be
46 required to be reimbursed pursuant to any insurance
47 policy covering workers' compensation. Payments under
48 this subsection shall not be construed to be payment
49 of weekly benefits.

- 50 Sec. ____ . Section 85.35, Code 2005, is amended to

S-3321

1 read as follows:

2 85.35 ~~SETTLEMENT IN CONTESTED CASE SETTLEMENTS.~~

3 1. The parties to a contested case or persons who
4 are involved in a dispute which could culminate in a
5 contested case may enter into a settlement of any
6 claim arising under this chapter or chapter 85A, 85B,
7 or 86, providing for final disposition of the claim,
8 ~~provided that no final disposition affecting rights to~~
9 ~~future benefits may be had when the only dispute is~~
10 ~~the degree of disability resulting from an injury for~~
11 ~~which an award for payments or agreement for~~
12 ~~settlement under section 86.13 has been made. The~~
13 settlement shall be in writing on forms prescribed by
14 the workers' compensation commissioner and submitted
15 to the workers' compensation commissioner for
16 approval.

17 2. The parties may enter into an agreement for
18 settlement that establishes the employer's liability,
19 fixes the nature and extent of the employee's current
20 right to accrued benefits, and establishes the
21 employee's right to statutory benefits that accrue in
22 the future.

23 3. The parties may enter into a compromise
24 settlement of the employee's claim to benefits as a
25 full and final disposition of the claim.

26 4. The parties may enter into a settlement that is
27 a combination of an agreement for settlement and a
28 compromise settlement that establishes the employer's
29 liability for part of a claim but makes a full and
30 final disposition of other parts of a claim.

31 5. A contingent settlement may be made and
32 approved, conditioned upon subsequent approval by a
33 court or governmental agency, or upon any other
34 subsequent event that is expected to occur within one
35 year from the date of the settlement. If the
36 subsequent approval or event does not occur, the
37 contingent settlement and its approval may be vacated
38 by order of the workers' compensation commissioner
39 upon a petition for vacation filed by one of the
40 parties or upon agreement by all parties. If a
41 contingent settlement is vacated, the running of any
42 period of limitation provided for in section 85.26 is
43 tolled from the date the settlement was initially
44 approved until the date that the settlement is
45 vacated, and the claim is restored to the status that
46 the claim held when the contingent settlement was
47 initially approved. The contingency on a settlement
48 lapses and the settlement becomes final and fully
49 enforceable if an action to vacate the contingent
50 settlement or to extend the period of time allowed for

1 the subsequent approval or event to occur is not
2 initiated within one year from the date that the
3 contingent settlement was initially approved.

4 6. The parties may agree that settlement proceeds,
5 which are paid in a lump sum, are intended to
6 compensate the injured worker at a given monthly or
7 weekly rate over the life expectancy of the injured
8 worker. If such an agreement is reached, neither the
9 weekly compensation rate which either has been paid,
10 or should have been paid, throughout the case, nor the
11 maximum statutory weekly rate applicable to the injury
12 shall apply. Instead, the rate set forth in the
13 settlement agreement shall be the rate for the case.

14 ~~The settlement shall not be approved unless~~
15 ~~evidence of a bona fide dispute exists concerning any~~
16 ~~of the following:~~

17 1. ~~The claimed injury arose out of or in the~~
18 ~~course of the employment.~~

19 2. ~~The injured employee gave notice under section~~
20 ~~85.23.~~

21 3. ~~Whether or not the statutes of limitations as~~
22 ~~provided in section 85.26 have run. When the issue~~
23 ~~involved is whether or not the statute of limitations~~
24 ~~of section 85.26, subsection 2, has run, the final~~
25 ~~disposition shall pertain to the right to weekly~~
26 ~~compensation unless otherwise provided for in~~
27 ~~subsection 7 of this section.~~

28 4. ~~The injury was caused by the employee's willful~~
29 ~~intent to injure the employee's self or to willfully~~
30 ~~injure another.~~

31 5. ~~Intoxication, which did not arise out of and in~~
32 ~~the course of employment but which was due to the~~
33 ~~effects of alcohol or another narcotic, depressant,~~
34 ~~stimulant, hallucinogenic, or hypnotic drug not~~
35 ~~prescribed by an authorized medical practitioner, was~~
36 ~~a substantial factor in causing the employee's injury.~~

37 6. ~~The injury was caused by the willful act of a~~
38 ~~third party directed against the employee for reasons~~
39 ~~personal to such employee.~~

40 7. ~~This chapter or chapter 85A, 85B, 86 or 87~~
41 ~~applies to the party making the claim.~~

42 8. ~~A substantial portion of the claimed disability~~
43 ~~is related to physical or mental conditions other than~~
44 ~~those caused by the injury.~~

45 7. A settlement shall be approved by the workers'
46 compensation commissioner if the parties show all of
47 the following:

48 a. Substantial evidence exists to support the
49 terms of the settlement.

50 b. Waiver of the employee's right to a hearing,

1 decision, and statutory benefits is made knowingly by
 2 the employee.

3 c. The settlement is a reasonable and informed
 4 compromise of the competing interests of the parties.

5 If an employee is represented by legal counsel, it
 6 is presumed that the required showing for approval of
 7 the settlement has been made.

8 8. Approval of a settlement by the workers'
 9 compensation commissioner shall be is binding on the
 10 parties and shall not be construed as an original
 11 proceeding. Notwithstanding any provisions of this
 12 chapter and chapters 85A, 85B, 86 and 87, an approved
 13 compromise settlement shall constitute a final bar to
 14 any further rights arising under this chapter and
 15 chapters 85A, 85B, 86, and 87.—Such regarding the
 16 subject matter of the compromise and a payment made
 17 pursuant to a compromise settlement agreement shall
 18 not be construed as the payment of weekly
 19 compensation.

20 Sec. ____ . Section 85.38, subsection 2, unnumbered
 21 paragraph 2, Code 2005, is amended to read as follows:

22 If an employer denies liability under this chapter,
 23 chapter 85A, or chapter 85B, for payment for any
 24 medical services received or weekly compensation
 25 requested by an employee with a disability, and the
 26 employee is a beneficiary under either an individual
 27 or group plan for nonoccupational illness, injury, or
 28 disability, the nonoccupational plan shall not deny
 29 payment for the medical services received or for
 30 benefits under the plan on the basis that the
 31 employer's liability for the medical services under
 32 this chapter, chapter 85A, or chapter 85B is
 33 unresolved.

34 Sec. ____ . Section 85.71, Code 2005, is amended by
 35 adding the following new subsection:

36 NEW SUBSECTION. 5. The employer has a place of
 37 business in Iowa, and the employee is working under a
 38 contract of hire which provides that the employee's
 39 workers' compensation claims be governed by Iowa law.

40 Sec. ____ . Section 86.24, subsection 4, Code 2005,
 41 is amended to read as follows:

42 4. A transcript of a contested case proceeding
 43 shall be provided to the workers' compensation
 44 commissioner by an appealing party at the party's cost
 45 and an affidavit shall be filed by the appealing party
 46 or the party's attorney with the workers' compensation
 47 commissioner within ten days after the filing of the
 48 appeal to the workers' compensation commissioner
 49 stating that the transcript has been ordered and
 50 identifying the name and address of the reporter or

1 ~~reporting firm from which the transcript has been~~
2 ~~ordered.~~

3 Sec. ____ . NEW SECTION. 86.45 CONFIDENTIAL
4 INFORMATION.

5 1. "Confidential information", for the purposes of
6 this section, means all information that is filed with
7 the workers' compensation commissioner as a result of
8 an employee's injury or death that would allow the
9 identification of the employee or the employee's
10 dependents. Confidential information includes first
11 reports of injury and subsequent reports of claim
12 activity. Confidential information does not include
13 pleadings, motions, decisions, opinions, or
14 applications for settlement that are filed with the
15 workers' compensation commissioner.

16 2. The workers' compensation commissioner shall
17 not disclose confidential information except as
18 follows:

19 a. Pursuant to the terms of a written waiver of
20 confidentiality executed by the employee or the
21 dependents of the employee whose information is filed
22 with the workers' compensation commissioner.

23 b. To another governmental agency, or to an
24 advisory, rating, or research organization, for the
25 purpose of compiling statistical data, evaluating the
26 state's workers' compensation system, or conducting
27 scientific, medical, or public policy research, where
28 such disclosure will not allow the identification of
29 the employee or the employee's dependents.

30 c. To the employee or to the agent or attorney of
31 the employee whose information is filed with the
32 workers' compensation commissioner.

33 d. To the person or to the agent of the person who
34 submitted the information to the workers' compensation
35 commissioner.

36 e. To an agent, representative, attorney,
37 investigator, consultant, or adjuster of an employer,
38 or insurance carrier or third-party administrator of
39 workers' compensation benefits, who is involved in
40 administering a claim for such benefits related to the
41 injury or death of the employee whose information is
42 filed with the workers' compensation commissioner.

43 f. To all parties to a contested case proceeding
44 before the workers' compensation commissioner in which
45 the employee or a dependent of the employee, whose
46 information is filed with the workers' compensation
47 commissioner, is a party.

48 g. In compliance with a subpoena.

49 h. To an agent, representative, attorney,
50 investigator, consultant, or adjuster of the employee,

1 employer, or insurance carrier or third-party
2 administrator of insurance benefits, who is involved
3 in administering a claim for insurance benefits
4 related to the injury or death of the employee whose
5 information is filed with the workers' compensation
6 commissioner.

7 i. To another governmental agency that is charged
8 with the duty of enforcing liens or rights of
9 subrogation or indemnity.

10 3. This section does not create a cause of action
11 for a violation of its provisions against the workers'
12 compensation commissioner or against the state or any
13 governmental subdivision of the state.

14 Sec. _____. Section 87.11, unnumbered paragraph 1,
15 Code 2005, is amended to read as follows:

16 When an employer coming under this chapter
17 furnishes satisfactory proofs to the insurance
18 commissioner of such employer's solvency and financial
19 ability to pay the compensation and benefits as by law
20 provided and to make such payments to the parties when
21 entitled thereto, or when such employer deposits with
22 the insurance commissioner security satisfactory to
23 the insurance commissioner ~~and the workers'~~
24 ~~compensation commissioner~~ as guaranty for the payment
25 of such compensation, such employer shall be relieved
26 of the provisions of this chapter requiring insurance;
27 but such employer shall, from time to time, furnish
28 such additional proof of solvency and financial
29 ability to pay as may be required by such insurance
30 commissioner ~~or workers' compensation commissioner~~.
31 Such security shall be held in trust for the sole
32 purpose of paying compensation and benefits and is not
33 subject to attachment, levy, execution, garnishment,
34 liens, or any other form of encumbrance. However, the
35 insurance commissioner shall be reimbursed from the
36 security for all costs and fees incurred by the
37 insurance commissioner in resolving disputes involving
38 the security. A political subdivision, including a
39 city, county, community college, or school
40 corporation, that is self-insured for workers'
41 compensation is not required to submit a plan or
42 program to the insurance commissioner for review and
43 approval.

44 Sec. _____. Section 87.14A, Code 2005, is amended to
45 read as follows:

46 87.14A INSURANCE ~~OR BOND~~ REQUIRED.

47 An employer subject to this chapter and chapters
48 85, 85A, 85B, and 86 shall not engage in business
49 without first obtaining insurance covering
50 compensation benefits or obtaining relief from

1 insurance as provided in this chapter ~~or furnishing a~~
2 ~~bond pursuant to section 87.16.~~ A person who
3 willfully and knowingly violates this section is
4 guilty of a class "D" felony.

5 Sec. _____. Section 87.19, unnumbered paragraph 1,
6 Code 2005, is amended to read as follows:

7 Upon the receipt of information by the workers'
8 compensation commissioner of any employer failing to
9 comply with ~~sections 87.16 and 87.17~~ section 87.14A,
10 the commissioner shall at once notify such employer by
11 certified mail that unless such employer comply with
12 the requirements of law, legal proceedings will be
13 instituted to enforce such compliance.

14 Sec. _____. Section 87.20, Code 2005, is amended to
15 read as follows:

16 87.20 REVOCATION OF RELEASE FROM INSURANCE.

17 The insurance commissioner ~~with the concurrence of~~
18 ~~the workers' compensation commissioner~~ may, at any
19 time, upon reasonable notice to such employer and upon
20 hearing, revoke for cause any order theretofore made
21 relieving any employer from carrying insurance as
22 provided by this chapter.

23 Sec. _____. Section 91A.3, subsection 3, Code 2005,
24 is amended to read as follows:

25 3. The wages paid under subsection 1 shall be sent
26 to the employee by mail or be paid at the employee's
27 normal place of employment during normal employment
28 hours or at a place and hour mutually agreed upon by
29 the employer and employee, or the employee may elect
30 to have the wages sent for direct deposit, on or by
31 the regular payday of the employee, into a financial
32 institution designated by the employee. An employer
33 shall not require a current employee to participate in
34 direct deposit. The employer may require, as a
35 condition of hire, a new employee to sign up for
36 direct deposit of the employee's wages in a financial
37 institution of the employee's choice unless either of
38 the following conditions exist:

39 a. The costs to the employee of establishing and
40 maintaining an account for purposes of the direct
41 deposit would effectively reduce the employee's wages
42 to a level below the minimum wage provided under
43 section 91D.1.

44 b. The provisions of a collective bargaining
45 agreement mutually agreed upon by the employer and the
46 employee organization prohibit the employer from
47 requiring an employee to sign up for direct deposit as
48 a condition of hire.

49 Sec. _____. Section 91A.6, subsection 3, Code 2005,
50 is amended to read as follows:

1 3. Within ten working days of a request by an
2 employee, an employer shall furnish to the employee a
3 written, itemized statement or access to a written,
4 itemized statement as provided in subsection 4,
5 listing the earnings and deductions made from the
6 wages for each pay period in which the deductions were
7 made together with an explanation of how the wages and
8 deductions were computed. ~~An employer need honor only~~
9 ~~one such request in any calendar year unless the rate~~
10 ~~of earnings, hours or deductions are changed during~~
11 ~~the calendar year. Each change shall entitle an~~
12 ~~employee to a further request for an itemized~~
13 ~~statement.~~

14 Sec. _____. Section 91A.6, Code 2005, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 4. On each regular payday, the
17 employer shall send to each employee by mail or shall
18 provide at the employee's normal place of employment
19 during normal employment hours a statement showing the
20 hours the employee worked, the wages earned by the
21 employee, and deductions made for the employee. An
22 employer who provides each employee access to view an
23 electronic statement of the employee's earnings and
24 provides the employee free and unrestricted access to
25 a printer to print the employee's statement of
26 earnings, if the employee chooses, is in compliance
27 with this subsection.

28 Sec. _____. Sections 87.16 and 87.17, Code 2005, are
29 repealed.

30 Sec. _____. EFFECTIVE DATE. This division of this
31 Act takes effect July 1, 2005."

32 9. Title page, line 1, by striking the word
33 "appropriation" and inserting the following:
34 "financial and regulatory".

35 10. Title page, line 2, by inserting after the
36 figure "2004," the following: "making civil penalties
37 applicable".

38 11. By renumbering, relettering, or redesignating
39 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3327

1 Amend the House amendment, S-3321, to Senate File
2 342, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 and 4, and
5 inserting the following:

6 "____. By striking page 1, line 1, through page 2,
7 line 34."

8 2. Page 1, by inserting after line 6, the
9 following:

10 "____. Page 3, by inserting before line 31, the
11 following:

12 "DIVISION
13 EDUCATION

14 Sec. ____ . STATE BOARD OF REGENTS -- GENERAL FUND
15 ENDING BALANCE.

16 1. Prior to the appropriation of the surplus
17 existing in the general fund of the state at the
18 conclusion of the fiscal year beginning July 1, 2004,
19 pursuant to section 8.57, subsection 1, from
20 appropriations that remain unencumbered or unobligated
21 and would otherwise revert on August 31, 2005,
22 pursuant to section 8.33, up to \$2,800,000 shall be
23 transferred to the state board of regents.

24 2. The transfer made in subsection 1 shall be
25 distributed to the state board of regents in the
26 fiscal year beginning July 1, 2005, to be used as
27 additional funding for the fiscal year beginning July
28 1, 2005, for the institutions under the state board of
29 regents.""

30 3. Page 1, by inserting after line 6, the
31 following:

32 "____. Page 5, by inserting after line 22, the
33 following:

34 "Notwithstanding section 8.33, moneys appropriated
35 in this section that remain unencumbered or
36 unobligated at the close of the fiscal year shall not
37 revert but shall remain available for expenditure for
38 the purposes designated until the close of the
39 succeeding fiscal year."

40 4. Page 1, by striking lines 7 through 11, and
41 inserting the following:

42 "____. By striking page 5, line 25, through page
43 9, line 17, and inserting the following:

44 "Sec. ____ . INDIGENT DEFENSE CLAIMS - TRANSFERS.
45 It is the intent of the general assembly that the
46 director of the department of management, with the
47 approval of the governor, shall utilize the transfer
48 authority available under section 8.39 to provide the
49 office of the state public defender of the department
50 of inspections and appeals with sufficient funding to

S-3327

**EIGHTY FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

MAY 23, 2005

SENATE FILE 342

S-3323

1 Amend the House amendment, S-3321, to Senate File
2 342, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 8, by inserting after line 31 the
5 following:

6 "DIVISION

7 LOTTERY AUTHORITY VENDING MACHINES

8 Sec. _____. Section 99G.30, subsection 4, Code 2005,
9 is amended to read as follows:

10 4. Except for the authority, a retailer shall only
11 sell lottery products on the licensed premises and not
12 through the mail or by technological means except as
13 the authority may provide or authorize and subject to
14 the requirements of section 99G.30A.

15 Sec. _____. NEW SECTION. 99G.30A MONITOR VENDING
16 MACHINES -- LIMITATION.

17 1. The authority shall authorize and provide no
18 more than a total of one thousand two hundred monitor
19 vending machines to retailers in this state.

20 2. For purposes of this section, a "monitor
21 vending machine" means a vending machine or other
22 similar electronic device that includes a video
23 monitor and audio capabilities that dispenses or
24 prints and dispenses lottery tickets to a purchaser
25 that have been determined to be winning or losing
26 tickets by a predetermined pool drawing machine prior
27 to the dispensing of the tickets.

28 Sec. _____. EFFECTIVE DATE. This division of this
29 Act, concerning lottery authority vending machines,
30 being deemed of immediate importance, takes effect
31 upon enactment."

32 2. By renumbering as necessary.

By MIKE CONNOLLY

S-3323 FILED MAY 20, 2005
RULED OUT OF ORDER

S-3327

Page 2

1 satisfy all valid indigent defense claims under
2 section 232.141 and chapter 815 for the fiscal year
3 beginning July 1, 2004, and ending June 30, 2005."

By ROBERT E. DVORSKY
JEFF ANGELO

S-3327 FILED MAY 20, 2005

ADOPTED

SENATE FILE 342

S-3329

1 Amend the House amendment, S-3321, to Senate File
2 342, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 7, line 37, by striking the word "either"
5 and inserting the following: "any".

6 2. Page 7, by inserting after line 43, the
7 following:

8 "b. The employee would incur fees charged to the
9 employee's account as a result of the direct deposit."

10 3. By relettering as necessary.

By WILLIAM A. DOTZLER

S-3329 FILED MAY 20, 2005

ADOPTED

Angelo co-chair
Dvorsky co-chair
Lamberti
Ragan

SSB# 1266
Appropriations

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CO-CHAIRPERSONS ANGELO
AND DVORSKY)

Succeeded By
SF / HF 342

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to appropriation matters by making and increasing
2 appropriations for the fiscal year beginning July 1, 2004, and
3 providing effective and applicability date provisions.

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

5
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DIVISION I

ADMINISTRATION AND REGULATION

Section 1. 2004 Iowa Acts, chapter 1175, section 7, is amended to read as follows:

SEC. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	411,296
		<u>418,796</u>
.....	FTEs	6.00

GOVERNOR AND LIEUTENANT GOVERNOR

Sec. 2. 2004 Iowa Acts, chapter 1175, section 12, subsection 4, is amended to read as follows:

4. NATIONAL GOVERNORS ASSOCIATION

For payment of Iowa's membership in the national governors association:

.....	\$	64,393
		<u>364,393</u>

Of the funds appropriated in this subsection, \$300,000 is allocated for security-related costs and other expenses associated with the national governors association national meeting. Notwithstanding section 8.33, the moneys allocated for the meeting that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

RACING AND GAMING COMMISSION

Sec. 3. 2004 Iowa Acts, chapter 1175, section 16, subsection 2, is amended to read as follows:

1 section 288, subsection 6, paragraph "b":

2 \$ 500,000

3 Notwithstanding section 8.33, moneys appropriated in this
4 subsection that remain unencumbered or unobligated at the
5 close of the fiscal year shall not revert but shall remain
6 available for expenditure for the purpose designated until the
7 close of the fiscal year that begins July 1, 2006.

8 NEW SUBSECTION. 6. For distribution to one or more
9 organizations which administer special olympics programs
10 benefiting citizens of Iowa with disabilities:

11 \$ 10,000

12 Sec. 6. EFFECTIVE DATE. The section of this division of
13 this Act amending section 8.8 takes effect July 1, 2005.

14 DIVISION III

15 HEALTH AND HUMAN SERVICES

16 DEPARTMENT OF HUMAN SERVICES

17 Sec. 7. 2004 Iowa Acts, chapter 1175, section 116,
18 unnumbered paragraph 2, is amended to read as follows:

19 For medical assistance reimbursement and associated costs
20 as specifically provided in the reimbursement methodologies in
21 effect on June 30, 2004, except as otherwise expressly
22 authorized by law, including reimbursement for abortion
23 services, which shall be available under the medical
24 assistance program only for those abortions which are
25 medically necessary:

26 \$352,794,101
27 416,394,101

28 Sec. 8. 2004 Iowa Acts, chapter 1175, section 118,
29 unnumbered paragraph 2, is amended to read as follows:

30 For medical contracts, including salaries, support,
31 maintenance, and miscellaneous purposes, and for not more than
32 the following full-time equivalent position:

33 \$ 9,725,035
34 10,725,035
35 FTEs 1.00

1 Of the amount appropriated in this section, \$1,000,000 is
2 allocated for implementation costs for the Iowa Medicaid
3 enterprise initiative.

4 Sec. 9. 2004 Iowa Acts, chapter 1175, section 130,
5 subsections 1 and 2, are amended to read as follows:

6 1. For the state resource center at Glenwood for salaries,
7 support, maintenance, and miscellaneous purposes:

8 \$ ~~8,755,072~~800
9 9,550,280

10 2. For the state resource center at Woodward for salaries,
11 support, maintenance, and miscellaneous purposes:

12 \$ ~~4,752,074~~59
13 5,520,459

14 Sec. 10. 2004 Iowa Acts, chapter 1175, section 131, is
15 amended to read as follows:

16 SEC. 131. MI/MR/DD STATE CASES. There is appropriated
17 from the general fund of the state to the department of human
18 services for the fiscal year beginning July 1, 2004, and
19 ending June 30, 2005, the following amount, or so much thereof
20 as is necessary, to be used for the purpose designated:

21 For purchase of local services for persons with mental
22 illness, mental retardation, and developmental disabilities
23 where the client has no established county of legal
24 settlement:

25 \$ ~~11,701,476~~19
26 11,264,619

27 The general assembly encourages the department to continue
28 discussions with the Iowa state association of counties and
29 administrators of county central point of coordination offices
30 regarding proposals for moving state cases to county budgets.

31 Sec. 11. 2004 Iowa Acts, chapter 1175, section 134,
32 subsection 1, unnumbered paragraph 2, is amended to read as
33 follows:

34 For costs associated with the commitment and treatment of
35 sexually violent predators in the unit located at the state

1 mental health institute at Cherokee, including costs of legal
2 services and other associated costs, including salaries,
3 support, maintenance, and miscellaneous purposes:

4 \$ 2,833,646
5 3,608,646

6 DIVISION IV
7 JUSTICE SYSTEM

8 DEPARTMENT OF JUSTICE

9 Sec. 12. 2004 Iowa Acts, chapter 1175, section 180,
10 subsection 1, paragraph a, is amended to read as follows:

11 a. For the general office of attorney general for
12 salaries, support, maintenance, miscellaneous purposes
13 including the prosecuting attorneys training program, victim
14 assistance grants, office of drug control policy (ODCP)
15 prosecuting attorney program, legal services for persons in
16 poverty grants as provided in section 13.34, odometer fraud
17 enforcement, and for not more than the following full-time
18 equivalent positions:

19 \$ 7,565,245
20 8,165,245
21 FTEs 208.50

22 (1) It is the intent of the general assembly that as a
23 condition of receiving the appropriation provided in this
24 lettered paragraph, the department of justice shall maintain a
25 record of the estimated time incurred representing each agency
26 or department.

27 (2) Of the amount appropriated in this lettered paragraph,
28 \$600,000 is allocated as additional funding for the legal
29 services for persons in poverty grants as provided in section
30 13.34. Notwithstanding section 8.33, moneys allocated in this
31 subparagraph that remain unencumbered or unobligated at the
32 close of the fiscal year shall not revert but shall remain
33 available for expenditure for the purposes designated until
34 the close of the succeeding fiscal year.

35 DEPARTMENT OF CORRECTIONS -- FACILITIES

1 Sec. 13. 2004 Iowa Acts, chapter 1175, section 183,
2 subsection 1, paragraph c, is amended to read as follows:

3 c. For the operation of the Oakdale correctional facility,
4 including salaries, support, maintenance, and miscellaneous
5 purposes:

6 \$ 23,753,693
7 23,636,936

8 Of the funds allocated in this paragraph "c", \$100,000 is
9 allocated for the costs of remodeling and construction to
10 establish a specialized 24-bed mental health unit for
11 offenders who are not ordered to inpatient mental health
12 treatment. The unit shall operate as an adjunct to the
13 licensed hospital program within the Oakdale correctional
14 facility.

15 DEPARTMENT OF CORRECTIONS -- ADMINISTRATION

16 Sec. 14. 2004 Iowa Acts, chapter 1175, section 184,
17 subsection 1, paragraph a, unnumbered paragraph 1, is amended
18 to read as follows:

19 For general administration, including salaries, support,
20 maintenance, employment of an education director to administer
21 a centralized education program for the correctional system,
22 and miscellaneous purposes:

23 \$ 27,784,393
24 3,198,809

25 Sec. 15. 2004 Iowa Acts, chapter 1175, section 188, is
26 amended to read as follows:

27 SEC. 188. STATE PUBLIC DEFENDER. There is appropriated
28 from the general fund of the state to the office of the state
29 public defender of the department of inspections and appeals
30 for the fiscal year beginning July 1, 2004, and ending June
31 30, 2005, the following amounts, or so much thereof as is
32 necessary, to be allocated as follows for the purposes
33 designated:

34 1. For salaries, support, maintenance, and miscellaneous
35 purposes, and for not more than the following full-time

1 equivalent positions:

2 \$ 16,663,446

3 18,247,561

4 FTEs 202.00

5 2. For the fees of court-appointed attorneys for indigent
6 adults and juveniles, in accordance with section 232.141 and
7 chapter 815:

8 \$ 19,355,297

9 22,251,339

10 DEPARTMENT OF PUBLIC DEFENSE

11 Sec. 16. 2004 Iowa Acts, chapter 1175, section 191,
12 subsection 1, is amended to read as follows:

13 1. MILITARY DIVISION

14 For salaries, support, maintenance, miscellaneous purposes,
15 and for not more than the following full-time equivalent
16 positions:

17 \$ 5,084,143

18 10,837,143

19 FTEs 310.80

20 Of the amount appropriated in this subsection, \$5,753,000
21 is allocated for repayment of grant funding to the federal
22 government and the accrued interest.

23 If there is a surplus in the general fund of the state for
24 the fiscal year ending June 30, 2005, within 60 days after the
25 close of the fiscal year, the military division may incur up
26 to an additional \$500,000 in expenditures from the surplus
27 prior to transfer of the surplus pursuant to section 8.57.

28 DEPARTMENT OF PUBLIC SAFETY

29 Sec. 17. 2004 Iowa Acts, chapter 1175, section 192, is
30 amended by adding the following new subsection:

31 NEW SUBSECTION. 1A. For capitol building and judicial
32 building security:

33 \$ 800,000

34 Moneys appropriated in this subsection shall not be
35 expended, encumbered, or obligated prior to July 1, 2005.

1 Notwithstanding section 8.33, moneys appropriated in this
2 subsection 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 purpose designated until the
5 close of the succeeding fiscal year.

6 Sec. 18. 2004 Iowa Acts, chapter 1175, section 192,
7 subsection 2, unnumbered paragraph 1, is amended to read as
8 follows:

9 For the division of criminal investigation and bureau of
10 identification, including the state's contribution to the
11 peace officers' retirement, accident, and disability system
12 provided in chapter 97A in the amount of 17 percent of the
13 salaries for which the funds are appropriated, to meet federal
14 fund matching requirements, and for not more than the
15 following full-time equivalent positions:

16	\$ 14,058,510
17	<u>14,208,510</u>
18	FTEs 221.50

19 Sec. 19. 2004 Iowa Acts, chapter 1175, section 193, is
20 amended to read as follows:

21 SEC. 193. CIVIL RIGHTS COMMISSION. There is appropriated
22 from the general fund of the state to the Iowa state civil
23 rights commission for the fiscal year beginning July 1, 2004,
24 and ending June 30, 2005, the following amount, or so much
25 thereof as is necessary, to be used for the purposes
26 designated:

27 For salaries, support, maintenance, miscellaneous purposes,
28 and for not more than the following full-time equivalent
29 positions:

30	\$ 825,752
31	<u>881,752</u>
32	FTEs 28.00

33 The Iowa state civil rights commission may enter into a
34 contract with a nonprofit organization to provide legal
35 assistance to resolve civil rights complaints.

1 DIVISION V

2 Sec. 20. EFFECTIVE DATE. Unless specifically provided
3 otherwise, this Act, being deemed of immediate importance,
4 takes effect upon enactment.

5 EXPLANATION

6 This bill relates to appropriation matters by making and
7 increasing appropriations for the fiscal year beginning July
8 1, 2004. Unless stated otherwise, the affected appropriations
9 are from the general fund of the state. The bill is organized
10 into divisions.

11 ADMINISTRATION AND REGULATION. This division provides
12 supplemental appropriations to the Iowa ethics and campaign
13 disclosure board, offices of the governor and lieutenant
14 governor for the security costs and other expenses associated
15 with the national meeting of the national governor's
16 association, and the racing and gaming commission of the
17 department of inspections and appeals for examination of new
18 gaming license applications.

19 ECONOMIC DEVELOPMENT. This division provides a
20 supplemental appropriation to the department of economic
21 development to be used for sole source grant costs associated
22 with the hosting of the national special olympics in Iowa by a
23 special olympics nonprofit entity, to supplement an
24 appropriation made for this purpose from the rebuild Iowa
25 infrastructure fund. The appropriation does not revert until
26 the close of fiscal year 2005-2006. In addition, beginning in
27 FY 2005-2006 the standing appropriation for distribution to
28 one or more organizations administering special olympics
29 programs in this state is increased.

30 HEALTH AND HUMAN SERVICES. This division provides
31 supplemental appropriations to the department of human
32 services for the medical assistance (Medicaid) program,
33 Medicaid medical contracts, state resource centers, the unit
34 for commitment and treatment of sexually violent predators,
35 and mental illness, mental retardation, and developmental

1 disabilities state cases. The appropriation for state cases
2 does not revert until the close of FY 2005-2006.

3 JUSTICE SYSTEM. This division provides supplemental
4 appropriations to the department of justice for the legal
5 services for persons in poverty grants, the department of
6 corrections for the Oakdale correctional facility to establish
7 a mental health unit, the department of corrections for
8 general administration, the state public defender, the
9 department of public defense for repayment of a federal grant,
10 the department of public safety for capitol building and
11 judicial building security, the department of public safety
12 division of criminal investigation and bureau of
13 identification, and the civil rights commission. The
14 appropriation for capitol building and judicial building
15 security does not revert until the close of FY 2005-2006.

16 EFFECTIVE DATE. This division provides that the bill takes
17 effect upon enactment, unless otherwise provided.

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SENATE FILE 342

AN ACT

RELATING TO FINANCIAL AND REGULATORY MATTERS BY MAKING AND INCREASING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, MAKING CIVIL PENALTIES APPLICABLE AND PROVIDING EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

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

DIVISION I
EDUCATION

Section 1. STATE BOARD OF REGENTS -- GENERAL FUND ENDING BALANCE.

1. Prior to the appropriation of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2004, pursuant to section 8.57, subsection 1, from appropriations that remain unencumbered or unobligated and would otherwise revert on August 31, 2005, pursuant to section 8.33, up to \$2,800,000 shall be transferred to the state board of regents.

2. The transfer made in subsection 1 shall be distributed to the state board of regents in the fiscal year beginning July 1, 2005, to be used as additional funding for the fiscal year beginning July 1, 2005, for the institutions under the state board of regents.

DIVISION II
HEALTH AND HUMAN SERVICES
DEPARTMENT OF HUMAN SERVICES

Sec. 2. 2004 Iowa Acts, chapter 1175, section 116, unnumbered paragraph 2, is amended to read as follows:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in

effect on June 30, 2004, except as otherwise expressly authorized by law, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

..... \$352,794,101
422,794,101

Sec. 3. 2004 Iowa Acts, chapter 1175, section 118, unnumbered paragraph 2, is amended to read as follows:

For medical contracts, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent position:

..... \$ 9,725,035
10,725,035
..... FTEs 1.00

Of the amount appropriated in this section, \$1,000,000 is allocated for implementation costs for the Iowa Medicaid enterprise initiative.

Sec. 4. 2004 Iowa Acts, chapter 1175, section 130, subsections 1 and 2, are amended to read as follows:

1. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 8,550,280
9,550,280

2. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 4,520,459
5,520,459

Sec. 5. 2004 Iowa Acts, chapter 1175, section 131, is amended to read as follows:

SEC. 131. MI/MR/DD STATE CASES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purchase of local services for persons with mental illness, mental retardation, and developmental disabilities where the client has no established county of legal settlement:

..... \$ ~~11,701,619~~
11,264,619

The general assembly encourages the department to continue discussions with the Iowa state association of counties and administrators of county central point of coordination offices regarding proposals for moving state cases to county budgets.

Sec. 6. 2004 Iowa Acts, chapter 1175, section 134, subsection 1, unnumbered paragraph 2, is amended to read as follows:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ ~~2,833,646~~
3,608,646

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

DIVISION III
JUSTICE SYSTEM

Sec. 7. INDIGENT DEFENSE CLAIMS -- TRANSFERS. It is the intent of the general assembly that the director of the department of management, with the approval of the governor, shall utilize the transfer authority available under section 8.39 to provide the office of the state public defender of the department of inspections and appeals with sufficient funding to satisfy all valid indigent defense claims under section 232.141 and chapter 815 for the fiscal year beginning July 1, 2004, and ending June 30, 2005.

DIVISION IV
EMPLOYMENT

Sec. 8. Section 22.7, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 51. Confidential information, as defined in section 86.45, subsection 1, filed with the workers' compensation commissioner.

Sec. 9. Section 85.27, subsection 7, Code 2005, is amended to read as follows:

7. If, after the third day of incapacity to work following the date of sustaining a compensable injury which does not result in permanent partial disability, or if, at any time after sustaining a compensable injury which results in permanent partial disability, an employee, who is not receiving weekly benefits under section 85.33 or section 85.34, subsection 1, returns to work and is required to leave work for one full day or less to receive services pursuant to this section, the employee shall be paid an amount equivalent to the wages lost at the employee's regular rate of pay for the time the employee is required to leave work. For the purposes of this subsection, "day of incapacity to work" means eight hours of accumulated absence from work due to incapacity to work or due to the receipt of services pursuant to this section. The employer shall make the payments under this subsection as wages to the employee after making such deductions from the amount as legally required or customarily made by the employer from wages. Payments made under this subsection shall be required to be reimbursed pursuant to any insurance policy covering workers' compensation. Payments under this subsection shall not be construed to be payment of weekly benefits.

Sec. 10. Section 85.35, Code 2005, is amended to read as follows:

85.35 ~~SETTLEMENT-IN-CONTESTED-CASE~~ SETTLEMENTS.

1. The parties to a contested case or persons who are involved in a dispute which could culminate in a contested

case may enter into a settlement of any claim arising under this chapter or chapter 85A, 85B, or 86, providing for final disposition of the claim, ~~provided that no final disposition affecting rights to future benefits may be had when the only dispute is the degree of disability resulting from an injury for which an award for payments or agreement for settlement under section 86.13 has been made.~~ The settlement shall be in writing on forms prescribed by the workers' compensation commissioner and submitted to the workers' compensation commissioner for approval.

2. The parties may enter into an agreement for settlement that establishes the employer's liability, fixes the nature and extent of the employee's current right to accrued benefits, and establishes the employee's right to statutory benefits that accrue in the future.

3. The parties may enter into a compromise settlement of the employee's claim to benefits as a full and final disposition of the claim.

4. The parties may enter into a settlement that is a combination of an agreement for settlement and a compromise settlement that establishes the employer's liability for part of a claim but makes a full and final disposition of other parts of a claim.

5. A contingent settlement may be made and approved, conditioned upon subsequent approval by a court or governmental agency, or upon any other subsequent event that is expected to occur within one year from the date of the settlement. If the subsequent approval or event does not occur, the contingent settlement and its approval may be vacated by order of the workers' compensation commissioner upon a petition for vacation filed by one of the parties or upon agreement by all parties. If a contingent settlement is vacated, the running of any period of limitation provided for in section 85.26 is tolled from the date the settlement was initially approved until the date that the settlement is vacated, and the claim is restored to the status that the

claim held when the contingent settlement was initially approved. The contingency on a settlement lapses and the settlement becomes final and fully enforceable if an action to vacate the contingent settlement or to extend the period of time allowed for the subsequent approval or event to occur is not initiated within one year from the date that the contingent settlement was initially approved.

6. The parties may agree that settlement proceeds, which are paid in a lump sum, are intended to compensate the injured worker at a given monthly or weekly rate over the life expectancy of the injured worker. If such an agreement is reached, neither the weekly compensation rate which either has been paid, or should have been paid, throughout the case, nor the maximum statutory weekly rate applicable to the injury shall apply. Instead, the rate set forth in the settlement agreement shall be the rate for the case.

~~The settlement shall not be approved unless evidence of a bona fide dispute exists concerning any of the following:~~

~~1. The claimed injury arose out of or in the course of the employment;~~

~~2. The injured employee gave notice under section 85.23;~~

~~3. Whether or not the statutes of limitations as provided in section 85.26 have run. When the issue involved is whether or not the statute of limitations of section 85.26, subsection 2, has run, the final disposition shall pertain to the right to weekly compensation unless otherwise provided for in subsection 7 of this section;~~

~~4. The injury was caused by the employee's willful intent to injure the employee's self or to willfully injure another;~~

~~5. Intoxication, which did not arise out of and in the course of employment but which was due to the effects of alcohol or another narcotic, depressant, stimulant, hallucinogenic, or hypnotic drug not prescribed by an authorized medical practitioner, was a substantial factor in causing the employee's injury;~~

~~6. The injury was caused by the willful act of a third party directed against the employee for reasons personal to such employee.~~

~~7. This chapter or chapter 85A, 85B, 86 or 87 applies to the party making the claim.~~

~~8. A substantial portion of the claimed disability is related to physical or mental conditions other than those caused by the injury.~~

7. A settlement shall be approved by the workers' compensation commissioner if the parties show all of the following:

a. Substantial evidence exists to support the terms of the settlement.

b. Waiver of the employee's right to a hearing, decision, and statutory benefits is made knowingly by the employee.

c. The settlement is a reasonable and informed compromise of the competing interests of the parties.

If an employee is represented by legal counsel, it is presumed that the required showing for approval of the settlement has been made.

8. Approval of a settlement by the workers' compensation commissioner shall be is binding on the parties and shall not be construed as an original proceeding. Notwithstanding any provisions of this chapter and chapters 85A, 85B, 86 and 87, an approved compromise settlement shall constitute a final bar to any further rights arising under this chapter and chapters 85A, 85B, 86, and 87. Such regarding the subject matter of the compromise and a payment made pursuant to a compromise settlement agreement shall not be construed as the payment of weekly compensation.

Sec. 11. Section 85.38, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

If an employer denies liability under this chapter, chapter 85A, or chapter 85B, for payment for any medical services received or weekly compensation requested by an employee with a disability, and the employee is a beneficiary under either

an individual or group plan for nonoccupational illness, injury, or disability, the nonoccupational plan shall not deny payment for the medical services received or for benefits under the plan on the basis that the employer's liability for the medical services under this chapter, chapter 85A, or chapter 85B is unresolved.

Sec. 12. Section 85.71, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The employer has a place of business in Iowa, and the employee is working under a contract of hire which provides that the employee's workers' compensation claims be governed by Iowa law.

Sec. 13. Section 86.24, subsection 4, Code 2005, is amended to read as follows:

~~4. A transcript of a contested case proceeding shall be provided to the workers' compensation commissioner by an appealing party at the party's cost and an affidavit shall be filed by the appealing party or the party's attorney with the workers' compensation commissioner within ten days after the filing of the appeal to the workers' compensation commissioner stating that the transcript has been ordered and identifying the name and address of the reporter or reporting firm from which the transcript has been ordered.~~

Sec. 14. NEW SECTION. 86.45 CONFIDENTIAL INFORMATION.

1. "Confidential information", for the purposes of this section, means all information that is filed with the workers' compensation commissioner as a result of an employee's injury or death that would allow the identification of the employee or the employee's dependents. Confidential information includes first reports of injury and subsequent reports of claim activity. Confidential information does not include pleadings, motions, decisions, opinions, or applications for settlement that are filed with the workers' compensation commissioner.

2. The workers' compensation commissioner shall not disclose confidential information except as follows:

a. Pursuant to the terms of a written waiver of confidentiality executed by the employee or the dependents of the employee whose information is filed with the workers' compensation commissioner.

b. To another governmental agency, or to an advisory, rating, or research organization, for the purpose of compiling statistical data, evaluating the state's workers' compensation system, or conducting scientific, medical, or public policy research, where such disclosure will not allow the identification of the employee or the employee's dependents.

c. To the employee or to the agent or attorney of the employee whose information is filed with the workers' compensation commissioner.

d. To the person or to the agent of the person who submitted the information to the workers' compensation commissioner.

e. To an agent, representative, attorney, investigator, consultant, or adjuster of an employer, or insurance carrier or third-party administrator of workers' compensation benefits, who is involved in administering a claim for such benefits related to the injury or death of the employee whose information is filed with the workers' compensation commissioner.

f. To all parties to a contested case proceeding before the workers' compensation commissioner in which the employee or a dependent of the employee, whose information is filed with the workers' compensation commissioner, is a party.

g. In compliance with a subpoena.

h. To an agent, representative, attorney, investigator, consultant, or adjuster of the employee, employer, or insurance carrier or third-party administrator of insurance benefits, who is involved in administering a claim for insurance benefits related to the injury or death of the employee whose information is filed with the workers' compensation commissioner.

i. To another governmental agency that is charged with the duty of enforcing liens or rights of subrogation or indemnity.

3. This section does not create a cause of action for a violation of its provisions against the workers' compensation commissioner or against the state or any governmental subdivision of the state.

Sec. 15. Section 87.11, unnumbered paragraph 1, Code 2005, is amended to read as follows:

When an employer coming under this chapter furnishes satisfactory proofs to the insurance commissioner of such employer's solvency and financial ability to pay the compensation and benefits as by law provided and to make such payments to the parties when entitled thereto, or when such employer deposits with the insurance commissioner security satisfactory to the insurance commissioner ~~and the workers' compensation commissioner~~ as guaranty for the payment of such compensation, such employer shall be relieved of the provisions of this chapter requiring insurance; but such employer shall, from time to time, furnish such additional proof of solvency and financial ability to pay as may be required by such insurance commissioner ~~or workers' compensation commissioner~~. Such security shall be held in trust for the sole purpose of paying compensation and benefits and is not subject to attachment, levy, execution, garnishment, liens, or any other form of encumbrance. However, the insurance commissioner shall be reimbursed from the security for all costs and fees incurred by the insurance commissioner in resolving disputes involving the security. A political subdivision, including a city, county, community college, or school corporation, that is self-insured for workers' compensation is not required to submit a plan or program to the insurance commissioner for review and approval.

Sec. 16. Section 87.14A, Code 2005, is amended to read as follows:

87.14A INSURANCE OR BOND REQUIRED.

An employer subject to this chapter and chapters 85, 85A, 85B, and 86 shall not engage in business without first obtaining insurance covering compensation benefits or obtaining relief from insurance as provided in this chapter or ~~furnishing a bond pursuant to section 87.16~~. A person who willfully and knowingly violates this section is guilty of a class "D" felony.

Sec. 17. Section 87.19, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Upon the receipt of information by the workers' compensation commissioner of any employer failing to comply with ~~sections 87.16 and 87.17~~ section 87.14A, the commissioner shall at once notify such employer by certified mail that unless such employer comply with the requirements of law, legal proceedings will be instituted to enforce such compliance.

Sec. 18. Section 87.20, Code 2005, is amended to read as follows:

87.20 REVOCATION OF RELEASE FROM INSURANCE.

~~The insurance commissioner with the concurrence of the workers' compensation commissioner~~ may, at any time, upon reasonable notice to such employer and upon hearing, revoke for cause any order theretofore made relieving any employer from carrying insurance as provided by this chapter.

Sec. 19. Section 91A.3, subsection 3, Code 2005, is amended to read as follows:

3. The wages paid under subsection 1 shall be sent to the employee by mail or be paid at the employee's normal place of employment during normal employment hours or at a place and hour mutually agreed upon by the employer and employee, or the employee may elect to have the wages sent for direct deposit, on or by the regular payday of the employee, into a financial institution designated by the employee. An employer shall not require a current employee to participate in direct deposit. The employer may require, as a condition of hire, a new employee to sign up for direct deposit of the employee's wages

in a financial institution of the employee's choice unless any of the following conditions exist:

a. The costs to the employee of establishing and maintaining an account for purposes of the direct deposit would effectively reduce the employee's wages to a level below the minimum wage provided under section 91D.1.

b. The employee would incur fees charged to the employee's account as a result of the direct deposit.

c. The provisions of a collective bargaining agreement mutually agreed upon by the employer and the employee organization prohibit the employer from requiring an employee to sign up for direct deposit as a condition of hire.

Sec. 20. Section 91A.6, subsection 3, Code 2005, is amended to read as follows:

3. Within ten working days of a request by an employee, an employer shall furnish to the employee a written, itemized statement or access to a written, itemized statement as provided in subsection 4, listing the earnings and deductions made from the wages for each pay period in which the deductions were made together with an explanation of how the wages and deductions were computed. ~~An employer need honor only one such request in any calendar year unless the rate of earnings, hours or deductions are changed during the calendar year. Each change shall entitle an employee to a further request for an itemized statement.~~

Sec. 21. Section 91A.6, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 4. On each regular payday, the employer shall send to each employee by mail or shall provide at the employee's normal place of employment during normal employment hours a statement showing the hours the employee worked, the wages earned by the employee, and deductions made for the employee. An employer who provides each employee access to view an electronic statement of the employee's earnings and provides the employee free and unrestricted access to a printer to print the employee's statement of earnings, if the employee chooses, is in compliance with this subsection.

Sec. 22. Sections 87.16 and 87.17, Code 2005, are repealed.

Sec. 23. EFFECTIVE DATE. This division of this Act takes effect July 1, 2005.

DIVISION V

Sec. 24. EFFECTIVE DATE. Unless specifically provided otherwise, this Act, being deemed of immediate importance, takes effect upon enactment.

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 342, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2005

THOMAS J. VILSACK
Governor