

While I support the concept of early retirement as a voluntary means of reducing the work-force, this program is extremely costly and without clear result. There would be savings associated with the positions vacated through early retirement; however, many of these retirements would have occurred in any case. The state would then be paying for benefits unnecessarily. Moreover, with health care costs escalating so rapidly, the future cost of this program is unknown but potentially extreme. The program would continue to drain state resources for twelve years in the future. This is a risk the state cannot assume at this time.

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 House File 479 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 268

**APPROPRIATIONS TO STATE DEPARTMENTS AND AGENCIES
AND RELATED PROVISIONS
S.F. 529**

AN ACT relating to and making appropriations to state departments, agencies, funds, and certain other entities, making related statutory changes, and providing effective dates.

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

DIVISION I
ADMINISTRATION

Sec. 101. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	2,123,450
.....	FTEs	50.00

Sec. 102. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full-time equivalent positions:

.....	\$	993,462
.....	FTEs	17.00

2. For the governor's expenses and the lieutenant governor's expenses connected with office:

.....	\$	2,850
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3. For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

.....	\$	94,493
.....	FTEs	3.00

4. For the payment of expenses of ad hoc committees, councils, and task forces appointed by the governor to research and analyze a particular subject area relevant to the problems and responsibilities of state and local government, including the employment of professional,

technical, and administrative staff and the payment of per diem and actual expenses of committee, council, or task force members as specified pursuant to section 7E.6. However, a member shall not receive a per diem if the member is receiving a salary as a full-time public employee, but members shall be reimbursed for actual and necessary expenses.

As a condition, limitation, and qualification of this appropriation, the ad hoc committees, councils, and task forces appointed by the governor shall be subject to chapters 21 and 22 and the members shall be so informed:

.....	\$	1,900
5. For salaries, support, maintenance, and miscellaneous purposes for the office of administrative rules coordinator, and for not more than the following full-time equivalent positions:		
.....	\$	96,900
.....	FTEs	2.00
6. For payment of Iowa's membership in the national governors' conference:		
.....	\$	80,985

Sec. 103. There is appropriated from the general fund of the state to the office of the governor's drug enforcement and abuse prevention coordinator for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	159,596
.....	FTEs	8.00

2. For the Iowa substance abuse clearinghouse in Cedar Rapids for staff, materials, and operating expenses:

.....	\$	38,000
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As a condition, limitation, and qualification of this appropriation, the drug enforcement and abuse prevention coordinator shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for the costs of the clearinghouse.

Sec. 104. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	791,614
.....	FTEs	28.00

Sec. 105. There is appropriated from the general fund of the state to the executive council for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	41,855
.....	FTEs	1.12

Sec. 106. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. NATIONAL CONFERENCE OF STATE LEGISLATURES

For support of the membership assessment:

.....	\$	75,848
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2. COMMISSION ON UNIFORM STATE LAWS

For support of the commission and expenses of the members:

..... \$ 17,545

Sec. 107. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION DIVISION

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

..... \$ 587,133

..... FTEs 18.00

2. COMMUNICATIONS DIVISION

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

..... \$ 169,305

..... FTEs 19.00

3. MATERIALS MANAGEMENT DIVISION

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

..... \$ 86,583

..... FTEs 3.30

4. PROPERTY MANAGEMENT DIVISION

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

..... \$ 3,793,295

..... FTEs 150.00

5. PRINTING AND MAIL DIVISION

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

..... \$ 482,134

..... FTEs 22.00

6. RECORDS MANAGEMENT DIVISION

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

..... \$ 407,208

..... FTEs 13.00

7. INFORMATION SERVICES DIVISION

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

..... \$ 6,861,332

..... FTEs 158.00

It is the intent of the general assembly that \$269,829 be used for increased capacity of the mainframe services which will improve the availability, response time, and improve the workload.

8. The department of general services shall not change the appropriations for the purposes designated in subsections 1 through 7 from the amounts appropriated under those subsections unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes.

9. Savings achieved in providing telecommunications services shall be used by the department of general services to increase efficiencies in the provision of those services. The department of general services shall report semiannually to the chairpersons and the ranking members of the joint administration appropriations subcommittee and to the legislative fiscal

bureau. The reports shall include a listing of the projects and efficiencies undertaken, the cost of each project, and the benefits, including the projected savings on an annual basis and for the life of the efficiency improvement.

10. The division administrators within the department of general services shall cooperate with the legislative fiscal bureau to develop definitions of goals and performance measures for the divisions and programs selected by the administration appropriations subcommittees or by the legislative fiscal bureau. Data for these measures shall be collected and provided to the legislative fiscal bureau in a timely manner. The department of general services shall also cooperate with the department of management and provide performance data in a timely manner. The department of management shall regularly provide copies of its performance report to the legislative fiscal bureau.

Sec. 108. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CAPITOL PLANNING COMMISSION

For expenses of the members in carrying out their duties under chapter 18A:
..... \$ 1,480

2. UTILITY COSTS

For payment of utility costs:
..... \$ 1,816,740

The department of general services may use funds appropriated in this subsection for utility costs to fund energy conservation projects in the state capitol complex which will have a 100 percent payback within a 24-month period. The department of general services shall report quarterly to the chairpersons and ranking members of the administration appropriations subcommittee, and to the legislative fiscal bureau, concerning the savings generated as a result of implementation of these projects.

Notwithstanding section 18.12, subsection 11, any excess funds appropriated for utility costs in this subsection shall not be deposited in the general fund of the state on June 30, 1992, and these funds are to be used for implementation of energy conservation projects having a payback of 100 percent within a 2-year to 6-year period. The department of general services shall report semiannually to the chairpersons and ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau. The reports shall include a listing of the projects undertaken, the cost of each project, and the projected savings on an annual basis and for the life of the project.

3. RENTAL SPACE

For payment of lease or rental costs of buildings and office space at the seat of government as provided in section 18.12, subsection 9, notwithstanding section 18.16:
..... \$ 544,000

4. FIRE SAFETY

For payment of costs incurred in providing for additional fire safety measures:
..... \$ 67,000

The moneys appropriated by this subsection may be used for, but are not limited to, the provision of alarm warning systems and additional means of egress. Moneys provided under this subsection shall not be used to defray the costs of deferred maintenance or for any purpose other than improving fire safety.

Sec. 109. There is appropriated from the revolving funds designated to the department of general services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 952,840
..... FTEs 30.00

2. The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal year beginning July 1, 1991, and ending June 30, 1992, which are legally payable from this fund.

3. From the centralized purchasing permanent revolving fund established by section 18.9 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	580,507
.....	FTEs	15.00

4. The remainder of the centralized purchasing permanent revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal year beginning July 1, 1991, and ending June 30, 1992, which are legally payable from this fund.

5. From the vehicle dispatcher revolving fund established by section 18.119 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	595,786
.....	FTEs	17.00

6. The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, gasohol, oil, tires, repairs, and all other maintenance expenses incurred in the operation of state-owned motor vehicles and for contingencies arising during the fiscal year beginning July 1, 1991, and ending June 30, 1992, which are legally payable from this fund.

7. The vehicle dispatcher shall report, not later than January 2, 1992, to the chairpersons and the ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau regarding the efficiencies of the vehicle fleet and the changes in the efficiencies. The report shall include the cost per mile, fuel efficiencies, maintenance costs, useful life, the costs of extending the useful life, and other measures which the vehicle dispatcher or the legislative fiscal bureau finds appropriate. The information shall be reported for each general type of vehicle. The overhead costs shall also be reported with the total costs of the vehicle dispatcher operations.

8. The department of general services shall report semiannually in January and July, the results of the project testing the potential for burning an 85 percent ethanol mixture in the state's test vehicles. The report shall include, but is not limited to, purchase costs, maintenance costs, average mileage, vehicle life, problems encountered, and likely benefits.

9. The department of general services shall develop, in consultation with the legislative fiscal bureau, a methodology for directly billing state agencies for the services provided and for recovering depreciation costs. The department shall collect information showing what the billings would be for each state agency if the methodology were implemented and report the findings to the joint administration appropriations subcommittee and to the legislative fiscal bureau by December 1, 1991. The department shall inform all state agencies that will be affected by this methodology as to the potential costs if the methodology is implemented for the fiscal year beginning July 1, 1992.

Sec. 110. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes for the director's staff, office services, data-word processing, and insurance cost management, and for not more than the following full-time equivalent positions:

.....	\$	1,161,871
.....	FTEs	29.65

2. FIELD OPERATIONS

For salaries for the personnel services, employment law/labor relations, and development, and for not more than the following full-time equivalent positions:

.....	\$	1,328,624
.....	FTEs	44.60

3. PROGRAM MANAGEMENT

a. For salaries for employment and compensation and benefits, and for not more than the following full-time equivalent positions:

.....	\$	1,101,552
.....	FTEs	34.00

b. For salaries for the administration of the workers' compensation fund and for not more than the following full-time equivalent positions:

.....	\$	140,787
.....	FTEs	4.00

Any funds received by the department for workers' compensation purposes other than the funds appropriated in paragraph "b" shall be used only for the payment of workers' compensation claims.

The funds for support, maintenance, and miscellaneous purposes for personnel assigned to field operations under subsection 2 and program management under subsection 3 are payable from the appropriation made in subsection 1.

As a condition, limitation, and qualification of this appropriation, the department of personnel shall report quarterly to the chairpersons and ranking members of the joint administration appropriations subcommittee concerning the number of vacancies in existing full-time equivalent positions and the average time taken to fill the vacancies. The reports shall include quarterly and annual averages organized according to state agency and general occupational category as established by the federal equal employment opportunity commission. All departments and agencies of the state shall cooperate with the department in the preparation of the reports.

Sec. 111. There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:

.....	\$	32,829
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Sec. 112. There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:

.....	\$	330,667
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Sec. 113. There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system:

.....	\$	3,003,421
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It is the intent of the general assembly that the Iowa public employees' retirement system employ sufficient staff within the appropriation provided in this section to meet the developing requirements of the investment program.

2. For design, development, and implementation of the data information system:

.....	\$	783,000
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Notwithstanding section 8.33, funds appropriated in this subsection that remain unencumbered or unobligated on June 30, 1992, shall not revert to the Iowa public employees' retirement system fund but shall be available for expenditure in subsequent years to complete the data information system.

The department of personnel shall report on or before January 1, 1992, and each 6 months thereafter until the data information system is fully implemented to the chairpersons and ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau, on the progress made in implementing the data information system. The report shall include, but is not limited to, moneys spent and encumbered, progress made relative to the scheduled implementation, and benefits or anticipated benefits of the system.

The department of personnel shall report to the chairpersons and ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau the results and effectiveness of the wellness program pilot project developed and tested by the department of personnel in conjunction with the state department of transportation. The department of personnel shall submit the reports in June and December of each year of the project's existence and shall submit a final report upon completion of the project.

The department of personnel shall report to the chairpersons and ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau the results and effectiveness of the pilot project regarding the automation of hiring procedures. The department of personnel shall submit progress reports in June and December during the period of existence of the project, and shall submit a final report upon completion of the project.

The department of personnel shall submit, annually, a report to the chairpersons and ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau regarding the results of the state's top achievement recognition program. The reports submitted shall include, but are not limited to, identification of the recipients, a description of the meritorious achievements, and the awards conferred.

Sec. 114. There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions used for the purposes designated in subsections 1 through 6:

.....	FTEs	677.60
1. AUDIT AND COMPLIANCE		
For salaries, support, maintenance, and miscellaneous purposes:	\$	10,825,147
2. FINANCIAL MANAGEMENT		
For salaries, support, maintenance, and miscellaneous purposes:	\$	6,750,450
3. INFORMATION AND MANAGEMENT SYSTEMS		
For salaries, support, maintenance, and miscellaneous purposes:	\$	2,006,656
4. LOCAL GOVERNMENT SERVICES		
For salaries, support, maintenance, and miscellaneous purposes:	\$	1,383,566
5. TECHNICAL SERVICES		
For salaries, support, maintenance, and miscellaneous purposes:	\$	2,172,978
6. ADMINISTRATION		
For salaries, support, maintenance, and miscellaneous purposes:	\$	1,033,213
7. INSURANCE PREMIUMS		
For payments of medical, dental, and life insurance premiums as required in section 79.23:	\$	350,000

8. SECURITY DEPOSITS

For payments of refunds on security deposits as required in section 422.52:
..... \$ 500,000

9. The department of revenue and finance shall not change the appropriations for the purposes designated in subsections 1 through 8 from the amounts appropriated in those subsections unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes.

The director shall report annually to the legislative fiscal committee, the legislative fiscal bureau, and the chairpersons and ranking members of the joint administration appropriations subcommittee concerning the effectiveness of the tax audits and investigations conducted, the moneys expended, the tax obligations established, and taxes collected as a result of the tax collection and enforcement efforts of the department.

The department of revenue and finance shall report quarterly to the legislative fiscal bureau concerning progress in the implementation of generally accepted accounting principles, including determination of reporting entities, fund classifications, modification of the Iowa financial accounting system, progress on preparing a comprehensive annual financial report, and the most current estimate of the general fund balance based on current generally accepted accounting principles.

10. As a condition, limitation, and qualification of the appropriations made in this section, the department of revenue and finance, utilizing the resources available through the governor's planning council for developmental disabilities and the commission of persons with disabilities, shall study and determine the process by which persons with disabilities will deduct expenses they pay for personal assistance services that enable them to be employed. For purposes of this subsection, "disability" means a severe, disabling condition that persists indefinitely, and causes problems in language, learning, mobility, or capacity for self-sufficiency. The department shall file a report of its study with the governor and the general assembly by January 15, 1992.

Sec. 115. There is appropriated from the motor vehicle fuel tax fund created by section 324.77 to the department of revenue and finance for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 324 and the motor vehicle use tax program:
..... \$ 1,049,076

Sec. 116. There is appropriated from the lottery fund to the department of revenue and finance for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 7,050,932
..... FTEs 138.55

Sec. 117. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 1,574,880
..... FTEs 30.00

Sec. 118. There is appropriated from the road use tax fund to the department of management for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:
 \$ 55,000

The department of management shall report to the chairpersons and ranking members of the senate and house committees on appropriations, the chairpersons and ranking members of the joint administration appropriations subcommittee, the legislative fiscal committee, and the legislative fiscal bureau, the number of furloughs and the number of layoffs that occur in each state agency, the savings associated with those furloughs and layoffs, the effect of the furloughs and layoffs on services provided by the state agency, and other relevant information. The department shall provide a year-end report summarizing the information for fiscal year 1991 on or before September 1, 1991. The department shall continue this reporting for fiscal year 1992. A report on the first 5 months of the fiscal year is due by January 2, 1992, and a year-end report is due by September 1, 1992.

Sec. 119. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COUNCIL OF STATE GOVERNMENTS
 For support of the membership assessment:
 \$ 69,600

2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS
 For reimbursements to local law enforcement agencies for the training of officers who resign pursuant to section 384.15, subsection 7:
 \$ 116,850

Sec. 120. There is appropriated from the general fund of the state to the office of state-federal relations for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
 \$ 220,340
 FTEs 3.15

Sec. 121. Notwithstanding section 8.55, the moneys in the Iowa economic emergency fund are transferred to the general fund of the state if necessary to avoid a deficit in the general fund of the state and to defray expenses at the conclusion of the fiscal year beginning July 1, 1991, and ending June 30, 1992.

**Sec. 122. NEW SECTION. 7.15A APPOINTMENTS.*

The governor, when appointing a person to fill a full-time position for a division, department, board, commission, or council of the state shall provide all necessary information regarding the appointive position to the department of personnel.

The department of personnel shall give public notice of recruitment for the position, and the position shall remain open for at least fifteen calendar days following the date of public notice.

*Recruitment for the position may be limited to a specific geographic area or to persons with specific background qualifications, or both. Recruitment announcements shall specify the title, salary range, method for making application, closing date for receiving applications, and any specific availability or background requirements. Recruitment announcements shall be posted in conspicuous locations throughout the relevant state agency and in the offices of the division of job service of the department of employment services. Recruitment announcements shall also be sent to newspapers, radio stations, educational institutions, professional and vocational associations, and other recruitment sources as funds allow.**

Sec. 123. Section 12.8, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Investment income may be used to maintain compensating balances, and pay transaction costs for investments made by the treasurer of state, and pay administrative and related overhead costs incurred by the treasurer of state in the management of money. The treasurer of

*Item veto; see message at end of the Act

state shall coordinate with the affected departments to determine how compensating balances, ~~or~~ transaction costs, or money management and related costs will be established. All charges against a retirement system must be documented and notification of the charges shall be made to the appropriate administration of the retirement system affected.

Sec. 124. USE OF RECOVERED ADMINISTRATIVE FUNDS. The funds collected as administrative and related overhead costs under section 12.8 for the fiscal year beginning July 1, 1991, shall be credited to the general fund of the state. The treasurer of state shall report to the chairpersons and ranking members of the joint administration appropriations subcommittee, to the legislative fiscal committee, and to the legislative fiscal bureau, as to the amounts collected. It is the intent of the general assembly that commencing with the fiscal year beginning July 1, 1992, the administrative and related overhead costs recovered shall become part of the budget of the office of treasurer of state.

Sec. 125. WORLD FOOD PRIZE. There is appropriated from the general fund of the state to the treasurer of state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the continued funding of Iowa's participation in the funding of the world food prize:
..... \$ 250,000

It is the intent of the general assembly that this appropriation of public funds will result in a commitment for additional funding for the world food prize from private sources.

The treasurer of state shall only provide the funds appropriated in this section to the world food prize foundation if sufficient private funds are raised to maintain the world food prize foundation in Iowa and the foundation is structured to include representation that reflects environmental concerns and sustainable agriculture.

Sec. 126. SPECIAL OLYMPICS FUND. There is appropriated from the general fund of the state to the Iowa special olympics fund for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa special olympics fund:
..... \$ 5,000

1. An Iowa special olympics fund is established in the office of the treasurer of state, which shall consist of the amounts appropriated to the fund by the general assembly for each fiscal year.

2. The moneys in the Iowa special olympics fund shall be expended at the request of the honorary chairperson of the Iowa special olympics.

Sec. 127. Section 421.17, Code 1991, is amended by adding the following new subsection: NEW SUBSECTION. 32. INDIRECT COST ALLOCATION.

a. To develop and administer an indirect cost allocation system for state agencies. The system shall be based upon standard cost accounting methodologies and shall be used to allocate both direct and indirect costs of state agencies or state agency functions in providing centralized services to other state agencies. A cost that is allocated to a state agency pursuant to this system shall be billed to the state agency and the cost is payable to the general fund of the state. The source of payment for the billed cost shall be any revenue source except for the general fund of the state. If a state agency is authorized by law to bill and recover direct expenses, the state agency shall recover indirect costs in the same manner.

b. For the purposes of this subsection, "state agency" means a board, commission, department, including the department of revenue and finance, or other administrative office, institution, bureau, or unit of the state of Iowa. The term "state agency" does not include the general assembly, the governor, the courts, or any political subdivision of the state, or its offices and units.

DIVISION II
AGRICULTURE AND NATURAL RESOURCES
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Sec. 201. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes:

Table with 2 columns: Description and Amount. Rows include: 1,085,919; 56,367; 101,183; 56,367.

e. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:

Table with 2 columns: Description and FTEs. Row: 38.20

f. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$35,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

g. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a", \$140,000 and 5.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing agricultural land.

2. FARM COMMODITY DIVISION

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

Table with 2 columns: Description and Amount. Rows include: 911,000; 21.0

b. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$65,000 and 4.00 FTEs shall be used to support an office of renewable fuels which shall be established within the department. The purpose of the office is to support research and promotion of ethanol and other renewable fuels. These positions shall also be used to perform in-state promotion of Iowa grown crops.

c. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$500 shall be allocated from the appropriation for reimbursement of a poultry association conducting a statewide poultry show. The poultry association shall submit a claim for reimbursement to the department which details their annual income and includes a statement of expenditures incurred for the statewide show.

3. FARMERS' MARKET COUPON PROGRAM

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:

Table with 2 columns: Description and Amount. Rows include: 198,333; 1.0

4. REGULATORY DIVISION

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

Table with 2 columns: Description and Amount. Rows include: 3,879,715; 148.20

b. To the regulatory division to cover the costs of inspection, sampling, analysis, and other expenses necessary for the administration of chapters 192, 194, and 195:

..... \$ 645,901

5. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 727,274

As a condition, limitation, and qualification of the appropriation under this paragraph "a", \$20,000 shall be used for the purposes of conducting a statewide gypsy moth detection survey.

Also as a condition, limitation, and qualification of the appropriation under this paragraph "a", \$200,000 shall be allocated from the appropriation to Iowa state university for purposes of training commercial pesticide applicators.

b. To the laboratory division for the operations of the commercial feed programs:

..... \$ 691,675

c. To the laboratory division for the operations of the pesticide programs:

..... \$ 1,140,208

d. To the laboratory division for the operations of the fertilizer programs:

..... \$ 785,397

e. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:

..... FTEs 84.0

The amount of full-time equivalent positions allocated under this paragraph may be exceeded, if all of the following conditions are satisfied:

(1) Additional funding other than from the state general fund is available during the fiscal year beginning July 1, 1991, and ending June 30, 1992.

(2) The legislative council is notified of the additional funding and the number of full-time equivalent positions to be increased.

(3) The department of management approves the increase in full-time equivalent positions recommended by the legislative council.

6. SOIL CONSERVATION DIVISION

a. For salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,132,428

..... FTEs 175.52

b. To provide financial incentives for soil conservation practices in accordance with paragraph "c":

..... \$ 6,439,972

c. As a condition, limitation, and qualification of the appropriation under paragraph "b", the following requirements apply to the funds appropriated by paragraph "b":

(1) Not more than 5 percent may be allocated for cost sharing to abate complaints filed under section 467A.47 and 467A.48.

(2) 10 percent shall be allocated for financial incentives not exceeding 50 percent of the approved cost of permanent soil conservation practices under chapter 467A on watersheds above publicly owned lakes in accordance with the priority list required in section 107.33A.

(3) The soil conservation district commissioners may allocate financial incentives not exceeding 60 percent of the cost of permanent soil conservation practices for special watershed practices or summer construction incentives under section 467A.7, subsections 17 and 19.

(4) Except for the allocations subject to subparagraphs (1), (2), and (3), these funds shall not be used alone or in combination with other public funds to provide a financial incentive payment greater than 50 percent of the approved cost for voluntary permanent soil conservation practices and priority shall be given to family-operated farms.

(5) The soil conservation committee may allocate funds to conduct research and demonstration projects to promote conservation tillage and nonpoint sources pollution control practices.

(6) Not more than 30 percent of a district's allocation may be allocated by the soil conservation district commissioners for the establishment of management practices to control soil erosion on land that is now row cropped.

(7) The financial incentive payments may be used in combination with department of natural resources funds.

d. As a condition, limitation, and qualification of the appropriation under paragraph "b", \$250,000 shall be used for a stream degradation pilot project in western Iowa. However, only those counties which have levied the maximum rate of levy for rural county services under section 331.423, subsection 2, shall be eligible to participate in the pilot project.

e. The provisions of section 8.33 shall not apply to the funds appropriated by paragraph "b". Unencumbered or unobligated funds remaining on June 30, 1995, from funds appropriated under paragraph "b" for the fiscal year beginning July 1, 1991, shall revert to the general fund on September 30, 1995.

Sec. 202. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

To fund lamb and wool management education projects approved by the department at community colleges selected as project sites as provided in section 99E.32, subsection 3, paragraph "m":

..... \$ 200,000

Sec. 203. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:

..... \$ 400,000

**Sec. 204. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:*

For transfer to the department of plant pathology at Iowa state university of science and technology for purposes related to researching the multiflora rose virus in order to control or eradicate the multiflora rose:

..... \$ 25,000*

Sec. 205. There is appropriated from the funds available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:

..... \$ 174,090

INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

Sec. 206. There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For carrying out duties of the commission as provided in Article IV of the interstate compact on agricultural grain marketing as provided in chapter 183:

..... \$ 60,000

*Item veto; see message at end of the Act

DEPARTMENT OF NATURAL RESOURCES

Sec. 207. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. OFFICE OF DIRECTOR

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

.....	\$	55,893
.....	FTEs	4.95

2. COORDINATION AND INFORMATION DIVISION

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

.....	\$	725,672
.....	FTEs	33.95

3. ADMINISTRATIVE SERVICES DIVISION

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

.....	\$	1,588,181
.....	FTEs	118.15

4. PARKS AND PRESERVES DIVISION

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

.....	\$	5,377,899
.....	FTEs	216.52

As a condition, limitation, and qualification of the appropriation under this subsection, the department of natural resources shall construct a safety fence on the dam at Beeds lake in Franklin county.

5. FORESTS AND FORESTRY DIVISION

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

.....	\$	1,617,265
.....	FTEs	59.71

6. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

.....	\$	1,323,941
.....	FTEs	59.62

7. ENVIRONMENTAL PROTECTION DIVISION

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

.....	\$	1,973,992
.....	FTEs	158.75

8. FISH AND WILDLIFE DIVISION

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

.....	\$	0
.....	FTEs	335.24

9. WASTE MANAGEMENT AUTHORITY

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

.....	\$	0
.....	FTEs	18.75

10. For reimbursement to federal agencies for cooperative contracts:

.....	\$	185,983
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11. For the green thumb program for the employment of the elderly in conservation and outdoor recreation related fields in coordination with other agencies as provided by law, and for not more than the following full-time equivalent positions:

.....	\$	254,000
.....	FTEs	18.68

*12. For programs administered by the energy and geological resources division traditionally supported from the energy research and development fund:

.....	\$	216,000*
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Sec. 208. There is appropriated from the state fish and game protection fund to the division of fish and wildlife of the department of natural resources for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For administrative support:

.....	\$	2,663,106
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2. For the law enforcement bureau of the fish and wildlife division for salaries, support, maintenance, equipment, and miscellaneous purposes:

.....	\$	5,154,669
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3. For the fisheries bureau of the fish and wildlife division for salaries, support, maintenance, equipment, and miscellaneous purposes:

.....	\$	4,773,909
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4. For the wildlife bureau of the fish and wildlife division for salaries, support, maintenance, equipment, and miscellaneous purposes:

.....	\$	5,181,922
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5. For division management of the fish and wildlife division, for salaries, support, maintenance, equipment, and miscellaneous purposes:

.....	\$	184,848
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6. As a condition, limitation, and qualification of the appropriations under this section, if reductions in expenditures are determined to be necessary to avoid a budget deficit in the fish and game protection fund, the department shall take all actions necessary to avoid using license receipts or other income for capitals and acquisitions, unless the Code specifically designates the use or the receipts are required to match federal funds. The department shall not reduce personnel until all other actions necessitated by the expenditure reduction are exhausted.

Sec. 209. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To the parks and preserves division for maintenance and development of boating facilities and access to public waters:

.....	\$	450,000
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2. For deposit in the state fish and game protection fund for maintenance of boating access on lands managed by the fish and wildlife division:

.....	\$	150,000
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3. To fund capitals traditionally funded from marine fuel tax receipts for the purposes specified in section 324.79:

.....	\$	2,620,568
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Notwithstanding section 8.33, the unencumbered or unobligated balances of the amounts appropriated for purposes of this subsection for the fiscal year beginning July 1, 1991, shall revert on September 30, 1993.

4. a. To fund expenditures traditionally funded from marine fuel tax revenues, but not considered as capitals or operations:

.....	\$	750,000
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*Item veto; see message at end of the Act

b. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$250,000 shall be appropriated from the fund to support natural lake preservation. The department shall award the amount to a city as defined in section 362.2 on a matching basis with the department contributing one dollar for each two dollars dedicated by the city, or the city acting in conjunction with a county, for natural lake preservation, if the money is dedicated on or after March 1, 1990. However, the city, or the city and county, must have dedicated at least \$500,000 of local funds in order to qualify for the award. The city must also be located in a county having a population of less than twelve thousand.

Sec. 210. There is transferred on July 1, 1991, from the fees deposited under section 321G.7 to the fish and game protection fund for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:
 \$ 100,000

Sec. 211. There is transferred on July 1, 1991, from the fees deposited under section 106.52 to the fish and game protection fund for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of maintaining boating access on lands managed by the fish and wildlife division of the department of natural resources:
 \$ 950,000

Sec. 212. There is transferred on April 1, 1992, from the fees deposited under section 321G.7 to the fish and game protection fund for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:
 \$ 100,000

Sec. 213. There is transferred on April 1, 1992, from the fees deposited under section 106.52 to the fish and game protection fund for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of administrating and enforcing navigation laws and water safety by the department of natural resources:
 \$ 950,000

Sec. 214. The department of agriculture and land stewardship and the department of natural resources, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the departments' table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the full-time equivalent position limits contained in the appropriation bill for the departments.

Sec. 215. TRAVEL EXPENSES.

1. As a condition, limitation, and qualification of the funds appropriated in section 201 of this division, the department of agriculture and land stewardship shall not spend more than \$39,200 for expenses related to out-of-state travel, unless notification is provided to the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee of the committees on appropriations in the senate and house of representatives.

2. As a condition, limitation, and qualification of the funds appropriated in sections 207 and 208 of this division, the department of natural resources shall not spend more than \$145,000 for expenses related to out-of-state travel, unless notification is provided to the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee of the committees on appropriations in the senate and house of representatives.

Sec. 216. Notwithstanding section 17A.2, subsection 7, paragraph "g", the department of natural resources shall by rule establish prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants.

The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall continue its efforts to encourage forestation and reforestation on private and public lands in the state.

The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 217. The laboratory division of the department of agriculture and land stewardship, the university of Iowa, and Iowa state university of science and technology shall cooperate together in developing a plan for sharing laboratory resources, eliminating duplication of efforts, and reducing the expenditures of moneys from the general fund of the state.

Sec. 218. Moneys granted pursuant to the council of great lakes governors regional biomass energy program shall be awarded to the department of agriculture and land stewardship to the extent permitted by federal law and policies adopted by the council of great lakes governors.

Sec. 219. The department of revenue and finance in cooperation with the department of agriculture and land stewardship and the department of natural resources shall track receipts to the general fund which have traditionally been deposited into the following funds:

1. The fertilizer fund created in section 200.9.
2. The pesticide fund created in section 206.12.
3. The dairy trade practices trust fund pursuant to section 192A.30.
4. The milk fund created in section 192.47.
5. The commercial feed trust fund created in section 198.9.
6. The marine fuel tax fund created in section 324.79.
7. The energy research and development fund created in section 93.14.

The departments designated in this section shall prepare reports detailing revenue from receipts traditionally deposited into each of the funds. A report shall be submitted to the legislative fiscal bureau at least once for each 3-month period as designated by the legislative fiscal bureau.

Sec. 220. The general assembly requests that the department of natural resources study to the extent practicable the contribution to groundwater and surface water contamination caused by the application of lawn care chemicals. A report prepared by the department shall be forwarded to the secretary of the senate and chief clerk of the house of representatives as soon as possible.

Sec. 221. The department of natural resources shall provide the legislative fiscal bureau information and financial data by cost center, on at least a monthly basis, relating to the indirect cost accounting procedure, the amount of funding from each funding source for each cost center, and the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget by cost center and funding source prior to the start of the fiscal year, and to the department's actual expenditures by cost center and funding source after the accounting system has been closed for that fiscal year.

Sec. 222. During the fiscal year for which funds are appropriated by sections 207 and 208 of this division, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on or by facilities for storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

Sec. 223. Notwithstanding 1990 Iowa Acts, chapter 1260, section 8, as amended by 1991 Iowa Acts, House File 173,* the environmental protection division of the department of natural resources may fill 157.55 FTEs.

Sec. 224. Section 107.23, Code 1991, is amended to read as follows:
107.23 GENERAL DUTIES.

The ~~commission~~ department shall protect, propagate, increase, and preserve the wild mammals, fish, birds, reptiles, and amphibians of the state and enforce by proper actions and proceedings the laws, rules, and regulations relating to them. The ~~commission~~ department shall collect, classify, and preserve all statistics, data, and information as in its opinion tend to promote the objects of this chapter, conduct research in improved conservation methods, and disseminate information to residents and nonresidents of Iowa in conservation matters.

~~Upon the issuance of such data and information in printed form to private individuals, groups or clubs, the commission shall be entitled to charge therefor the actual cost of printing and publication as determined by the state printer.~~

Sec. 225. NEW SECTION. 107.33A WATERSHED PRIORITY.

The commission shall each year establish a priority list of watersheds which are of highest importance based on soil loss to be used for the allocation of moneys set aside in annual appropriations from the general fund to the department of agriculture and land stewardship for permanent soil conservation practices under chapter 467A on watersheds above publicly owned lakes. Chapter 17A does not apply to this section.

***Sec. 226. Section 109.78, Code 1991, is amended to read as follows:
109.78 STOCKING PRIVATE WATER.*

~~No~~ A private water may shall not be stocked by the commission department unless the owner agrees that such waters shall be open to the public for fishing, except that the commission may, after investigation to determine their suitability as to size, depth, living conditions for fish, and management, provide a breeding stock of fish for privately owned farm ponds on request of the owner. The department shall by rule establish fees for producing fish to stock a private water. The fees shall be based on the cost of producing the fish calculated on a per fish basis for each species produced. The fees shall be deposited by the department into the fish and game protection fund as created in section 107.17.**

***Sec. 227. NEW SECTION. 159.9A REPORTS REQUIRED TO BE FILED WITH THE GENERAL ASSEMBLY.*

A report required to be filed with the general assembly by the department or secretary shall be filed according to procedure provided in the provision requiring the report. If the provision is silent regarding a procedure this section shall provide the applicable procedures.

1. The report shall be filed not later than the second Monday in January in the year after the report is required with the following persons:

a. The secretary of the senate and the chief clerk of the house of representatives who shall each receive ten copies.

b. The directors of each of the staffs of the majority and minority parties in the senate and house of representatives who shall each receive two copies.

c. The directors of the legislative service bureau and the legislative fiscal bureau who shall each receive two copies.

*2. On February 1 and August 1 of each year, the department shall deliver to each member of the general assembly a list of titles of reports produced by the department during the previous six months. The department shall provide a copy of available reports upon request to a member of the general assembly or a person serving as partisan or nonpartisan staff to the general assembly.***

Sec. 228. Section 173.14B, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The board may issue and sell negotiable revenue bonds of the authority in denominations and amounts as the board deems for the best interests of the fair, ~~for any of the following~~

*Chapter 260 herein

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

purposes after authorization. However, the board must first submit a list of the purposes ranked by priority and a purpose must be authorized by a constitutional majority of each house of the general assembly and approval approved by the governor. A purpose must be one of the following:

Sec. 229. Section 173.14B, subsection 2, Code 1991, is amended to read as follows:

2. The board may issue negotiable bonds and notes of the authority in principal amounts which are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the board incident to and necessary or convenient to carry out its purposes and powers, subject to authorization and approval required under subsection 1. However, the total principal amount of bonds and notes outstanding at any time under subsection 1 and this subsection shall not exceed ~~one hundred fifty six million~~ one hundred fifty six million dollars. The bonds and notes are deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code.

Sec. 230. Section 455A.5, subsection 6, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Adopt, by rule, a schedule of fees for permits, including conditional permits, and a schedule of fees for administration of the permits. The fees shall be collected by the department and used to offset costs incurred in administrating a program for which the issuance of the permit is made or under which enforcement is carried out. In determining the fee schedule, the commission shall consider all of the following:

(1) The reasonable costs associated with reviewing applications, issuing permits, and monitoring compliance with the terms of issued permits.

(2) The relative benefits to the applicant and to the public of a permit review, permit issuance, and monitoring compliance with the terms of the permit.

(3) The typical costs associated with a type of project or activity for which a permit is required. However, a fee shall not exceed the actual costs incurred by the department.

Sec. 231. Section 455A.6, subsection 6, paragraph d, Code 1991, is amended to read as follows:

d. Approve the budget request prepared by the director for the programs authorized by chapters 455B, 455C, 455E, and 455F. The commission shall approve the budget request prepared by the director for programs administered by the energy and geological resources division, the coordination and information division, the administrative services division, and the office of the director, as provided in section 455A.7. The commission may increase, decrease, or strike any item within the department budget request for the specified programs before granting approval.

**Sec. 232. Section 455A.7, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:*

*The following ~~divisions~~ administrative units are created within the department:**

Sec. 233. Section 455A.7, subsection 1, Code 1991, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. Waste management authority which has responsibilities provided in chapter 455B, part 9.

NEW PARAGRAPH. j. Office of the director which has responsibilities for administering the department.

Sec. 234. Section 455A.7, subsection 2, Code 1991, is amended by striking the subsection.

Sec. 235. NEW SECTION. 455A.9 FEES — PUBLICATIONS.

The department may establish a schedule of fees for subscriptions to publications produced by the department, including periodicals. However, this subsection does not apply to application forms and materials intended for general distribution which explain departmental programs or duties.

Fees shall be based on the amount required to recover the reasonable costs of producing a publication, including costs relating to preparing, printing, publishing, and distributing the publication.

**Sec. 236. NEW SECTION. 455A.21 REPORTS REQUIRED TO BE FILED WITH THE GENERAL ASSEMBLY.*

A report required to be filed with the general assembly by the department or director shall be filed according to procedures provided in the provision requiring the report. If the provision is silent regarding a procedure this section shall provide the following applicable procedures:

1. The report shall be filed not later than the second Monday in January in the year after the report is required with the following persons:

a. The secretary of the senate and the chief clerk of the house of representatives who shall each receive ten copies.

b. The directors of each of the staffs of the majority and minority parties in the senate and house of representatives who shall each receive two copies.

c. The directors of the legislative service bureau and the legislative fiscal bureau who shall each receive two copies.

*2. On February 1 and August 1 of each year, the department shall deliver to each member of the general assembly a list of titles of reports produced by the department during the previous six months. The department shall provide a copy of available reports upon request to a member of the general assembly or a person serving as partisan or nonpartisan staff to the general assembly.**

Sec. 237. Section 455E.11, subsection 2, paragraph b, subparagraph (3), subparagraph subdivision (b), Code 1991, is amended to read as follows:

(b) Two percent is appropriated annually to the department of natural resources for the purpose of administering grants to counties and conducting oversight of county-based programs relative to the testing of private water supply wells and the proper closure of private abandoned wells. Not more than seventeen and one-half percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs of private, rural water supply testing, not more than six percent of the moneys is appropriated annually to the state hygienic laboratory to assist in well testing, and not more than seventeen and one-half percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs for properly closing abandoned, rural water supply wells and cisterns. A county receiving a grant for purposes of conducting programs of private, rural water supply testing, and receiving a grant for purposes of conducting programs for properly closing abandoned rural water supply wells and cisterns, may transfer moneys dedicated to support one grant program to support the other grant program. However, in order to make the transfer, the county must have exhausted its grant moneys dedicated to support the program and the county board of supervisors must find good cause justifying the transfer. For purposes of this subparagraph subdivision, "cistern" means an artificial reservoir constructed underground for the purpose of storing rainwater.

Sec. 238. Section 467A.48, subsection 1, paragraph c, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The Except as otherwise provided in this chapter, the amount of cost-sharing funds made available shall not exceed fifty percent of the estimated cost as established by the commissioners of a permanent soil and water conservation practice, or fifty percent of the actual cost, whichever is less, or an amount set by the committee for a temporary soil and water conservation practice, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover.

*Item veto; see message at end of the Act

**Sec. 239. Section 543A.4, Code 1991, is amended by adding the following new subsection:
 NEW SUBSECTION. 4. The board shall on July 1 of each fiscal year provide for the transfer of two hundred fifty thousand dollars to the department for use by the warehouse bureau for purposes of paying salaries and expenses of persons employed by the department to conduct examinations of the business operations of grain dealers and warehouse operators, pursuant to chapters 542 and 543. The amount transferred shall be in addition to the payment of costs to the bureau for performing administrative functions necessary for the operation of the board and fund.**

Sec. 240. EFFECTIVE DATE. Section 223 of this Act, being deemed of immediate importance, takes effect upon enactment.

**DIVISION III
 HEALTH AND HUMAN RIGHTS**

Sec. 301. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 1991 and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

	\$	1,031,421
	FTEs	37.00

Sec. 302. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 1991 and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

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

	\$	245,106
	FTEs	9.00

2. LATINO AFFAIRS DIVISION

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

	\$	89,887
	FTEs	2.50

3. PERSONS WITH DISABILITIES DIVISION

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

	\$	180,853
	FTEs	4.00

4. STATUS OF WOMEN DIVISION

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

	\$	344,358
	FTEs	4.10

Of the funds appropriated in this subsection, no less than \$130,000 shall be spent for the displaced homemaker program.

Of the funds appropriated in this subsection, no less than \$44,000 shall be spent for domestic violence and sexual assault related grants.

5. DEAF SERVICES DIVISION

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

	\$	295,794
	FTEs	10.00

*Item veto; see message at end of the Act

The fees collected by the division for provision of interpretation services by the division to obligated agencies shall be dispersed pursuant to the provisions of section 8.32, and shall be dedicated and used by the division for the provision of continued and expanded interpretation services.

6. STATUS OF BLACKS DIVISION

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

.....	\$	78,581
.....	FTEs	2.00

7. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

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

.....	\$	351,806
.....	FTEs	10.00

a. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

b. Of the funds appropriated in this subsection, no less than \$36,300 shall be spent for expenses relating to the administration of federal funds for juvenile assistance. It is the intent of the general assembly that the department of human rights employ sufficient staff to meet the federal funding match requirements established by the federal office for juvenile justice delinquency prevention. The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice.

8. COMMUNITY ACTION AGENCIES DIVISION

For the expenses of the community action agencies commission:

.....	\$	3,644
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Sec. 303. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	1,418,576
.....	FTEs	104.50

Of the funds appropriated under this section, \$18,000 shall be used to fund the continuation of the vending program throughout the state.

Sec. 304. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	429,519
.....	FTEs	32.00

Of the funds appropriated under this subsection, a sufficient amount shall be allocated to fund the representative payee project established within the department of elder affairs.

2. For the administration of area agencies on aging:

.....	\$	165,000
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3. For the long-term care residents' advocate and the care review committees at the local area agency on aging level:

.....	\$	120,000
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As a condition, limitation, and qualification of the funds appropriated by this subsection, a local area agency on aging shall match the funds appropriated with funds from other sources on a \$4 to \$1 basis.

4. For the retired Iowans community employment program:	\$	104,000
5. For existing retired senior volunteer program projects:	\$	73,000
6. For elderly services programs:	\$	1,459,681

All funds appropriated under this subsection shall be received and disbursed by the director of elder affairs for the elderly services program, shall not be used for administrative purposes, and shall be used for citizens of Iowa over 60 years of age for chore, telephone reassurance, adult day care, respite care, case management for the frail elderly, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically handicapped. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations. Funds appropriated under this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency on aging for provision of the service within the area.

7. For the Alzheimer's disease support program:	\$	75,000
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Sec. 305. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

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

	\$	747,278
	FTEs	57.50

2. HEALTH PLANNING DIVISION

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

	\$	410,852
	FTEs	12.75

The department shall not add any new full-time equivalent positions for administration of the certificate of need program and shall submit a full-time equivalent position needs report to the general assembly by January 1, 1992.

b. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the office of rural health:

	\$	134,536
	FTEs	4.00

(1) Of the funds appropriated in this paragraph, \$34,536 is allocated for the continuation of the office of rural health.

(2) Of the funds appropriated in this paragraph, \$100,000 is allocated to the office of rural health to provide technical assistance to rural areas in the area of health care delivery, including technical assistance in the recruitment of physicians and health care professionals.

c. For the health data clearinghouse of the health data commission:

	\$	300,000
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Funds appropriated under this paragraph shall be used for the collection, verification, updating, and storage of data received pursuant to chapters 145 and 255A, and for the production of mandated reports. Long-term care data shall be collected as additional funding becomes available. The health data commission shall establish a fee schedule, in consultation with its consultant, for the costs of providing data to organizations which request such data. The fee established shall be based upon the marginal cost and a portion of the fixed cost of providing the data.

The health data commission shall submit a report to the general assembly annually by January 15 regarding the feasibility of providing matching funds for state dollars provided. The report shall also include a summary of the previous fiscal year budget including receipts and expenditures of private and public funds generated and a projected budget for the next fiscal year.

3. DISEASE PREVENTION DIVISION

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

.....	\$	2,407,574
.....	FTEs	85.54

(1) Of the funds appropriated under this paragraph, \$75,000 shall be used for chlamydia testing.

(2) Of the funds appropriated in this paragraph, \$15,000 is allocated to support the surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agriculture-related injuries and diseases in the state, identifying causal factors associated with agriculture-related injuries and diseases, and evaluating the effectiveness of intervention programs designed to reduce injuries and diseases. The department shall cooperate with the department of agriculture and land stewardship, Iowa state university of science and technology, and the college of medicine at the state university of Iowa in accomplishing these duties.

(3) The state university of Iowa hospitals and clinics shall not receive indirect costs from the funds appropriated under this paragraph.

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

.....	\$	975,473
.....	FTEs	5.00

It is the intent of the general assembly that the moneys appropriated under this paragraph shall be used for the training of emergency medical services (EMS) personnel at the state, county, and local levels.

If a person in the course of responding to an emergency renders aid to an injured person and becomes exposed to bodily fluids of the injured person, that emergency responder shall be entitled to hepatitis testing and immunization in accordance with the latest available medical technology to determine if infection with hepatitis has occurred. The person shall be entitled to reimbursement from the emergency provider fund only if the reimbursement is not available through any employer or third-party payor.

4. PROFESSIONAL LICENSURE DIVISION

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

.....	\$	597,785
.....	FTEs	14.50

5. STATE BOARD OF DENTAL EXAMINERS

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

.....	\$	214,931
.....	FTEs	4.00

6. STATE BOARD OF MEDICAL EXAMINERS

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

.....	\$	926,539
.....	FTEs	19.00

7. STATE BOARD OF NURSING EXAMINERS

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

.....	\$	754,058
.....	FTEs	17.00

8. STATE BOARD OF PHARMACY EXAMINERS

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

.....	\$	588,855
.....	FTEs	12.00

9. Professional licensure division pursuant to subsection 4 and the boards pursuant to subsections 5 through 8 shall prepare estimates of projected receipts to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected receipts equal projected costs.

10. SUBSTANCE ABUSE DIVISION

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

.....	\$	497,225
.....	FTEs	20.00

b. For program grants:

.....	\$	8,472,000
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c. For the provision of aftercare services for persons completing substance abuse treatment:

.....	\$	200,000
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11. FAMILY AND COMMUNITY HEALTH DIVISION

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

.....	\$	4,347,820
.....	FTEs	91.97

(1) The department shall allocate from the funds appropriated under this paragraph at least \$578,969 for the birth defects and genetics counseling program and of these funds, \$282,969 shall be allocated for regional genetic counseling services contracted from the state university of Iowa hospitals and clinics under the control of the state board of regents.

(2) Of the funds appropriated under this paragraph, \$77,000 shall be used for a lead abatement program.

(3) Of the funds appropriated under this subparagraph \$754,500 shall be used for the chronic renal disease program. The types of assistance to eligible recipients under the program may include hospital and medical expenses, home dialysis supplies, insurance premiums, travel expenses, prescription and nonprescription drugs, and lodging expenses for persons in training. The program expenditures shall not exceed these allocations. If projected expenditures will exceed the allocations, the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures within the allocations.

(4) Of the funds appropriated in this paragraph, the following amounts shall be allocated to the state university of Iowa hospitals and clinics under the control of the state board of regents for the following programs under the Iowa specialized child health care services:

(a) Mobile and regional child health specialty clinics:

.....	\$	321,993
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The regional clinic located in Sioux City shall maintain a social worker component to assist the families of children participating in the clinic program.

(b) Muscular dystrophy and related genetic disease programs:

.....	\$	119,497
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(c) Statewide perinatal program:

.....	\$	64,044
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(5) The birth defects and genetic counseling service shall apply a sliding fee scale to determine the amount a person receiving the services is required to pay for the services. These fees shall be considered repayment receipts and used for the program.

(6) Of the funds allocated to the mobile and regional child health specialty clinics under subparagraph (4), subparagraph subdivision (a), \$97,092 shall be used for a specialized medical home care program providing care planning and coordination of community support services for children who require technical medical care in the home.

(7) The state university of Iowa hospitals and clinics shall not receive indirect costs from the funds for each program.

(8) Of the funds appropriated under this paragraph, \$1,322,400 shall be used for maternal and child health services.

(9) The Iowa department of public health shall administer the statewide maternal and child health program and the crippled children's program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Title V of the Social Security Act.

(10) The department shall track the appropriation made under this paragraph in accordance with both program performance-based budgeting and zero-based budgeting methods and shall develop budget projections for the fiscal year ending June 30, 1993, based upon both of these methods.

b. Sudden infant death syndrome autopsies:

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 331.802, subsection 3, paragraph "j":

..... \$ 10,000

c. For grants to local boards of health for the public health nursing program:

..... \$ 2,596,249

Funds appropriated under this paragraph shall be used to maintain and expand the existing public health nursing program for elderly and low-income persons with the objective of preventing or reducing inappropriate institutionalization. The funds shall not be used for any other purpose. As used in this paragraph, "elderly person" means a person who is 60 years of age or older and "low-income person" means a person whose income and resources are below the guidelines established by the department.

One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly and low-income persons living in that county in relation to the total number of elderly and low-income persons living in the state.

In order to receive allocations under this paragraph, the local board of health having jurisdiction shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded public health nursing care to elderly and low-income persons in the jurisdiction. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, or a suitable local governmental body to use the allocated funds to provide public health nursing care. Local boards of health shall make an effort to prevent duplication of services.

If by July 30 of the fiscal year, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. If the unallocated pool is \$50,000 or more it shall be reallocated to the counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1 and ending June 30 of the fiscal year. If the unallocated pool is less than \$50,000, the department may allocate it to counties with demonstrated special needs for public health nursing.

The department shall maintain rules governing the expenditure of funds appropriated by this paragraph. The rules require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the care.

The department shall annually evaluate the success of the public health nursing program. The evaluation shall include the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program increased the availability of public health nursing care to elderly and low-income persons, and the extent of public health nursing care provided to elderly and low-income persons. The department shall submit a report of each annual evaluation to the governor and the general assembly.

d. For grants to county boards of supervisors for the homemaker-home health aide program: \$ 8,875,159

Funds appropriated under this paragraph shall be used to provide homemaker-home health aide services with emphasis on services to elderly and persons below the poverty level and children and adults in need of protective services with the objective of preventing or reducing inappropriate institutionalization. In addition, up to 15 percent of the funds appropriated under this paragraph may be used to provide chore services. The funds shall not be used for any other purposes. As used in this paragraph:

(1) "Chore services" means services provided to individuals or families, who, due to incapacity, or illness, are unable to perform certain home maintenance functions. The services include but are not limited to yard work such as mowing lawns, raking leaves, and shoveling walks; window and door maintenance such as hanging screen windows and doors, replacing windowpanes, and washing windows; and minor repairs to walls, floors, stairs, railings, and handles. It also includes heavy house cleaning which includes cleaning attics or basements to remove fire hazards, moving heavy furniture, extensive wall washing, floor care or painting, and trash removal.

(2) "Elderly person" means a person who is 60 years of age or older.

(3) "Homemaker-home health aide services" means services intended to enhance the capacity of household members to attain or maintain the independence of the household members and provided by trained and supervised workers to individuals or families, who, due to the absence, incapacity, or limitations of the usual homemaker, are experiencing stress or crisis. The services include but are not limited to essential shopping, housekeeping, meal preparation, child care, respite care, money management and consumer education, family management, personal services, transportation and providing information, assistance, and household management.

(4) "Low-income person" means a person whose income and resources are below the guidelines established by the department.

(5) "Protective services" means those homemaker-home health aide services intended to stabilize a child's or an adult's residential environment and relationships with relatives, caretakers, and other persons or household members in order to alleviate a situation involving abuse or neglect or to otherwise protect the child or adult from a threat of abuse or neglect.

The amount appropriated under this paragraph shall be allocated for use in the counties of the state. 15 percent of the amount shall be divided so that an equal amount is available for use in each county in the state. The following percentages of the remaining amount shall be allocated to each county according to that county's proportion of residents with the following demographic characteristics: 60 percent according to the number of elderly persons living in the county; 20 percent according to the number of persons below the poverty level living in the county; and 20 percent according to the number of substantiated cases of child abuse in the county during the 3 most recent fiscal years for which data is available.

In order to receive allocations under this paragraph, the county board of supervisors, after consultation with the local boards of health, county board of social welfare, area agency on aging advisory council, local office of the department of human services, and other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of homemaker-home health aide services to elderly and low-income persons and children and adults

in need of protective services in the jurisdiction. An agency requesting service or financial information about a current subcontractor shall provide similar information concerning its own homemaker-home health aide or chore services program to the current subcontractor. The proposal may provide that a maximum of 15 percent of the allocated funds will be used to provide chore services. The proposal shall include a statement assuring that children and adults in need of protective services are given priority for homemaker-home health aide services and that the appropriate local agencies have participated in the planning for the proposal. After approval of the proposal by the department, the department shall enter into a contract with the county board of supervisors or a governmental body designated by the county board of supervisors. The county board of supervisors or its designee shall subcontract with a non-profit nurses' association, an independent nonprofit agency, the department of human services, or a suitable local governmental body to use the allocated funds to provide homemaker-home health aide services and chore services providing that the subcontract requires any service provided away from the home to be documented in a report available for review by the department, and that each homemaker-home health aide subcontracting agency shall maintain the direct service workers' time assigned to direct client service at 70 percent or more of the workers' paid time and that not more than 35 percent of the total cost of the service be included in the combined costs for service administration and agency administration. The subcontract shall require that each homemaker-home health aide subcontracting agency shall pay the employer's contribution of Social Security and provide workers' compensation coverage for persons providing direct homemaker-home health aide service and meet any other applicable legal requirements of an employer-employee relationship.

If by July 30 of the fiscal year, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. The department shall also identify any allocated funds which the counties do not anticipate spending during the fiscal year. If the anticipated excess funds to any county are substantial, the department and the county may agree to return those excess funds, if the funds are other than program revenues, to the department, and if returned, the department shall consider the returned funds a part of the unallocated pool. The department shall prior to February 15 of the fiscal year, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this paragraph. The department shall also review the first 10 months' expenditures for each county in May of the fiscal year, to determine if any counties possess contracted funds which they do not anticipate spending. If such funds are identified and the county agrees to release the funds, the released funds will be considered a new reallocation pool. The department may, prior to June 1 of the fiscal year, reallocate funds from this new reallocation pool to those counties which have experienced a high utilization of protective service hours for children and dependent adults.

The department shall maintain rules governing the expenditure of funds appropriated by this paragraph. The rules require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the services and shall require the payments to be applied to the cost of the services. The department shall also maintain rules for standards regarding training, supervision, recordkeeping, appeals, program evaluation, cost analysis, and financial audits, and rules specifying reporting requirements.

The department shall annually evaluate the success of the homemaker-home health aide program. The evaluation shall include a description of the program and its implementation, the extent of local participation, the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program provided or increased the availability of homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services, any problems and recommendations concerning the program, and an analysis of the costs of services across the state. The department shall submit a report of the annual evaluation to the governor and the general assembly.

e. For the development and maintenance of well-elderly clinics in the state:

..... \$ 605,000

Appropriations made in this paragraph shall be provided by a formula to well-elderly clinics located in counties which provide funding on a matching basis for the well-elderly clinics.

f. For the physician care for children program:

..... \$ 425,000

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide treatment of the children in a physician's office and shall include coverage of diagnostic procedures and prescription drugs required for the treatment. Services provided under this paragraph shall be reimbursed according to Title XIX reimbursement rates.

g. For primary and preventive health care for children:

..... \$ 135,000

Funds appropriated under this paragraph shall be for the public purpose of providing a renewable grant, following a request for proposals, to a statewide charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code which was organized prior to April 1, 1989, and has as one of its purposes the sponsorship or support for programs designed to improve the quality, awareness, and availability of health care for the young, to serve as the funding mechanism for the provision of primary health care and preventive services to children in the state who are uninsured and who are not eligible under any public plan of health insurance, provided all of the following conditions are met:

(1) The organization shall provide a match in advance of each state dollar provided as follows:

(a) In the fiscal period beginning July 1, 1989, and ending June 30, 1991, \$2.

(b) In the fiscal year beginning July 1, 1991, \$3.

(2) The organization coordinates services with new or existing public programs and services provided by or funded by appropriate state agencies in an effort to avoid inappropriate duplication of services and ensure access to care to the extent as is reasonably possible. The organization shall work with the Iowa department of public health, family and community health division, to ensure duplication is minimized.

(3) The organization's governing board includes in its membership representatives from the executive and legislative branches of state government.

(4) Grant funds are available as needed to provide services and shall not be used for administrative costs of the department or the grantee.

(5) Notwithstanding section 8.33, funds appropriated in this section which are unencumbered or unobligated on June 30, 1992, shall not revert to the general fund but shall remain available to the department for the provision of maternal and child health services.

Sec. 306. Section 135.11A, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The professional licensure division and the licensing boards may expend additional funds, if those additional expenditures are directly the cause of actual examination and exceed funds budgeted for examinations. Before the division or a licensing board expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the division or board and the division or board does not have other funds from which examination expenses can be paid. Upon approval of the department of management the division or licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2.

Sec. 307. Section 135.103, Code 1991, is amended to read as follows:

135.103 GRANT PROGRAM.

The department shall implement a lead abatement grant program which provides matching funds to local boards of health or cities for the program after standards and requirements for the local program are developed. The state shall provide funds to approved programs on the basis of three dollars for each one dollar designated by the local board of health or city for the program for the first two years of a program, and funds on the basis of one dollar for each one dollar designated by the local board of health or city for the program for the third and fourth subsequent years of the program if such funding is determined necessary by the department for such subsequent years. A lead abatement program grant shall not exceed a time period of four years.

Sec. 308. 1990 Iowa Acts, chapter 1166, section 2, is repealed.

Sec. 309. EFFECTIVE DATE. Section 308 of this Act takes effect June 30, 1991.

DIVISION IV
REGULATION

Sec. 401. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

Table with 2 columns: Description, Amount. Row 1: \$ 1,600,787. Row 2: FTEs 120.78

The auditor of state may expend additional moneys and retain additional full-time equivalent positions as is reasonable and necessary to perform audits, such as audits for local governments, if all of the following conditions are satisfied:

- 1. The amount expended is proportional to the costs that are reimbursable from the entity being audited, including but not limited to expenses reimbursable pursuant to section 11.5A, 11.5B, 11.20, or 11.21.
2. The auditor of state submits a request to the department of management to expend a specific additional amount in connection with specified reimbursable audits.
3. The department of management approves the additional spending from any unappropriated funds in the state treasury upon a finding that all or substantially all of the amount requested and approved will be reimbursable from the entity being audited.
4. The department of management notifies the legislative fiscal bureau of any additional moneys approved.
5. The department of management notifies the legislative fiscal committee of any additional moneys approved prior to the expenditure.
6. Upon payment or reimbursement by the entity, the auditor of state shall credit the payments to the state treasury for deposit in the general fund.

Sec. 402. There is appropriated from the general fund of the state to the campaign finance disclosure commission for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

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

Table with 2 columns: Description, Amount. Row 1: \$ 273,000. Row 2: FTEs 6.75

Sec. 403. There is appropriated from the general fund of the state to the department of employment services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

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

.....	\$	2,574,205
.....	FTEs	95.00

From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

Of the amount appropriated under this subsection, the following amounts, or so much thereof as is necessary, shall be expended for the designated purposes: \$174,166 for 5.00 FTEs to enforce the Iowa minimum wage law, \$30,000 for 1.00 FTE for asbestos contractor certification, and \$35,000 for 1.00 FTE for construction contractor registration.

2. DIVISION OF INDUSTRIAL SERVICES

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

.....	\$	2,116,185
.....	FTEs	45.50

As a condition, limitation, and qualification of the funds appropriated by this subsection, \$45,396, or so much thereof as is necessary, shall be expended for 1.00 FTE, which shall be a word processor III position, to expedite the administrative hearing process for workers' compensation cases, and to assist in reducing the contested case backlog. The division shall submit a written report to the legislative fiscal bureau on a quarterly basis concerning the status of the workers' compensation contested case backlog.

As a further condition, limitation, and qualification of the funds appropriated in this subsection, the division of industrial services shall not reduce the number of scheduled prehearings and hearings of contested cases or eliminate the venue of such prehearings and hearings, as established by the division for the period beginning January 1, 1991, and ending January 20, 1992. The division shall also establish a substantially similar schedule for such prehearings and hearings for the period beginning January 20, 1992, and ending June 30, 1992. The division shall report to the legislative fiscal bureau concerning any modification of the established schedule, or any changes which the division determines are necessary in establishing the schedule for the period beginning January 20, 1992, and ending June 30, 1992.

The division shall continue charging a \$65 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances.

The department of employment services, the department of personnel, and the department of management shall work together to ensure that as nearly as possible all full-time equivalent positions authorized and funded for the department of employment services will be utilized during the fiscal year beginning July 1, 1991, and ending June 30, 1992, and future fiscal years, to ensure that the backlog of cases in that department will be reduced as rapidly as possible.

Sec. 404.

1. Notwithstanding the provisions of section 96.13, subsection 3, which restrict the use of moneys in the special employment security contingency fund, moneys in the fund on June 30, 1991, shall not be transferred by the treasurer of state to either the temporary emergency surcharge fund or the unemployment compensation fund, but shall be available to the division of job service of the department of employment services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for expenditures under subsection 2.

2. The division of job service shall expend moneys which are credited to the special employment security contingency fund during the fiscal year beginning July 1, 1991, and ending June 30, 1992, including moneys which are available to the division of job service under subsection 1, only in accordance with the following restrictions:

*Item veto; see message at end of the Act

The division shall expend up to \$550,000 for the following: \$50,000, or so much thereof as is necessary, for the removal of 2 chillers and 1 underground storage tank, and \$100,000, or so much thereof as is necessary, for asbestos removal or encapsulation at the job service site located at 1000 East Grand, Des Moines, Iowa, and \$400,000, or so much thereof as is necessary, for the support of the labor survey, economic development teams to assist in conducting "labor availability surveys".

As a condition, limitation, and qualification of the authorization of expenditure of funds pursuant to this section, the division shall develop a plan to require the assistance of cities and counties using the "labor availability surveys" regarding the funding for completing the surveys. The division shall report to the legislative fiscal bureau concerning the progress in developing this plan.

Sec. 405. There is appropriated from the administrative contribution surcharge fund of the state to the department of employment services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

DIVISION OF JOB SERVICE

Notwithstanding section 96.7, subsection 12, paragraph "c", for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,916,050
.....	FTEs	171.80

As a condition, limitation, and qualification of this appropriation, the department of employment services shall provide services throughout the fiscal year beginning July 1, 1991, and ending June 30, 1992, in all communities in which job service offices are operating on July 1, 1991. However, this provision shall not prevent the consolidation of multiple offices within the same city or the colocation of job service offices with another public agency.

Sec. 406. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. FINANCE AND SERVICES DIVISION

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

.....	\$	578,220
.....	FTEs	25.00

2. AUDITS DIVISION

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

.....	\$	650,406
.....	FTEs	21.00

Of the amount appropriated in this subsection, \$78,708, or so much thereof as is necessary, shall be expended for 2.00 FTEs for conducting required bingo audits.

3. APPEALS AND FAIR HEARINGS DIVISION

In addition to funds appropriated in section 408 of this division from the road use tax fund, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	376,861
.....	FTEs	16.00

4. INVESTIGATIONS DIVISION

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

.....	\$	456,304
.....	FTEs	39.00

5. HEALTH FACILITIES DIVISION

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

.....	\$	1,612,239
.....	FTEs	117.00

Of the amount appropriated in this subsection, \$110,438, or so much thereof as is necessary, shall be expended for 7.00 FTEs to regulate nursing facilities as required by the federal Nursing Home Reform Act.

A nursing home regulation review task force is established for the purpose of reviewing rules and recommendations to implement federal requirements for nursing home reform and to make recommendations on whether the department of inspections and appeals is in need of increased funding and staffing levels for implementing appropriate nursing home reform. The task force is to be organized and convened by the department of inspections and appeals. The membership of the task force is to consist of the following:

1. One member representing the department of inspections and appeals to be appointed by the director of that department.
2. One member representing the department of human services to be appointed by the director of that department.
3. One member representing the nursing home ombudsman within the department of elder affairs to be appointed by the director of that department.
4. One member representing the Iowa health care association.
5. One member representing the Iowa association of homes for the aging.
6. One member representing the Iowa hospital association.
7. One member representing the Iowa council of health care centers.
8. Legislative members to be appointed by the legislative council. Legislative members shall include members from the senate and the house of representatives who serve on the regulation appropriations subcommittee and the standing committees on human resources.

The task force shall meet as necessary and shall report the conclusions and recommendations of the task force to the general assembly by September 1, 1991.

6. INSPECTIONS DIVISION

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

.....	\$	913,786
.....	FTEs	26.50

If Senate File 465* becomes law, the inspections division is appropriated from the general fund of the state an additional sum of \$40,000, or so much thereof as is necessary, and is authorized 1.00 additional FTE.

7. EMPLOYMENT APPEAL BOARD

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

.....	\$	46,527
.....	FTEs	16.80

The employment appeal board shall be reimbursed by the labor services division of the department of employment services for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board is authorized to expend, in addition to the amount appropriated under this subsection, such amounts as are directly billable to the labor services division under this subsection and to retain such additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

8. FOSTER CARE REVIEW BOARD

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

.....	\$	265,910
.....	FTEs	5.50

*Not enacted

The department of human services and the foster care review board shall enter into a contract providing that the foster care review board shall conduct foster care review services at the current level of operation. The department and the board shall structure such contract in a manner approved by the federal government for the purpose of submitting an application to the appropriate federal agency to obtain any available federal funding for such contract. Funding received as a result of submitting such application shall be used to replace state funds which then shall immediately revert to the general fund of the state. The department and the board shall submit a written report to the legislative fiscal bureau no later than February 1, 1992, indicating the progress of obtaining federal funding and terms of any contract entered into by the department and the board.

9. The department of inspections and appeals may charge state departments, agencies, and commissions for services rendered and the payment received shall be considered repayment receipts as defined in section 8.2.

Sec. 407.

1. 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, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	6,384,142
.....	FTEs	145.30

Of the amount appropriated under this subsection, \$2,069,100, or so much thereof as is necessary, shall be expended for 52.00 FTEs for expansion and establishment of new public defender offices in the first, second, third, fifth, and sixth judicial districts and for expansion of the appellate defender.

b. For indigent court-appointed attorney fees for adults and juveniles, notwithstanding section 232.141 and chapter 815:

.....	\$	9,401,002
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2. The office of the state public defender shall submit written reports to the legislative fiscal bureau indicating the status of the activities of the office as a result of its expansion. The first report shall be submitted no later than August 1, 1991, and shall provide information concerning the activities of the office during fiscal year 1991. An additional report shall be submitted no later than February 1, 1992, and shall provide information concerning the activities of the office during the period beginning July 1, 1991, and ending December 31, 1991.

3. The judicial department shall provide, within thirty days after the end of each calendar quarter, a written report concerning adult and juvenile indigent defense, to the state public defender's office and the department of inspections and appeals, including the amount of restitution collected for attorney fees as follows:

a. By county.

b. By case type in the following categories:

(1) Juvenile cases involving delinquency actions, child in need of assistance actions, or termination of parental rights actions.

(2) Adult cases involving misdemeanor or felony prosecutions.

Sec. 408. Section 13B.1, subsection 1, Code 1991, is amended to read as follows:

1. "Appointed attorney" means an attorney appointed by the court and compensated by the state to represent an indigent defendant.

Sec. 409. NEW SECTION. 13B.2A INDIGENT DEFENSE ADVISORY COMMISSION ESTABLISHED.

An indigent defense advisory commission is established within the department to advise and make recommendations to the state public defender regarding the establishment and implementation of cost-effective methods to provide indigent defense. The advisory commission shall consist of nine members: four members to be appointed by the governor, subject

to senate confirmation, including two members from nominees made by the Iowa state bar association, and two members from nominees made by the Iowa judges association; two members appointed by the governor, subject to senate confirmation; one member to be appointed by the governor, subject to senate confirmation, from nominees made by the Iowa county attorney's association; and two members one from each chamber of the general assembly to be appointed by the legislative council with no more than one of the members from any one political party. Each member shall serve a three-year term, with initial terms to be staggered. The members should represent a balance of attorneys and nonattorneys.

The members of the commission are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of the duties of the commission. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6.

Sec. 410. NEW SECTION. 13B.2B DUTIES AND POWERS OF THE INDIGENT DEFENSE ADVISORY COMMISSION.

The advisory commission shall advise the state public defender regarding all of the following:

1. Recommendations for quality, cost-effective methods for delivery of indigent defense services.
2. Recommendations for the budget to be developed by the state public defender for all indigent defense costs.
3. Recommendations for client indigency criteria to be applied statewide.
4. Recommendations related to mechanisms for enhancing restitution and recoupment efforts and for monitoring recoupment efforts.
5. Recommendations regarding other methods to contain indigent defense costs.
6. Recommendations regarding proposed administrative rules regarding the operations of the state public defender.
7. The advisory commission shall also make recommendations to the supreme court regarding fee guidelines for court-appointed counsel.

The advisory commission shall also file a written report with the governor and the general assembly on January 1 of each year regarding the recommendations and activities of the commission for the preceding fiscal year.

Sec. 411. Section 13B.4, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

13B.4 DUTIES AND POWERS OF STATE PUBLIC DEFENDER.

1. The state public defender shall coordinate the provision of legal representation of all indigents under arrest or charged with a crime, on appeal in criminal cases, and on appeal in proceedings to obtain postconviction relief when ordered to do so by the district court in which the judgment or order was issued, and may provide for the representation of indigents in proceedings instituted pursuant to chapter 908. The state public defender shall not engage in the private practice of law.

2. The state public defender shall file with the court in each county served by a public defender a designation of which local public defender office shall receive notice of appointment of cases. Except as otherwise provided, in each county in which the state public defender files such designation, the state public defender or its designee shall be appointed by the court to all cases, whether criminal or juvenile in nature. Such appointment shall not be made if the state public defender notifies the court that the local public defender will not provide legal representation in cases involving offenses as identified in the notification by the state public defender.

3. The state public defender may contract with persons admitted to practice law in this state for the provision of legal services to indigent persons where there is no local public defender available to provide such services.

4. The state public defender is authorized to review any claim made for payment of indigent defense costs and to request a hearing before the court granting a claim within thirty days of receipt of such claim if the state public defender believes the claim to be excessive.

5. The state public defender is authorized to contract with county attorneys to provide collection services related to court-ordered indigent defense restitution of court-appointed attorney fees or the expense of a public defender.

6. The state public defender shall adopt rules pursuant to chapter 17A, as necessary, to administer this chapter.

Sec. 412. Section 13B.8, subsection 1, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Before establishing or abolishing a local public defender office, the state public defender shall provide a written report detailing the reasons for the action to be taken to the ~~justice systems regulation appropriations subcommittee, the chairperson, vice chairperson, and ranking member of the senate committee on judiciary and committee on appropriations, and the chairperson, vice chairperson, and ranking member of the house of representatives committee on judiciary and law enforcement and committee on appropriations.~~ The report shall contain a statement of the estimated fiscal impact of the action taken. Any action taken in establishing or abolishing a local public defender office shall only take effect upon the approval of the general assembly. If the state public defender proposes to abolish a local public defender office prior to the beginning of any regular session of the general assembly and the general assembly takes no action regarding that proposal during the first ninety days of the first regular session occurring after the proposal is made, the office shall be abolished.

Sec. 413. Section 13B.9, Code 1991, is amended to read as follows:

13B.9 POWERS AND DUTIES OF LOCAL PUBLIC DEFENDERS.

1. The local public defender shall do all of the following:

a. Represent without fee an indigent person who is under arrest or charged with a crime if the indigent person requests ~~it~~ representation or the court orders ~~it~~ representation. The local public defender shall counsel and defend an indigent defendant at every stage of the criminal proceedings and prosecute before or after conviction any appeals or other remedies which the local public defender considers to be in the interest of justice unless ~~the court appoints other counsel is appointed to the case.~~

b. Represent an indigent party, without fee and upon an order of the court, in child in need of assistance, family in need of assistance, delinquency, and termination of parental rights proceedings pursuant to chapter 232 ~~in a county served by a public defender.~~ The local public defender shall counsel and represent an indigent party in all proceedings pursuant to chapter 232 ~~in a county served by a public defender and prosecute before or after judgment any appeals or other remedies which the local public defender considers to be in the interest of justice unless the court appoints other counsel is appointed to the case.~~ The state public defender shall be reimbursed by the counties for services rendered by employees of the local public defenders' offices under this subsection, pursuant to section 232.141.

c. Make an initial determination of indigence as required under section 815.9 prior to the initial arraignment or other initial court appearance.

d. Make an annual report to the state public defender. The report shall include all cases handled by the local public defender during the preceding calendar year.

2. An appointed attorney under this section is not liable to a person represented by the attorney pursuant to this chapter for damages as a result of a conviction unless the court determines in a postconviction appeal that the person's conviction resulted from ineffective assistance of counsel.

3. The local public defender may appoint the number of assistant public defenders, clerks, investigators, stenographers, and other employees as approved by the state public defender. An assistant local public defender must be an attorney licensed to practice before the Iowa supreme court. Appointments shall be made in the manner prescribed by the state public defender.

4. The local public defender shall handle every case to which the local public defender is appointed if the local public defender can reasonably handle the case.

5. If a conflict of interest arises or if the local public defender is unable to handle a case because of a temporary overload of cases, the local public defender shall return the case to the court. The court may appoint a contract attorney or a private noncontracting attorney, who has agreed to take the case, considering the experience of the attorney and the difficulty of the case.

Sec. 414. There is appropriated from the road use tax fund to the department of inspections and appeals for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	526,837
.....	FTEs	11.00

Sec. 415. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	678,489
.....	FTEs	13.00

The public employment relations board shall submit a written report to the legislative fiscal bureau no later than February 1, 1992, which evaluates and includes any recommendations of the board concerning the videotaping of court proceedings in lieu of using court reporters whenever possible to record the proceedings. This evaluation shall include information concerning the implementation of this concept in other states.

Sec. 416. There is appropriated from the general fund of the state to the professional licensing and regulation division of the department of commerce, for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	853,541
.....	FTEs	11.00

Sec. 417. There is appropriated from the general fund of the state to the administrative services division of the department of commerce for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	1,470,846
.....	FTEs	41.50

The administrative services division shall assess each division to which administrative services are provided by the administrative services division an amount pursuant to a cost allocation plan established by the administrative services division. The plan shall be established by July 1, 1991, and shall, to the extent practicable, be based on the proportion of the administrative services division's time allocated to each division to which administrative services are provided. All divisions in the department of commerce shall abide by the cost allocation plan. Each division shall include in any charges assessed by the division to persons regulated, or include in revenues generated in a manner other than assessments to persons regulated, an amount sufficient to cover the costs of administration as assessed to the division by the administrative services division.

The administrative services division shall eliminate the position of deputy director.

Sec. 418. Notwithstanding section 123.53, there is appropriated from the general fund of the state to the alcoholic beverages division of the department of commerce for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	3,456,728
.....	FTEs	85.86

Sec. 419. There is appropriated from the general fund of the state to the banking division of the department of commerce for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	5,832,042
.....	FTEs	108.50

The banking division shall provide technical assistance and staffing assistance to the director of the department of commerce, as necessary, to assist the director in the director's capacity as superintendent of savings and loan associations as provided in Senate File 494,* if enacted by the 1991 Session of the Seventy-fourth General Assembly.

The banking division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for bank examinations and directly result from examinations of banks and savings and loan associations. Before the division expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the division and that the division does not have other funds from which examination expenses can be paid. Upon approval of the director of the department of management the division may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected from those banks and savings and loan associations being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2.

Sec. 420. There is appropriated from the general fund of the state to the credit union division of the department of commerce for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	954,946
.....	FTEs	20.00

Sec. 421. There is appropriated from the general fund of the state to the insurance division of the department of commerce for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	4,398,671
.....	FTEs	92.33

***Sec. 422. Notwithstanding 1991 Iowa Acts, House File 173, which requires the transfer of all funds in the revolving fund to the general fund, there is appropriated from moneys in*

*Chapter 92 herein

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

the insurance division revolving fund on June 30, 1991, in excess of \$260,000, an amount up to a maximum of \$238,389, to the division of industrial services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount or so much thereof as is necessary, to be used for the purposes designated:

.....	\$	238,389
.....	FTEs	4.00

Of the amount appropriated in this section, \$188,414, or so much thereof as is necessary, shall be expended for 2 chief deputies and 1 word processor III, and \$49,975, or so much thereof as is necessary, shall be expended for 1 insurance program specialist to reduce the backlog of workers' compensation contested cases.

If the amount remaining in the insurance revolving fund subject to appropriation pursuant to this section is insufficient to fund the appropriation, the division of insurance shall impose an administrative fee payable by workers' compensation insurers and workers' compensation self-insurers pursuant to sections 507D.3 and 507D.4, sufficient to fund the remaining balance of the appropriation under this section.*

Sec. 423. There is appropriated from the general fund of the state to the utilities division of the department of commerce for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	4,843,961
.....	FTEs	93.50

Of the amount appropriated in this section, the following amounts, or so much thereof as is necessary, shall be expended for the designated purposes: \$25,300 for additional rent for hearing and conference rooms in the Lucas building and \$316,377 for 6.00 FTEs for additional energy efficiency responsibilities established by 1990 Iowa Acts, chapter 1252.

Sec. 424. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	1,806,593
.....	FTEs	33.36

Sec. 425. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals, for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	511,125
.....	FTEs	10.50

Sec. 426. Section 96.7, subsection 9, Code 1991, is amended by striking the subsection.

Sec. 427. Section 99D.15, subsection 3, paragraph c, Code 1991, is amended to read as follows:

c. If the rate of tax imposed under paragraph "a" is five percent or four percent, a ~~track~~ licensee shall set aside for retiring the any debt of the ~~racetrack facilities or licensee~~, for capital improvement to the ~~racetrack facilities of the licensee~~, for funding of possible future operating losses, or for charitable giving, the following amount:

*Item veto: see message at end of the Act

(1) If the rate of tax paid by the ~~track~~ licensee is five percent, one percent of the gross sum wagered in the racing season shall be set aside.

(2) If the rate of tax paid by the ~~track~~ licensee is four percent, two percent of the gross sum wagered in the racing season shall be set aside.

Sec. 428. Section 137A.12, Code 1991, is amended to read as follows:

137A.12 REGULAR INSPECTIONS.

The department shall provide for the inspection of each food establishment in the state in accordance with the standards of the retail food store sanitation code. The inspector may enter the food establishment at any reasonable hour to make the inspection. The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete inspection. However, food establishments which score ninety or greater shall be inspected biennially.

This section does not apply to retail food establishments which sell only prepackaged non-hazardous items.

Sec. 429. Section 137B.3, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. 10-201 shall be amended so that food services establishments are inspected annually, except that food service establishments with scores of ninety or greater shall be inspected biennially.

Sec. 430. Section 137C.11, Code 1991, is amended to read as follows:

137C.11 ANNUAL INSPECTIONS.

The regulatory authority shall inspect each hotel in the state at least once ~~each calendar year~~ biennially. The inspector may enter the hotel at any reasonable hour to make the inspection. The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete inspection.

Sec. 431. Section 157.11, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Commencing January 1, 1977, a beauty salon shall not operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. The department shall perform a sanitary inspection of each beauty salon ~~annually~~ biennially and may perform a sanitary inspection of a beauty salon prior to the issuance of a license. An inspection of a beauty salon shall also be conducted upon receipt of a complaint by the department.

Sec. 432. Section 158.9, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A barbershop shall not operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. The department shall perform a sanitary inspection of each barbershop ~~annually~~ biennially and may perform a sanitary inspection of a barbershop prior to the issuance of a license. An inspection of a barbershop shall also be conducted upon receipt of a complaint by the department.

Sec. 433. Section 455C.1, subsection 5, Code 1991, is amended to read as follows:

5. "Distributor" means any person who engages in the sale of beverages in beverage containers to a dealer in this state, including any manufacturer who engages in such sales. The alcoholic beverages division of the department of commerce is not a distributor for purposes of this chapter.

Sec. 434. Section 455C.2, subsection 1, Code 1991, is amended to read as follows:

1. Except purchases of alcoholic liquor as defined in section 123.3, subsection 8, by holders of class "A", "B", ~~and "C"~~, and "E" liquor control licenses, a refund value of not less than five cents shall be paid by the consumer on each beverage container sold in this state by a dealer for consumption off the premises. Upon return of the empty beverage container upon which a refund value has been paid to the dealer or person operating a redemption center and acceptance of the empty beverage container by the dealer or person operating a redemption center,

the dealer or person operating a redemption center shall return the amount of the refund value to the consumer.

Sec. 435. Section 455C.16, Code 1991, is amended to read as follows:

455C.16 BEVERAGE CONTAINERS — DISPOSAL AT SANITARY LANDFILL PROHIBITED.

Beginning July 1, 1990, the final disposal of beverage containers by a dealer, distributor, or manufacturer, or person operating a redemption center, in a sanitary landfill, is prohibited, except for beverage containers containing alcoholic liquor as defined in section 123.3, subsection 8.

Sec. 436. Section 815.10, Code 1991, is amended to read as follows:

815.10 APPOINTMENT OF COUNSEL BY COURT.

1. The court, for cause and upon its own motion or upon application by an indigent person or a public defender, ~~may shall appoint a public defender or any attorney who is admitted to the practice of law in this state the state public defender or the state public defender's designee pursuant to section 13B.4, or an attorney pursuant to section 13B.9 to represent an indigent person at any state stage of the criminal or juvenile proceedings or on appeal of any criminal or juvenile action in which the indigent person is entitled to legal assistance at public expense. However, in juvenile cases the court may directly appoint an existing nonprofit corporation established for and engaged in the provision of legal services for juveniles.~~ An appointment shall not be made unless the person is determined to be indigent under section 815.9.

2. If a court finds that a person desires legal assistance and is not indigent, but refuses to employ an attorney, the court shall appoint a ~~public defender or another attorney to represent the person at public expense. If the state public defender or the state public defender's designee pursuant to section 13B.4, or an attorney other than a public defender is appointed, the fee paid to the attorney pursuant to section 13B.9 to represent the person. The cost of providing legal assistance shall be taxed as a court cost against the person.~~

3. An attorney other than a public defender or a contract attorney who is appointed by the court under ~~subsection 1 or 2 this section shall apply to the district court for compensation and for reimbursement of costs incurred.~~ The amount of compensation due shall be determined in accordance with section 815.7.

Sec. 437. NEW SECTION. 815.10A CLAIM FOR COMPENSATION — REQUIREMENTS.

1. The department of inspections and appeals shall require all claims for compensation filed by court-appointed attorneys for indigent defense cases, whether adult or juvenile, to include specific information as required by rules of the department.

2. If the information required in this section is submitted with the claim for compensation, the court may then award reasonable and proper compensation to the attorney. If information required is not submitted with the claim for compensation, the department may reject the claim until such information is submitted.

Sec. 438. The state public defender shall make an initial filing as required in section 13B.4, subsection 2, as amended in this Act, regarding the designation of public defender offices to receive notice of appointment of cases no later than forty days after July 1, 1991.

Sec. 439. Sections 408 through 413, and sections 436 and 438 of this division are repealed effective July 1, 1995, and the Code editor shall return the language in the Code sections amended in this Act to the language appearing in the 1991 Code.

Sec. 440. It is the intent of the general assembly that the state public defender provide for the defense of major felony case defendants by public defenders on a regional basis.

Sec. 441. Sections 408 through 413, and sections 436, 438, and 439 of this division of this Act, being deemed of immediate importance, are effective upon enactment.

Sec. 442. 1989 Iowa Acts, chapter 272, section 42, as amended by 1990 Iowa Acts, chapter 1261, is amended to read as follows:

SEC. 42. Sections 34, 35, and 36 of this Act are effective July 1, ~~1991~~1992.

Sec. 443. Sections 422 and 442 of this division, being deemed of immediate importance, take effect upon enactment.

DIVISION V
TRANSPORTATION
IOWA LAW ENFORCEMENT ACADEMY

Sec. 501. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	987,134
.....	FTEs	29.20

DEPARTMENT OF PUBLIC DEFENSE

Sec. 502. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

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

.....	\$	3,405,823
.....	FTEs	196.59

2. DISASTER SERVICES DIVISION

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

.....	\$	315,399
.....	FTEs	12.00

3. VETERANS AFFAIRS DIVISION

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

.....	\$	142,340
.....	FTEs	4.16

As a condition, limitation, and qualification of the appropriation in this subsection, up to \$5,000 may be used for the purchase of POW/MIA flags.

4. WAR ORPHANS

For the war orphans educational aid fund established pursuant to chapter 35:

.....	\$	10,185
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DEPARTMENT OF PUBLIC SAFETY

Sec. 503. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions including the medical examiner's office and the criminal justice information system, and the missing person program, and for not more than the following full-time equivalent positions:

.....	\$	2,395,663
.....	FTEs	47.80

As a condition, limitation, and qualification of the appropriation in this subsection, the department shall continue to pursue its 5-year plan to colocate the state medical examiner's office and the department of criminal investigation crime lab. The department of general services shall assist the department of public safety in identifying potential facilities that will adequately meet the department's needs.

As a condition, limitation, and qualification of the appropriation in this subsection, the department of public safety shall continue to collect, classify, and disseminate statistics as provided in section 80.40 and section 236.9 on violations relating to section 729.5 and on incidents involving domestic abuse.

2. For purposes relating to radio communications, and for not more than the following full-time equivalent positions:

.....	\$	3,141,241
.....	FTEs	79.00

3. For the division of criminal investigation and bureau of identification containing the bureaus of identification and liquor law enforcement, for river boat gambling enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	6,954,157
.....	FTEs	149.00

It is the intent of the general assembly that the department of public safety shall only employ additional full-time equivalent positions for riverboat gambling enforcement as authorized by the department of management as needed for enforcement on new riverboats. However, new positions filled shall not exceed 4 per riverboat and the positions shall not be filled more than 120 days before the riverboat is expected to receive passengers.

4. For the division of narcotics:

a. The state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	2,148,790
.....	FTEs	47.00

b. Undercover purchases:

.....	\$	260,250
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5. For the fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	1,427,474
.....	FTEs	33.00

6. For the capitol security division, and for not more than the following full-time equivalent positions:

.....	\$	1,135,371
.....	FTEs	36.00

7. For salaries, support, maintenance, and miscellaneous purposes of the pari-mutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	286,989
.....	FTEs	5.00
8. For use by the department to provide law enforcement officials for project D.A.R.E. (drug abuse resistance education) within local communities:		
.....	\$	29,544
9. For the continued purchase of the automated fingerprint information system (AFIS):		
.....	\$	514,000

Sec. 504. There is appropriated from the road use tax fund to the division of highway safety and uniformed force of the department of public safety for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	24,458,362
.....	FTEs	456.00

It is the intent of the general assembly, that so much as is necessary of the appropriation in this subsection, shall support federal Highway Safety Act programs.

As a condition, limitation, and qualification of the appropriation in this subsection, the department shall be prohibited from providing an escort or driver for the lieutenant governor.

As a condition, limitation, and qualification of the appropriation in this subsection, the Iowa law enforcement academy shall be allowed to annually select at least 5 automobiles of the department of public safety, division of highway safety and uniformed force, which are being turned in to the state vehicle dispatcher to be disposed of by public auction and the Iowa law enforcement academy shall be allowed to exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of highway safety and uniformed force.

An employee of the department of public safety or its successor who retires after the effective date of this section of this Act but prior to June 30, 1992, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. This section shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

2. For the purchase of radar units:		
.....	\$	294,166
3. For the purchase of scanners:		
.....	\$	105,000
4. For payments to the department of personnel for expenses incurred in administering workers' compensation on behalf of the division of highway safety and uniformed force:		
.....	\$	362,250
5. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the division of highway safety and uniformed force:		
.....	\$	77,350
*6. For site acquisition of a new patrol post in the Fort Dodge area:		
.....	\$	50,000*

*Item veto; see message at end of the Act

Sec. 505. There is appropriated from use tax receipts collected under chapter 423 prior to deposit in the road use tax fund, to the following named departments for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

1. To the department of public safety for the costs associated with the automated fingerprint information system local remote terminals:

..... \$ 373,108

*2. To the department of public defense for design of armories at Boone, Fairfield, and Mount Pleasant:

..... \$ 38,000*

3. To the department of public defense for construction of armories at Corning, Council Bluffs, and Oskaloosa:

..... \$ 1,757,000

STATE DEPARTMENT OF TRANSPORTATION

Sec. 506. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For the payment of costs associated with the production of motor vehicle licenses, as defined in section 321.1, subsection 77:

..... \$ 570,000

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

a. Administrative services:

..... \$ 3,749,551

..... FTEs 47.50

b. General counsel:

..... \$ 177,240

..... FTEs 1.00

c. Planning and research:

..... \$ 371,101

..... FTEs 9.00

d. Aeronautics and public transit:

..... \$ 246,334

..... FTEs 5.00

e. Motor vehicles:

..... \$ 19,253,443

..... FTEs 542.00

f. Rail and water:

..... \$ 692,300

..... FTEs 15.00

3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:

..... \$ 39,000

4. Unemployment compensation:

..... \$ 12,250

5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation:

..... \$ 75,000

6. For the paving of the scale lots at LeMars and Ainsworth:

..... \$ 120,000

The provisions of section 8.33 do not apply to the funds appropriated by this subsection, but remain available for expenditure for the purposes designated until June 30,

*Item veto; see message at end of the Act

1994. Unencumbered or unobligated funds remaining on June 30, 1994, from funds appropriated by this subsection for the fiscal year beginning July 1, 1991, shall revert to the fund from which appropriated on August 30, 1994.

Sec. 507. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

a. Administrative services:

.....	\$	22,903,953
.....	FTEs	293.00

b. General counsel:

.....	\$	1,088,760
.....	FTEs	7.00

c. Planning and research:

.....	\$	7,050,899
.....	FTEs	169.00

d. Aeronautics and public transit:

.....	\$	246,334
.....	FTEs	5.00

It is the intent of the general assembly that any state agency or individual using an airplane from the state aircraft pool shall be billed in an amount sufficient to cover operation and aircraft maintenance expense, including engine overhaul.

e. Highways:

.....	\$	139,750,000
.....	FTEs	2,951.00

As a condition, limitation, and qualification of the appropriation in this paragraph, the department shall conduct a pilot project for contracting with counties for winter maintenance on state primary highways. The department shall continue this project for a duration that is sufficient to determine the feasibility of performing permanent contractual maintenance with counties. Participating counties shall meet minimum criteria relating to highway maintenance functions, as determined by the department. The department shall submit an annual report to the general assembly outlining the progress of the pilot project.

f. Motor vehicles:

.....	\$	781,745
.....	FTEs	22.00

g. Rail and water:

.....	\$	296,700
.....	FTEs	7.00

2. For deposit in the state department of transportation's highway materials and equipment revolving fund established by section 307.47 for funding the increased replacement cost of vehicles:

.....	\$	3,000,000
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Moneys appropriated for the inventory and equipment replacement revolving fund shall only be transferred from the primary road fund to meet actual expenditure needs.

As a condition, limitation, and qualification of this appropriation, no more than \$2,782,509 from the highway materials and equipment revolving fund, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than 92.00 FTEs.

3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:

.....	\$	741,000
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4. Unemployment compensation:

.....	\$	232,750
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5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation:

..... \$ 1,425,000

6. For costs associated with fuel tank replacement and cleanup:

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

As a condition, limitation, and qualification of this appropriation, the department shall develop a comprehensive plan to determine the need for petroleum underground storage tanks operated by the department. The plan shall be submitted to the general assembly by January 15, 1992.

7. For conducting tests at department field facilities to determine the extent of asbestos contamination:

..... \$ 40,000

8. For the removal of asbestos from facilities at the department central complex:

..... \$ 650,000

9. For replacement of obsolete field facilities in the cities of Davenport, Rock Valley, Algona, and Pocahontas:

..... \$ 2,810,000

10. For grading and resurfacing the east parking lot at the Ames complex:

..... \$ 200,000

11. For electrical system improvements at the Ames complex:

..... \$ 230,000

12. For central air conditioning in the south wing offices (old lab) of the Ames complex:

..... \$ 300,000

13. For the purchase of land adjacent to the department's maintenance facility site in Hamlin:

..... \$ 15,000

The provisions of section 8.33 do not apply to the funds appropriated by subsection 9, but remain available for expenditure for the purposes designated until June 30, 1995. Unencumbered or unobligated funds remaining on June 30, 1995, from funds appropriated by subsection 9, for the fiscal year beginning July 1, 1991, shall revert to the fund from which appropriated on August 30, 1995.

The provisions of section 8.33 do not apply to the funds appropriated by subsections 10 through 12, but remain available for expenditure for the purposes designated until June 30, 1994. Unencumbered or unobligated funds remaining on June 30, 1994, from funds appropriated by subsections 10 through 12 for the fiscal year beginning July 1, 1991, shall revert to the fund from which appropriated on August 30, 1994.

Sec. 508. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18; for use by the railway finance authority as provided in chapter 307B; and for airport engineering studies and improvement projects as provided in chapter 328:

..... \$ 5,230,546

From the appropriation in this subsection, up to the following amounts shall be used for the following airport improvement projects:

a. For runway extension in Belle Plaine:

..... \$ 112,500

b. For ramp extension and runway drainage in Decorah:

..... \$ 103,000

c. For ramp reconstruction in Fort Dodge:

..... \$ 97,000

d. For land acquisition for a new runway in Greenfield:

..... \$ 182,000

e. For land and grading for runway extension in Harlan:	\$	86,000
f. For runway and taxiway lighting system upgrade in Iowa Falls:	\$	49,000
g. For land and grading for a new runway in Washington:	\$	190,000
h. For ramp reconstruction in Webster City:	\$	73,000
*2. For essential air service airports:	\$	500,000

As a condition, limitation, and qualification of the appropriation in this subsection, \$500,000 shall be granted by the department to essential air service airports to be used for the following purposes:

- a. Grants for interstate and intrastate air travel, in an amount up to \$100,000. Moneys granted under this paragraph must be matched with an equivalent amount of local moneys.
- b. Grants in an amount up to \$10,000 for marketing of essential air service airports to facilitate air travel. Moneys granted under this paragraph must be matched with an equivalent amount of local moneys.
- c. Grants for the air service development program for the commercial air service airports identified in the state aviation plan.*

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

\$	429,932
FTEs	9.00

It is the intent of the general assembly that the moneys deposited in the general fund and the interest earned from the deposit of those moneys, that would have been deposited into the following funds 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 to be collected prior to the enactment of 1991 Iowa Acts, House File 173, division XII:

- a. Railroad assistance fund established under section 327H.18.
- b. Special railroad facility fund established under section 307B:23.
- c. State aviation fund established under section 328.36.
- d. Public transit assistance fund established under section 601J.6.

Sec. 509. Section 101.28, Code 1991, is amended to read as follows:

101.28 FEES FOR CERTIFICATION INSPECTIONS OF UNDERGROUND STORAGE TANKS.

The state fire marshal, the state fire marshal's designee, or a local fire marshal, authorized to conduct underground storage tank certification inspections under section 455G.11, subsection 6, shall charge the person requesting a certification inspection a fee to recover the costs of authorized training, inspection, and inspection program administration subject to rules adopted by the state fire marshal. The fees generated by inspections conducted by the state fire marshal or an employee of the state fire marshal's office shall be deposited into the general fund of the state.

Sec. 510. Section 307.12, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 14. Prepare and submit a report to the general assembly on or before January 15 of each fiscal year describing the prior fiscal year's highway construction program, actual expenditures of the program, and contractual obligations of the program.

Sec. 511. Section 307.45, unnumbered paragraph 4, Code 1991, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

However, an assessment in excess of sixty thousand dollars in effect on or after December 1, 1990, is not valid unless it is provided for or contained within a capital appropriation by the general assembly.

*Item veto; see message at end of the Act
 **Chapter 260 herein

Sec. 512. Section 312.2, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 21. The treasurer of state, before making the allotments provided for in this section shall credit annually from the road use tax fund to the state department of transportation the sum of six hundred fifty thousand dollars for the purpose of providing county treasurers with data processing equipment and support for vehicle registration and titling. Notwithstanding section 8.33, unobligated funds credited under this subsection remaining on June 30 of the fiscal year shall not revert but shall remain available for expenditure for purposes of this subsection in subsequent fiscal years.

Sec. 513. Section 312.2, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 22. The treasurer of state, before making the allotments provided for in this section shall, for the fiscal year beginning July 1, 1991, credit from the revenues otherwise to be credited to the road use tax fund under section 423.24, subsection 1, paragraph "c", the sum of seven hundred fifty thousand dollars to the state department of transportation to be used for providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18, for use by the railway finance authority as provided in chapter 307B, for airport engineering studies and improvement projects as provided for in chapter 328, and for essential air service airports. However, the amount transferred shall not be used unless authorized by the transportation commission. All unexpended funds from this appropriation shall revert to the road use tax fund. To authorize any such use, the commission must find that one or more of the following conditions exist as sole and sufficient justification for use of this appropriation:

a. The funds may be used to match federal funds that cannot otherwise be matched due to lack of available state matching moneys, when such federal funds are or may be made available to the state. Notwithstanding the provisions of section 8.33, all funds obligated for match of federal funds shall remain available until expended or no longer needed for matching purposes, at which time they shall be reverted in accordance with the provisions of this section.

b. Unforeseen emergencies or circumstances arise, after the transportation commission has adopted an annual program of projects, that would require the elimination of an approved project, provided that such projects would otherwise be eligible for expenditure.

Sec. 514. Section 313.2A, subsection 2, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Metropolitan area bypasses consistent with metropolitan or regional area plans established through cooperation by the department and local officials.

Sec. 515. Section 313.2A, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 4. NETWORK DEVELOPMENT. In establishing priorities for improvement projects, the department shall take into consideration the following additional criteria: urban area bypasses that improve urban or regional accessibility or improve corridor travel; projects consistent with regional or metropolitan transportation plans established through cooperation by the department and local officials; and the willingness of local officials to provide financial or other assistance for the development of projects.

Sec. 516. Section 314.21, subsection 3, paragraph b, subparagraph (1), Code 1991, is amended to read as follows:

(1) For the fiscal period beginning July 1, 1989, and ending June 30, 1991 1993, fifty thousand dollars in each fiscal year to the university of northern Iowa to maintain the position of the state roadside specialist and to continue its integrated roadside vegetation management pilot program providing research, education, training, and technical assistance.

Sec. 517. The department of public safety shall notify the legislative fiscal bureau, department of management, the chairpersons, vice chairpersons, and ranking members of the joint transportation and safety appropriation subcommittee, on any request for, approval of, or notification of award of federal funds or of any loss of federal funds. The notification shall include

the name of the funding grant, planned expenditures, and estimated amount which will be received. The department shall also prepare a report at the end of each fiscal year detailing the amount received, amount expended, and carryover balance on all nonappropriated receipts, including federal funds, received during that fiscal year.

Sec. 518. As a condition, limitation, and qualification of the appropriations made in this division, the state department of transportation shall develop a proposal, including necessary appropriation recommendations, for an air cargo service and development study program. The recommendations shall be reported to the general assembly by January 15, 1992. The department shall consult with local officials, airport authorities, representatives of business and industry, representatives of air cargo service providers, and the state department of economic development in developing these recommendations.

Sec. 519. Section 100.34, Code 1991, is repealed.

DIVISION VI
STATE BUDGETING, CAPITAL PROJECTS,
AND LEASE-PURCHASE AGREEMENTS

Sec. 601. Section 2.47A, subsection 1, paragraph d, Code 1991, is amended to read as follows:
d. Receive ~~quarterly~~ semiannual status reports for all ongoing capital projects of state agencies, pursuant to section 18.12, subsection 15.

Sec. 602. Section 8.6, subsection 13, Code 1991, is amended to read as follows:

13. CAPITAL PROJECT BUDGETING REQUESTS. To compile annually, ~~no later than October 1~~, all capital project budgeting requests of all state agencies, as defined in section 8.3A, and to consolidate the requests, with individual state agency priorities noted, into a report for submission to the legislative capital projects committee not later than ~~October~~ November 1, ~~with any~~. Any additional information regarding the capital project budgeting requests or priorities ~~to shall be compiled and submitted in the same manner no later than November 1 report.~~

Sec. 603. Section 8.6, subsection 14, unnumbered paragraph 1, Code 1991, is amended to read as follows:

To prepare annually, in cooperation with the department of general services, a five-year capital project priority plan for all state agencies, as defined in section 8.3A, to be submitted no later than ~~July~~ November 1, ~~beginning in the year 1990~~, to the legislative capital projects committee. The plan shall include but is not limited to the following:

**Sec. 604. Section 8.29, unnumbered paragraph 4, Code 1991, is amended to read as follows:*

*The state board of regents, with the approval of the director of the department of management and the director of the legislative fiscal bureau, shall establish a uniform budgeting and accounting system for the institutions of higher education under its control, and shall require each of the institutions of higher education to begin operating under the uniform system not later than June 30, 1976 1991.**

**Sec. 605. Section 8.35A, subsection 2, Code 1991, is amended to read as follows:*

*2. Commencing September 1, the director shall provide weekly budget tapes in the form and level of detail requested by the legislative fiscal bureau reflecting finalized agency budget requests for the following fiscal year as submitted to the governor. The director shall transmit all agency requests in final form to the legislative fiscal bureau by November 15. ~~Final~~ The final budget records information required under sections 8.22 and 8.28 containing the governor's recommendation and final agency requests shall be transmitted to the legislative fiscal bureau by January 1 ~~or no later than the date the governor's budget document is delivered to the printer~~. The governor's recommendation included on this record shall be considered confidential by the legislative fiscal bureau until it is made public by the governor. The legislative fiscal bureau shall use this data in the preparation of information for the legislative appropriation process.**

*Item veto; see message at end of the Act

Sec. 606. **NEW SECTION. 8.46 LEASE-PURCHASE — REPORTING.**

For the purposes of this section, unless the context otherwise requires, "state agency" means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

1. Before entering into a contract involving a lease-purchase arrangement in which any part or the total amount of the contract is at least fifty thousand dollars, a state agency shall notify the legislative fiscal committee of the legislative council regarding the contract. The notification is required regardless of the source of payment for the lease-purchase arrangement. The notification shall include all of the following information:

- a. A description of the object of the lease-purchase arrangement.
- b. The cost of the contract.
- c. The terms of the contract.
- d. The total cost of the contract, including principal and interest costs.
- e. An identification of the means and source of payment of the contract.
- f. An analysis of consequences of delaying or abandoning the commencement of the contract.

2. The legislative fiscal committee shall report to the legislative council concerning the notifications it receives pursuant to this section.

3. A state agency shall report quarterly to the legislative fiscal committee concerning its contracts involving a lease-purchase arrangement. The format of the report shall be determined by the legislative fiscal bureau in consultation with the department of management. The report shall include all of the following information:

- a. A description of the objects of a lease-purchase arrangement under contract.
- b. The total costs of the contracts.
- c. Total principal and interest cost in each fiscal year of each contract.
- d. An identification of the means and source of payment for each contract.

Sec. 607. Section 18.12, subsection 10, unnumbered paragraph 1, paragraphs b, d, and e, and unnumbered paragraphs 2 and 3, Code 1991, are amended to read as follows:

On behalf of the department, enter into lease-purchase contracts for real or personal property, wherever located within the state, to be used for buildings, facilities, and structures, or for additions or improvements to existing buildings, facilities, and structures, to carry out the provisions of this ~~chapter~~ section or for the proper use and benefit of the state and its state agencies on the following terms and conditions:

b. The lease-purchase contract may provide for ultimate ownership of the property by the state. Title to all property acquired in this manner shall be taken and held in the name of the state. The state shall be the lessee or contracting party under all lease-purchase contracts entered into pursuant to this ~~chapter~~ section. The lease-purchase contract may contain provisions similar to provisions customarily found in lease-purchase contracts between private persons, including, but not limited to, provisions prohibiting the acquisition or use by the lessee of competing property or property in substitution for the lease-purchased property, obligating the lessee to pay costs of operation, maintenance, insurance, and taxes relating to the property, and permitting the lessor to retain a security interest in the property lease-purchased, until title passes to the state, which may be assigned or pledged by the lessor. The director may contract for additional security or liquidity for a lease-purchase contract and may enter into agreements for letters of credit, lines of credit, insurance, or other forms of security with respect to rental and other payments due under a lease-purchase contract. Fees for the costs of additional security or liquidity are a cost of entering into the lease-purchase contract and may be paid from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available. The lease-purchase contract may include the costs of entering into the lease-purchase contract as a cost of the lease-purchased property. The provision of a lease-purchase contract which provides that a portion of the periodic rental payment be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 does not apply to lease-purchase contracts entered into pursuant to this ~~chapter~~ section. Rental and other costs due

under lease-purchase contracts entered into pursuant to this ~~chapter section~~ shall be payable from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available.

d. The director shall not enter into lease-purchase contracts pursuant to this ~~chapter section~~ without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased. However, the director shall not enter into a lease-purchase contract for real or personal property which is to be constructed for use as a prison or prison-related facility without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased and with the construction in accordance with space needs as established by an independent study of space needs authorized by the general assembly.

e. A contract for acquisition, construction, erection, demolition, alteration, or repair by a private person of real or personal property to be lease-purchased by the director pursuant to this ~~chapter section~~ is exempt from section 18.6, subsections 1 and 9, unless the lease-purchase contract is funded in advance by a deposit of the lessor's moneys to be administered by the director under a lease-purchase contract which requires rent payments to commence upon delivery of the lessor's moneys to the lessee.

This subsection provides an alternative and independent method for carrying out projects under this chapter and for entering into lease-purchase contracts in connection ~~therewith~~ with the projects, without reference to any other statute, and is not an amendment of or subject to the provision of any other law. No publication of any notice, whether under section 23.12 or otherwise, and no other or further proceedings with respect to the lease-purchase contracts is referred to in this section are required except as set forth in this ~~chapter section~~, any provisions of other statutes of the state to the contrary notwithstanding.

For purposes of this subsection and subsection 12, "state agency" means a board, commission, bureau, division, office, department, or branch of state government.

Sec. 608. Section 18.12, subsection 15, Code 1991, is amended to read as follows:

15. Prepare ~~quarterly~~ semiannual status reports for all ongoing capital projects of all state agencies, as defined in section 8.3A, and submit the status reports to the legislative capital projects committee.

Sec. 609. Section 262A.3, Code 1991, is amended to read as follows:

262A.3 ~~TEN-YEAR FIVE-YEAR PROGRAM AND TWO-YEAR BOND PROPOSAL SUBMITTED EACH YEAR.~~

The board shall prepare and submit to the general assembly for approval or rejection a proposed ~~ten-year five-year~~ building program for each institution, including an estimate of the maximum amount of bonds which the board expects to issue under the provisions of this chapter during each year of the ensuing biennium. ~~Such~~ The program and estimate shall be submitted ~~no later than seven days after the passage of this chapter by the general assembly and thereafter~~ no later than seven days after the convening of each regular annual session of the general assembly. The building program shall contain a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions. This list shall be revised annually, but no project shall be eliminated from the list when bonds have previously been issued by the board to pay the cost ~~thereof of the project~~. Each ~~such~~ list shall contain an estimate of the cost of each of the buildings and facilities referred to ~~therein~~ in the list. If the general assembly rejects or fails to approve any proposed ~~ten-year five-year~~ building program, ~~such~~ this action or inaction shall not affect the status or legality of any project previously or subsequently authorized by the general assembly as provided in section 262A.4.

Sec. 610. NEW SECTION. 455A.9 STATE FISH AND GAME PROTECTION FUND – CAPITAL PROJECTS AND CONTINGENCIES.

Funds remaining in the state fish and game protection fund during a fiscal year which are not specifically appropriated by the general assembly are appropriated and may be used for

capital projects and contingencies under the jurisdiction of the fish and wildlife division arising during the fiscal year. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this section, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this section are allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly.

Approved June 7, 1991, except the items which I hereby disapprove and which are designated as Section 122 in its entirety; Section 201, subsection 6, paragraph d, in its entirety; Section 204 in its entirety; Section 207, subsection 12, in its entirety; Section 218 in its entirety; Sections 226 and 227 in their entirety; Section 232 in its entirety; Section 234 in its entirety; Section 236 in its entirety; Section 239 in its entirety; Section 403, subsection 2, unnumbered and unlettered paragraph 2 in its entirety; Section 422 in its entirety; Section 504, subsection 1, unnumbered and unlettered paragraph 2 in its entirety; Section 504, subsection 6 in its entirety; Section 505, subsection 2 in its entirety; Section 508, subsection 2 in its entirety; and Sections 604 and 605 in their entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the secretary of state this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, *Governor*

Dear Madam Secretary:

I hereby transmit Senate File 529, an Act relating to and making appropriations to state departments, agencies, funds, and certain other entities, making related statutory changes, and providing effective dates.

In order to assure a balanced budget in fiscal year 1992, it is necessary to item veto excessive spending wherever possible and employ an across-the-board cut in spending. My actions on this bill move us closer to a balanced budget in fiscal year 1992 by reducing spending by a total of \$1.3 million.

Senate File 529 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 122, in its entirety. This provision would require the Governor to use the Department of Personnel recruitment process when making an appointment to a full-time position in a division, department, board, commission, or council of the state. The current appointment process includes adequate oversight. In most cases, the qualifications of appointees to fill full-time positions are specified in the Code and the selection made by the Governor must be confirmed by a two-thirds vote of the Iowa Senate. An appointee's service is limited to a term of years and all must be reappointed and reconfirmed to continue in their positions.

I am unable to approve the item designated as Section 201, subsection 6, paragraph d, in its entirety. This provision would appropriate \$250,000 for a stream degradation pilot project. Given the state's fiscal condition, funding for this new program cannot be approved. By disapproving this item, the Department of Agriculture will revert this \$250,000 at the end of the fiscal year 1992.

I am unable to approve the item designated as Section 204, in its entirety. This provision would appropriate \$25,000 to research the multiflora rose virus. Sufficient funding currently exists within the Regents' budget to continue this research at Iowa State University, therefore, this additional funding is unnecessary.

I am unable to approve the item designated as Section 207, subsection 12, in its entirety. This provision would appropriate \$216,000 for programs supported from the Energy Research and Development Fund and administered by the Energy and Geological Resources Division of the Department of Natural Resources. Funding is available for this program through a standing appropriation and from other sources. Given the state's fiscal condition, this additional funding cannot be approved.

I am unable to approve the item designated as Section 218, in its entirety. This provision would transfer funds granted under the Council of Great Lakes Governors Regional Bio Mass Energy Program from the Department of Natural Resources to the Department of Agriculture and Land Stewardship. This grant is appropriately placed in the Energy Bureau of the Department of Natural Resources and should not be transferred.

I am unable to approve the item designated as Section 226, in its entirety. This provision requires the Department of Natural Resources to charge a fee, based upon production costs, for stocking fish in private ponds. The current program was designed to increase fishing opportunities all over the state and has been quite successful. Over 600 pond acres are stocked with fish each year through this program which is funded with the revenues received from fishing license sales. This provision would discourage owners of private ponds from stocking ponds and making them available for fishing to the public.

I am unable to approve the items designated as Sections 227 and 236, in their entirety. These provisions specify procedures for reports filed by the Departments of Natural Resources and Agriculture and Land Stewardship with the General Assembly if a procedure regarding a specific report is not otherwise provided. The procedure would require the automatic distribution of multiple reports to legislative staff who have not indicated an interest in receiving them. This requirement would result in unnecessary costs to the department and waste of state government resources.

I am unable to approve the item designated as Section 232, in its entirety. This provision would change the word "divisions" to "administrative units" in the Department of Natural Resources. The reference to subunits of departments as "divisions" was established during reorganization in 1986 to apply across state government. This change is unnecessary and would result in costly changes to Iowa statutes and rules to conform the provisions where the word "divisions" is used.

I am unable to approve the item designated as Section 234, in its entirety. This item would eliminate the deputy director position in the Department of Natural Resources. This department is one of the largest and most complex in state government, and the director should retain the flexibility to employ a deputy director and to delegate responsibilities as needed.

I am unable to approve the item designated as Section 239, in its entirety. This provision amends the Code to transfer \$250,000 annually from the Grain Indemnity Fund to the Regulatory Division of the Department of Agriculture and Land Stewardship to supplement the general fund appropriation for grain dealer/warehouse inspections. The Grain Indemnity Fund was created to cover qualified losses of depositors and sellers of grain. It should not be used to pay for inspection activities.

I am unable to approve the item designated as Section 403, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This provision would appropriate \$45,396 to fund an additional word processor III position in the Division of Industrial Services. Given the current fiscal condition, I cannot approve funding for this purpose. By disapproving this item, the Department of Employment Services will revert this \$45,396 at the end of the fiscal year 1992.

I am unable to approve the item designated as Section 422, in its entirety. This provision would appropriate up to \$238,389 from the balance remaining in the Insurance Revolving Fund at the end of the fiscal year 1991 to the Department of Employment Services. Given the state's current fiscal condition, funding for this purpose cannot be approved. Any balance remaining in the fund should be transferred to the general fund at the end of this fiscal year.

I am unable to approve the item designated as Section 504, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This provision would prohibit the Department of Public Safety from providing security services to the Lieutenant Governor of Iowa. With the changed nature of the position and expanded duties, it is appropriate to provide security to the holder of the office, therefore, I cannot approve this provision.

I am unable to approve the item designated as Section 504, subsection 6, in its entirety. This provision would appropriate \$50,000 from the Road Use Tax Funds for land acquisition for a new state patrol post. With the state's present fiscal condition, we should not commit the state to expensive capital projects.

I am unable to approve the item designated as Section 505, subsection 2, in its entirety. This provision would appropriate \$38,000 from use tax receipts to design three new armories. I have approved the construction of armories at Corning, Council Bluffs and Oskaloosa in order to avoid the loss of \$6 million in federal funds. However, it is inappropriate to plan for additional armories out of the road use tax fund.

I am unable to approve Section 508, subsection 2, in its entirety. This provision appropriates \$500,000 for air service programs. This amount of funding would result in a significant expansion in spending for this purpose. Given the state's fiscal condition, it cannot be approved. By disapproving this item, the Department of Transportation will revert this \$500,000 at the end of fiscal year 1992.

I am unable to approve the item designated as Section 604, in its entirety. This section would require the Board of Regents to obtain the approval of the Director of the Legislative Fiscal Bureau to implement a uniform budget and accounting systems, and provides for a June 30, 1991 deadline. Approval of budgeting and accounting system used by the Board of Regents should remain with the executive branch.

I am unable to approve the item designated as Section 605, in its entirety. This section would require the Governor's final budget recommendations to be transmitted to the Legislative Fiscal Bureau no later than January 1, rather than the date the budget document is sent to the printer. Over the past several years, the Governor's budget has been transmitted to the legislature well before the February 1 statutory deadline. A further acceleration is unnecessary and would impair the decision-making process in the executive branch.

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 529 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 269

FEDERAL BLOCK GRANT APPROPRIATIONS

S.F. 541

AN ACT appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing effective dates.

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

Section 1. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the Iowa department of public health for the federal fiscal year beginning October 1, 1991, and ending September 30, 1992, the following amount:

..... \$ 8,633,000

Funds appropriated by this subsection are the anticipated funds to be received from the federal government for the designated federal fiscal year under Pub. L. No. 97-35, Title IX, Subtitle A, and Pub. L. No. 97-414 which provides for the alcohol and drug abuse and mental health services block grant. The department shall expend the funds appropriated by this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

Of the funds appropriated in this subsection, an amount not exceeding \$38,103 shall be used for audits. The auditor of state shall bill the Iowa department of public health for the cost of the audits.

2. Ten percent of the remaining funds, as allowed pursuant to Pub. L. No. 97-35, Title IX, subtitle A, and which are appropriated in subsection 1 shall be transferred to the division of mental health, mental retardation, and developmental disabilities within the department of human services and allocated for community mental health centers with priority being given to dual diagnosis. Of this amount, 10 percent shall be used to provide services and programs for severely emotionally disturbed children and adolescents, and 55 percent shall be used to develop and provide community mental health services and programs not available on October 1, 1988. New services developed between October 1, 1984, and October 1, 1988, with alcohol, drug abuse, and mental health services block grant funds may be treated as new services. Of the amount transferred to the division under this subsection, an amount not exceeding 5 percent shall be used by the department of human services for administrative expenses.

3. An amount not exceeding 5 percent of the funds in excess of \$2,839,000 appropriated in subsection 1 shall be used by the Iowa department of public health for administrative expenses. Of the moneys designated for administrative expenses under this subsection, no more than \$20,000 shall be used for the development of a substance abuse treatment provider reporting system, or on any other treatment evaluation process for the period during which the system is being developed.

4. Ten percent of the funds appropriated in subsection 1 shall be used to provide alcohol and drug abuse services to women.

5. After deducting the funds allocated in subsections 1, 2, 3, and 4, the remaining funds appropriated in subsection 1 shall be allocated according to the following percentages to supplement appropriations for the following programs within the Iowa department of public health:

- a. Drug abuse treatment programs 38.89%

Of the amount appropriated under this paragraph, at least \$1,501,940 shall be used for intravenous drug abusers unless a waiver is granted from the federal government.