

**CHAPTER 263**

**DEPARTMENTAL SUPPLEMENTAL APPROPRIATIONS AND OTHER PROVISIONS**

*S.F. 209*

**AN ACT** relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, relating to certain interest, investment income, and funds received, relating to future budget estimates, and increasing the court civil penalty surcharge, and providing effective dates.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DEPARTMENT OF HUMAN SERVICES**

Section 1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1270, section 1, as amended by 1991 Iowa Acts, House File 173, for aid to families with dependent children:

..... \$ 2,800,236

Sec. 2. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1270, section 2, as amended by 1991 Iowa Acts, House File 173, for medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

..... \$ 4,382,328

Sec. 3. Notwithstanding the provisions of 1990 Iowa Acts, chapter 1270, section 6, the department of human services may revise the allocation of funds appropriated in that section for protective and state child care assistance as the department deems necessary to prevent a deficit in the appropriation. The revision actions the department may take include but are not limited to transfers of allocated funds between counties within a department of human services' district, transfers between the districts, and limiting the number of new persons who are approved to receive state child care assistance. If a transfer of allocated funds is necessary, consideration shall be given to transferring funds from those counties projecting a surplus in the allocation which have no waiting list for services and from those counties with unencumbered funds in the allocation which have a waiting list.

Sec. 4. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1270, section 7, for transitional child care assistance:

..... \$ 126,576

Sec. 5. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1270, section 13, as amended by 1991 Iowa Acts, House File 173, for foster care:

..... \$ 7,873,597

Sec. 6. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1270, section 15, as amended by 1991 Iowa Acts, House File 173, for home-based services on the condition that family planning services are funded, provided that if the department amends the allocation to a program funded under this section, then the department shall promptly notify the legislative fiscal bureau of the change:

..... \$ 309,956

Sec. 7. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1270, section 16, for community-based programs on the condition that the prevention grants relating to adolescent pregnancy are funded:

..... \$ 348,914

Sec. 8. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1270, section 18, for court-ordered evaluations and treatment pursuant to section 232.141, subsection 4:

..... \$ 6,250,100

Sec. 9. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1270, section 21, subsection 4, for the state mental health institute at Mount Pleasant for salaries, support, maintenance, miscellaneous purposes, and for not more than the following additional full-time equivalent positions:

..... \$ 253,713  
..... FTEs 4.0

Sec. 10. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1262, section 17, for emergency assistance to families with dependent children under Title IV-A of the federal Social Security Act to match federal dollars for homeless prevention programs:

..... \$ 400,000

DEPARTMENT OF GENERAL SERVICES

Sec. 11. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For capitol restoration:

..... \$ 1,000,000

NATIONAL CONFERENCE OF STATE LEGISLATURES

Sec. 12. There is appropriated from the general fund of the state to the following named agency for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

NATIONAL CONFERENCE OF STATE LEGISLATURES

To supplement funds appropriated in 1990 Iowa Acts, chapter 1266, section 9, subsection 1, for support of the membership assessment:

..... \$ 2,502

DEPARTMENT OF REVENUE AND FINANCE

Sec. 13. There is appropriated from the general fund of the state to the department of revenue and finance the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For expenses incurred in the litigation of the Burlington Northern Railroad lawsuit:

..... \$ 250,000

Notwithstanding section 8.33, moneys appropriated in this section shall not revert at the end of any fiscal year, and will remain available until the litigation is completed.

DEPARTMENT OF PUBLIC SAFETY

Sec. 14. There is appropriated from the road use tax fund to the department of public safety, division of highway safety and uniformed force, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1267, section 6, subsection 5, for payments to the department of personnel for expenses incurred in administering workers' compensation on behalf of the highway safety division of highway safety and uniformed force:

..... \$ 135,000

DEPARTMENT OF INSPECTIONS AND APPEALS

Sec. 15. There is appropriated from the road use tax fund to the department of inspections and appeals for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for the purposes designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1261, section 10, for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 60,000

COLLEGE STUDENT AID COMMISSION

Sec. 16. There is appropriated from the loan reserve account to the college aid commission for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for the purposes designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1272, section 6, for operating costs of the Stafford loan program including salaries, support, maintenance, miscellaneous purposes, and for not more than the following additional full-time equivalent positions:

..... \$ 617,340

..... FTEs 4.0

BOARD OF REGENTS INSTITUTIONS

Sec. 17. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Biodegradable plastics research:

..... \$ 135,000

LIEUTENANT GOVERNOR

Sec. 18. There is appropriated from the general fund of the state to the office of the lieutenant governor for the portion of the fiscal year beginning with the 1991 inauguration of the lieutenant governor and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1266, section 5, as amended by 1991 Iowa Acts, House File 173, for salaries, support, maintenance, and miscellaneous purposes including the lieutenant governor's compensation and expenses:

..... \$ 30,000

DEPARTMENT OF TRANSPORTATION

Sec. 19. There is appropriated from the primary road fund to the salary adjustment fund, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To supplement other funds appropriated by the general assembly in 1990 Iowa Acts, chapter 1256, section 11, subsection 2:

..... \$ 1,019,127

PIONEER LAWMAKERS

Sec. 20. There is appropriated from the general fund of the state to the pioneer lawmakers for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For expenses of the biennial meeting:

..... \$ 1,000

STATE PUBLIC DEFENDER

Sec. 21. There is appropriated from the general fund of the state to the office of the state public defender for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. To supplement funds appropriated in 1990 Iowa Acts, chapter 1261, section 9, subsection 1, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following additional full-time equivalent positions:

..... \$ 540,000  
..... FTEs 38.00

2. To supplement funds appropriated in 1990 Iowa Acts, chapter 1261, section 9, subsection 2, as amended by 1991 Iowa Acts, House File 173, for indigent court-appointed attorney fees for adults and juveniles, notwithstanding section 232.141 and chapter 815:

..... \$ 4,760,000

DEPARTMENT OF JUSTICE

Sec. 22. 1990 Iowa Acts, chapter 1259, section 7, is amended to read as follows:

SEC. 7. There is appropriated from the separate fund created under section 321J.17 to the family and community health division of the Iowa department of public health department of justice for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To pay the costs of medical examinations in crimes of sexual abuse and of treatments for prevention of venereal disease as required by section 709.10:

..... \$ 176,000  
..... 211,000

\*Sec. 23. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To supplement other funds appropriated by the general assembly in 1990 Iowa Acts, chapter 1268, section 7, subsection 1, as amended by 1991 Iowa Acts, House File 173, for salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners

\*JUDICIAL DEPARTMENT heading probably intended

and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, and maintenance, equipment, and miscellaneous purposes:

..... \$ 200,000

DEPARTMENT OF CORRECTIONS

Sec. 24. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To supplement other funds appropriated by the general assembly in 1990 Iowa Acts, chapter 1268, section 6, subsection 1, as amended by 1991 Iowa Acts, House File 173, for the first judicial district department of correctional services:

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 133,000

2. To supplement other funds appropriated by the general assembly in 1990 Iowa Acts, chapter 1268, section 6, subsection 6, as amended by 1991 Iowa Acts, House File 173, for the sixth judicial district department of correctional services:

For staffing of additional new beds at the Cedar Rapids residential facility as authorized during the 1989 session of the general assembly:

..... \$ 68,053

3. For the third judicial district department of correctional services for additional funding for the new 50 bed facility as authorized by 1990 Iowa Acts, chapter 1257, section 30:

..... \$ 40,000

The project may also include the colocation of existing administrative office space. Political subdivisions, private individuals, or organizations may contribute to the financing, construction, and operations of the new facility.

Notwithstanding section 8.33, moneys remaining unencumbered and unobligated on June 30, 1991, from the appropriation made in this subsection shall not revert but shall remain available for expenditure for purposes of this subsection for the fiscal year beginning July 1, 1991.

DEPARTMENT OF HUMAN RIGHTS

Sec. 25. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To supplement funds appropriated in 1990 Iowa Acts, chapter 1259, section 2, subsection 6, as amended by 1991 Iowa Acts, House File 173, for the division of deaf services for salary and support of an additional interpreter:

..... \$ 13,702

IOWA FINANCE AUTHORITY

Sec. 26. 1990 Iowa Acts, chapter 1262, section 3, subsection 1, paragraphs b and d, are amended to read as follows:

b. Of the amount appropriated in paragraph "a", \$200,000 shall be used to finance the purchase or acquisition, in communities with a population of less than 10,000, of modular homes, as defined in section 135D.1, and manufactured homes as defined in 42 U.S.C. § 5403.

d. Assistance provided under paragraph "a" shall be limited to mortgages under \$35,000 \$55,000, except in those areas of the state where the median price of homes exceeds the state average and except in the case of the \$200,000 set aside for communities of less than 10,000 where the mortgage limit is \$50,000. In providing the assistance, the authority shall require substantial seller participation of not less than 2 percent of the mortgage amount, which participation includes, but is not limited to, home ownership maintenance funding, down payment assistance, payment of closing costs, or rehabilitation costs.

Sec. 27. Moneys remaining unencumbered or unobligated from the funds appropriated to the Iowa finance authority for the housing assistance program for the fiscal year beginning

July 1, 1989, in section 99E.32, subsection 3, paragraph "u", shall be used by the Iowa finance authority for the housing assistance program under the conditions and criteria set out in 1990 Iowa Acts, chapter 1262, section 3, as amended by section 26 of this Act, except that \$400,000 of such money shall be transferred to and deposited in the general fund of the state on the effective date of this Act.

Notwithstanding section 8.33, section 99E.32, subsection 7, and 1990 Iowa Acts, chapter 1255, section 37, subsection 2, moneys for the housing assistance program remaining unencumbered or unobligated on June 30, 1991, shall not revert or be transferred to any fund but shall be available for expenditure for purposes of the housing assistance program for the fiscal year beginning July 1, 1991.

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

Sec. 28. 1989 Iowa Acts, chapter 308, section 1, subsection 2, unnumbered paragraph 2, as item vetoed by the governor, is amended to read as follows:

As a condition, limitation, and qualification of this appropriation, the department shall develop and initiate a program to provide cassette tape-recorded explanations of regional points of interest and tourist attractions to be made available ~~without charge~~ at state welcome centers. The department may charge a reasonable deposit and fee to ensure that the tape is returned to a state welcome center or rest stop, or other location as specified by the department.

Sec. 29. 1989 Iowa Acts, chapter 308, section 1, subsection 3, unnumbered paragraph 2, is amended to read as follows:

As a condition, limitation, and qualification of this appropriation, the department shall develop and initiate a program to provide cassette tape-recorded explanations of regional points of interest and tourist attractions, to be made available ~~without charge~~ at state welcome centers. The department may charge a reasonable deposit and fee to ensure that the tape is returned to a state welcome center or rest stop, or other location as specified by the department.

*\*Sec. 30. There is appropriated from the general fund of the state to the general assembly for the period beginning on the effective date of this Act and ending June 30, 1991, the sum of \$20,000, or so much thereof as is necessary, for the purpose of continuing through June 30, 1991, the ethanol fueled Brazilian truck project at the state university of Iowa. The appropriation made in this section, upon acceptance by the state university of Iowa, constitutes an extension through June 30, 1991, of the contract entered into between the state university of Iowa and the redesign lottery funded environmental initiatives study committee as that contract was signed by Susan M. Phillips for the state university of Iowa on August 24, 1990, and by Senator Bill Hutchins for the study committee on August 23, 1990.\**

Sec. 31. Section 8.23, unnumbered paragraph 1, Code 1991, is amended to read as follows:

On or before September 1, next prior to each legislative session, all departments and establishments of the government shall transmit to the director, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, classified so as to distinguish between expenditures estimated for administration, operation, and maintenance, and the cost of each project involving the purchase of land or the making of a public improvement or capital outlay of a permanent character, together with supporting data and explanations as called for by the director. The budget estimates shall include for those agencies which pay for energy directly a line item for energy expenses itemized by type of energy and location. The estimates of expenditure requirements shall be based upon seventy-five percent of the funding provided for the current fiscal year accounted for by program reduced by the historical employee vacancy factor in form specified by the director and the remainder of the estimate of expenditure requirements prioritized by program. The estimates shall be accompanied with performance measures for evaluating the effectiveness of the program. If a department or establishment fails to submit estimates within the time specified, the governor shall cause estimates to be prepared for that department or establishment as in the governor's opinion are reasonable and proper. The director shall furnish standard budget request forms to each department or agency of state government.

\*Item veto; see message at end of the Act

*\*Sec. 32. Section 99F.4, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph:*

**NEW UNNUMBERED PARAGRAPH.** *All license fees, operating fees, admissions fees, and penalties collected under this chapter after July 1, 1993, shall be deposited into the excursion boat gambling revolving fund created in the office of the treasurer of state.\**

*\*Sec. 33. 1991 Iowa Acts, House File 173, section 1241, is amended by striking the section and inserting in lieu thereof the following:*

**SEC. 1241.** *Section 523A.20, Code 1991, is amended to read as follows:*

**523A.20 INSURANCE DIVISION'S REGULATORY FUND.**

*The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. Commencing July 1, 1990, and annually thereafter, the commissioner shall allocate from the fees paid pursuant to section 523A.2, one dollar for each agreement reported on an establishment permit holder's annual report for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523A.2 shall be deposited into the insurance revolving fund; provided, however, that general fund of the state. However, if the balance of the regulatory fund on that July 1 exceeds two hundred thousand dollars, the allocation to the regulatory fund shall not be made and the total sum of the fees paid pursuant to section 523A.2 shall be deposited in the insurance revolving general fund of the state. The moneys in the regulatory fund shall be retained in the fund together with any interest or earnings that are earned on the balance. However, for the fiscal period beginning July 1, 1991, and ending June 30, 1993, any interest or earnings that are earned on the balance during that period shall be deposited into the general fund of the state. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay investigative expenses and the expenses of receiverships established pursuant to section 523A.19. An annual assessment shall not be imposed if the current balance of the fund exceeds two hundred thousand dollars.\**

*\*Sec. 34. 1991 Iowa Acts, House File 173, section 1242, is amended by striking the section and inserting in lieu thereof the following:*

**SEC. 1242.** *Section 523E.20, Code 1991, is amended to read as follows:*

**523E.20 INSURANCE DIVISION'S REGULATORY FUND.**

*The insurance division may authorize the creation of a special revenue fund in the state treasury, to be known as the insurance division regulatory fund. Commencing July 1, 1990, and annually thereafter, the commissioner shall allocate from the fees paid pursuant to section 523E.2, one dollar for each agreement reported on an establishment permit holder's annual report for deposit to the regulatory fund. The remainder of the fees collected pursuant to section 523E.2 shall be deposited into the insurance revolving fund; provided, however, that general fund of the state. However, if the balance of the regulatory fund on that July 1 exceeds two hundred thousand dollars, the allocation to the regulatory fund shall not be made and the total sum of the fees paid pursuant to section 523E.2 shall be deposited in the insurance revolving general fund of the state. The moneys in the regulatory fund shall be retained in the fund together with any interest or earnings that are earned on the balance. However, for the fiscal period beginning July 1, 1991, and ending June 30, 1993, any interest or earnings that are earned on the balance during that period shall be deposited into the general fund of the state. The moneys are appropriated and, subject to authorization by the commissioner, may be used to pay investigative expenses and the expenses of receiverships established pursuant to section 523E.19. An annual assessment shall not be imposed if the current balance of the fund exceeds two hundred thousand dollars.\**

**Sec. 35.** *Section 911.2, unnumbered paragraph 1, Code 1991, as amended by 1991 Iowa Acts, House File 173, section 816, is amended to read as follows:*

*When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles, the court shall assess an additional penalty in the form of a surcharge equal to ~~twenty-five~~ thirty percent of the fine or forfeiture imposed. In the event of multiple offenses, the surcharge shall be based upon*

*\*Item veto; see message at end of the Act*

the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended.

**Sec. 36. NEW SECTION. 29C.22 PARTICIPATION IN FUNDING DISASTER RECOVERY FACILITY.**

All state government departments and agencies may participate in sharing the cost of the design, construction, and operation of a disaster recovery facility located in the STARC armory at Camp Dodge. State departments and agencies may use funds from any source, including but not limited to, user fees, and appropriations for operational or capital purposes, to participate in the facility.

**Sec. 37. Section 911.3, Code 1991, as amended by 1991 Iowa Acts, House File 173, section 817, is amended to read as follows:**

**911.3 DISPOSITION OF SURCHARGE.**

When a court assesses a surcharge under section 911.2, the clerk of the district court shall transmit ~~twenty sixteen and two-thirds~~ twenty six and two-thirds percent of the surcharge collected to the treasurer of state to be deposited pursuant to section 321J.17. ~~Ninety Ninety-four~~ Ninety Six percent of the remainder of the surcharge collected shall be transmitted to the treasurer of state by the fifteenth day of the following month. The treasurer of state shall deposit that money in the general fund of the state. The clerk of the district court shall transmit ~~ten six~~ ten six percent of the remainder of the surcharge to the county treasurer or shall remit ~~ten six~~ ten six percent of the remainder of the surcharge to the city that was the plaintiff in any action for deposit in the general fund of the city.

**Sec. 38. Moneys deposited into the general fund of the state during the fiscal period beginning July 1, 1991, and ending June 30, 1993, that would have been deposited into other funds or accounts but for the provisions of 1991 Iowa Acts, House File 173, division XII, shall only be used for the purposes for which the moneys were collected.**

*\*Sec. 39. Notwithstanding any provision relating to or contained in section 28.112, the value-added agricultural products and processes financial assistance fund; section 117.54, the Iowa real estate education fund; section 246.310, the canteen operating fund; section 246.706, the revolving farm fund; section 455A.18, the Iowa resources enhancement and protection fund; section 467A.71, the conservation practices revolving loan fund; and section 467F.4, the water protection fund; any interest earned on or income from investments of moneys in such funds received during the fiscal period beginning July 1, 1991, and ending June 30, 1993, shall not be deposited into such funds but shall be deposited into the general fund of the state.\**

*\*Sec. 40. 1991 Iowa Acts, House File 173, sections 1202, 1205, 1213, 1220, 1221, 1232, 1233, 1234, 1235, and 1250, are repealed.\**

*\*Sec. 41. EFFECTIVE DATE. Section 39 of this Act takes effect July 1, 1991.\**

**Sec. 42. EFFECTIVE DATE.** Sections 35 and 37 of this Act, relating to court surcharges, take effect April 1, 1991, and apply to fines and forfeitures collected on or after that date. Section 31 of this Act relating to departmental estimates takes effect July 1, 1991.

**Sec. 43.** This Act, being deemed of immediate importance, is effective upon enactment.

*Approved March 29, 1991, except the items which I hereby disapprove and which are designated as Section 30 in its entirety; Sections 32, 33 and 34 in their entirety; and Sections 39, 40 and 41 in their entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the President of the Senate this same date, a copy of which is attached hereto.*

TERRY E. BRANSTAD, Governor



Dear Mr. President:

I hereby transmit Senate File 209, an Act relating to and making supplemental appropriations for the remainder of the fiscal year ending June 30, 1991, to the department of human services, national conference of state legislatures, department of general services, department of revenue and finance, department of public safety, department of inspections and appeals, college student aid commission, board of regents institutions, office of lieutenant governor, department of transportation, pioneer lawmakers, the office of the state public defender, department of justice, department of human rights, Iowa finance authority, department of economic development, department of corrections, and extending ethanol fuel project, relating to certain interests, investment income, and funds received, relating to future budget estimates, and increasing the court civil penalty surcharge, and providing effective dates.

Senate File 209 makes necessary appropriations to meet the state's obligations yet in this fiscal year. In approving the additional funding for court-ordered evaluations and treatment of juveniles and indigent defense in this bill, it is my understanding that the necessary statutory language to bring the costs of these programs under control will follow in subsequent legislation very soon. This is essential if we are to achieve the cost avoidance necessary to provide a balanced budget.

Senate File 209 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 30, in its entirety. This section would provide \$20,000 for what is known as the Brazilian truck project. Research and development of the use of ethanol fuel passed this project when the state of Iowa has purchased five automobiles which burn a fuel mixture of up to 85 percent ethanol. These vehicles are American made and are assigned for daily use in our fleet, as opposed to being an experiment. I fully support the increased use of ethanol as a fuel and believe these scarce resources should be used to purchase additional vehicles for our fleet.

I am unable to approve Section 32, in its entirety. This section would require the deposit of fees collected from excursion boat gambling activities into an excursion boat gambling revolving fund. House File 173, signed by me on February 15, 1991, transferred all revenues derived from excursion boat gambling after June 30, 1991, into the general fund of the state. Approval of this section would recreate a revolving fund, a step backward in our efforts to move toward Generally Accepted Accounting Principles (GAAP). To assure that progress and to also assure proper oversight over all state appropriations and revenue receipts, I disapprove the creation of this separate fund.

I am unable to approve Sections 33, 34, 39, 40 and 41, in their entirety. These sections deal with interest earned from funds deposited in special funds outside of the general fund. House File 173 changed current law to require interest earned on the balances of fifteen separate funds to be deposited in the state's general fund. Senate File 209 would amend House File 173 to allow interest earned on these special fund balances to be credited to the general fund only for fiscal years 1992 and 1993. This would be an unfortunate reversal of progress toward GAAP.

All of the programs funded from these special funds derive benefit from the general operation of state government through the provision of basic services, i.e., accounting, payroll and general services functions including space and the use of the state facilities. Deposit of interest earned on special funds is a good means to reimburse the general fund for this expense and should be a permanent policy of the state. Therefore, the permanent and positive changes made in House File 173 should not be reversed.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 209 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, *Governor*