

CHAPTER 1187

APPROPRIATIONS — REGULATORY BODIES

S.F. 2218

AN ACT making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates.

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

Section 1. **AUDITOR OF STATE.** 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, 1994, and ending June 30, 1995, 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:

.....	\$	1,242,525
.....	FTEs	112.50

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative fiscal bureau of the additional full-time equivalent positions retained.

Notwithstanding section 8.33, all moneys appropriated pursuant to this section which remain unencumbered and unobligated on June 30, 1995, shall not revert to the general fund of the state and may be expended to upgrade, replace, or improve computer equipment used in the auditor's offices. The office of the auditor of state shall report to the legislative fiscal committee not later than December 1, 1995, the items and cost of the computer equipment which is upgraded, replaced, or improved as provided in this paragraph.

Sec. 2. **IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.** There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:

.....	\$	426,104
.....	FTEs	8.00

Sec. 3. **DEPARTMENT OF EMPLOYMENT SERVICES.** There is appropriated from the general fund of the state to the department of employment services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts*, *or so much thereof as is necessary, for the purposes designated, including that the department of employment services, the department of personnel, and the department of management shall ensure that all nonsupervisory full-time equivalent positions authorized and funded for the department of employment services in this section will be utilized during the fiscal year beginning July 1, 1994, and ending June 30, 1995, and during future fiscal years, and will not be held vacant, to ensure that the backlog of cases in that department will be reduced as rapidly as possible**:

*Item veto; see message at end of the Act

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions contingent upon the enactment of section 6 of this Act and the provision which requires moneys appropriated from the special employment security contingency fund to first be used to fully fund the appropriation of \$296,508 to the division of labor services in subsection 1 of section 6 of this Act prior to funding the appropriation in section 6 of this Act to the division of industrial services:

.....	\$	2,410,029
.....	FTEs	87.00

The division of labor services shall require that all federally funded Occupational Safety and Health Act personnel attend a series of customer service classes, and that focus groups be established, which involve the participation of the personnel, the businesses subject to inspections, and employees of the businesses, to develop a survey of such businesses. The division of labor services shall consider the possibility of conducting educational sessions on the Iowa communications network for representatives of cities, counties, schools, businesses, secondary school students enrolled in vocational technical classes, and other affected persons, concerning Occupational Safety and Health Act requirements. The survey shall be used by the division to determine customer satisfaction. The division shall provide a written report summarizing the results of the survey to the department of management and the legislative fiscal bureau no later than January 1, 1995.

It is the intent of the general assembly that the division of labor services shall conduct all inspection functions in the division as efficiently as possible. The division shall, to the extent possible, eliminate duplicate travel to the same location for separate inspections made at different times, and shall consolidate such inspections in the same trip whenever possible.

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.

2. DIVISION OF INDUSTRIAL SERVICES

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

.....	\$	2,106,249
.....	FTEs	33.00

3. For salary, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for a workforce development coordinator and council:

.....	\$	80,000
.....	FTEs	1.00

The workforce development coordinator shall formulate a five-year written implementation plan for the workforce development initiative. The coordinator shall annually provide a written report no later than January 1 of each year to the department of management and the legislative fiscal bureau indicating all of the following:

- a. The amounts of federal, state, and any other funds expended to implement the workforce initiative.
- b. The efficiencies achieved in terms of administrative costs and other expenditures of the departments involved.
- c. The location of each workforce center, staffing levels, and the number of clients served.
- d. Any other information deemed necessary by the coordinator related to the progress and success in implementing the initiative.

4. For the workforce development initiative to be used to create model workforce development centers and provide an integrated management information system:

.....	\$	464,000
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Sec. 4. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. 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, 1994, and ending June 30, 1995, 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, conducting labor availability surveys, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,250,000
.....	FTEs	148.22

Of the amount appropriated under this section, \$200,000 shall be used by the department to conduct labor availability surveys. As a condition of this expenditure, the department shall require that all communities which are scheduled to be surveyed during the fiscal year shall contribute a percentage of the cost of completing the community surveys as agreed to by the department and each community to be surveyed.

1. The department of employment services shall provide services throughout the fiscal year beginning July 1, 1994, and ending June 30, 1995, in all communities in which workforce centers are operating on July 1, 1993. However, this provision shall not prevent the consolidation of multiple offices within the same city or the colocation of workforce centers with another public agency.

2. The division of industrial services shall not reduce the number of scheduled hearings of contested cases or eliminate the venue of such hearings, as established by the division for the period beginning January 1, 1994, and ending January 20, 1995. The division shall also establish a substantially similar schedule for such hearings for the period beginning January 20, 1995, and ending June 30, 1995. 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, 1995, and ending June 30, 1995.

3. 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.

Sec. 5. EMPLOYMENT SECURITY CONTINGENCY FUND. There is appropriated from the special employment security contingency fund to the department of employment services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, for the purposes designated and subject to the requirement that the appropriation to the division of labor services under this section be fully funded from the special employment security contingency fund prior to any amounts being used to fund the appropriation made to the division of industrial services under this section:

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, and miscellaneous purposes:	\$	296,508
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2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, and miscellaneous purposes:	\$	175,494
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Sec. 6. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:

.....	\$	484,920
.....	FTEs	22.00

*Item veto; see message at end of the Act

2. AUDITS DIVISION

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

.....	\$	342,246
.....	FTEs	10.00

3. APPEALS AND FAIR HEARINGS DIVISION

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

.....	\$	213,140
.....	FTEs	24.00

4. INVESTIGATIONS DIVISION

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

.....	\$	709,812
.....	FTEs	35.00

5. HEALTH FACILITIES DIVISION

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

.....	\$	1,398,954
.....	FTEs	97.00

6. INSPECTIONS DIVISION

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

.....	\$	571,275
.....	FTEs	13.00

7. EMPLOYMENT APPEAL BOARD

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

.....	\$	45,247
.....	FTEs	15.80

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 may 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. STATE FOSTER CARE REVIEW BOARD

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

.....	\$	515,576
.....	FTEs	10.00

The department of human services, in coordination with the state foster care review board and the department of inspections and appeals, shall submit an application for funding available pursuant to Title IV-E of the federal Social Security Act for claims for state foster care review board administrative review costs.

9. The department of inspections and appeals shall provide an accounting of all costs associated with negotiating agreements and compacts pursuant to section 10A.104, subsection 10, and all costs associated with monitoring such agreements and compacts. Information in the accounting shall include the dates and destinations of all travel related to the negotiations and monitoring, and all costs associated with the personnel involved, including salary, travel, and support costs.

Sec. 7. RACING AND GAMING COMMISSION. 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, 1994, and ending June 30, 1995, the following amount, 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:

.....	\$	1,728,494
.....	FTEs	19.27

2. Notwithstanding section 8.39, the racing and gaming commission shall not expend funds appropriated to the commission for the fiscal year beginning on July 1, 1994, and ending on June 30, 1995, for the regulation of any racetrack unless such regulation was authorized on or before July 1, 1992. Additionally, funds appropriated for the regulation of a racetrack authorized to offer live racing or simulcasting shall revert to the general fund and shall not be used for any other purpose if such track does not offer, or ceases to offer, live racing or simulcasting.

Sec. 8. EXCURSION BOAT REGULATION. 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, 1994, and ending June 30, 1995, 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 excursion boat gambling laws, and for not more than the following full-time equivalent positions:

.....	\$	446,522
.....	FTEs	9.96

It is the intent of the general assembly that the racing and gaming commission 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. If more than three riverboats are operating during the fiscal year beginning July 1, 1994, and ending June 30, 1995, the commission may expend no more than \$88,526 for no more than 2.00 FTEs for each additional riverboat in excess of three. The additional expense associated with such positions shall be paid from fees assessed by the commission as provided in chapter 99F, and deposited in the special account established pursuant to section 99F.4, subsection 2.

Notwithstanding section 8.39, funds shall not be transferred to the department of inspections and appeals which would be used for monitoring Indian gaming.

Sec. 9. STATE PUBLIC DEFENDER. 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, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	7,831,289
.....	FTEs	143.80

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

.....	\$	10,029,000
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Of the amounts appropriated in this section to the office of state public defender of the department of inspections and appeals, \$100,000 shall be used to contract with a private vendor to provide automated claims processing of adult indigent defense claims.

a. Effective July 1, 1994, the state public defender shall establish a one-year pilot project to review and process juvenile indigent defense claims in two counties. The counties shall be in different judicial districts and shall be selected by the state public defender.

b. Notwithstanding section 232.141, subsection 3, the county clerks of court of the pilot counties shall submit all claims and supporting documentation received with the claims for juvenile indigent defense to the department of inspections and appeals for payment.

c. The state public defender shall review each claim and supporting documentation in accordance with section 13B.4, subsection 4, prior to payment.

d. Claims approved for payment shall be paid directly from the appropriation to the department of inspections and appeals for these purposes.

e. The juvenile justice county base amount as calculated under section 232.141, subsection 3, for the fiscal year beginning July 1, 1994, shall be forwarded by the pilot counties to the department of inspections and appeals no later than December 1, 1994. The department of inspections and appeals shall deposit these payments into the indigent defense fund to be used to pay juvenile indigent defense claims.

f. The state public defender shall provide a written report to the department of management and the legislative fiscal bureau by December 15, 1994, related to the progress and findings of this pilot project and recommendations for potential improvements and appropriate modifications in the juvenile indigent defense claims payment process.

Sec. 10. INDIGENT DEFENSE COSTS. The supreme court shall submit a written report for the preceding fiscal year no later than January 1 of each year indicating the amounts collected pursuant to section 815.9A, relating to recovery of indigent defense costs. The report shall include the total amount collected by all courts, as well as the amounts collected by each judicial district. The supreme court shall also submit a written report quarterly indicating the number of criminal and juvenile filings which occur in each judicial district for purposes of estimating indigent defense costs. A copy of each report shall be provided to the public defender, the department of management, and the legislative fiscal bureau.

Sec. 11. 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. 12. ROAD USE TAX FUND. There is appropriated from the use tax receipts collected pursuant to section 423.7 prior to their deposit in the road use tax fund pursuant to section 423.24, subsection 1, to the department of inspections and appeals for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes: \$ 904,852

Sec. 13. DEPARTMENT OF COMMERCE. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. PROFESSIONAL LICENSING AND REGULATION DIVISION

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

\$ 891,000
FTEs 14.00

b. There is appropriated from the title guaranty fund created in section 16.91 to the professional licensing and regulation division, an amount up to \$25,000, to be used to pay half the cost of employing an auditor for real estate broker trust accounts. In addition to the amount appropriated in this paragraph, the commission may increase the license fees provided for in section 543B.27 in an amount sufficient to pay half the cost of employing an auditor for real estate broker trust accounts.

2. ADMINISTRATIVE SERVICES DIVISION

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

\$ 210,378
FTEs 2.00

It is the intent of the general assembly that the two positions authorized in this subsection for the division shall coordinate the administrative services to be provided to the divisions in the department. These two positions are under the direct supervision of, and shall report to, the director of the department.

3. ALCOHOLIC BEVERAGES DIVISION

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

.....	\$	1,831,127
.....	FTEs	33.50

The division of alcoholic beverages shall eliminate the position of administrative assistant 4 which is currently on loan to the department of management. The department of commerce shall not enter into any other employee loan agreements with any other department or division unless the department of commerce is fully reimbursed from the other department or division for the costs associated with such position.

4. BANKING DIVISION

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

.....	\$	5,278,751
.....	FTEs	85.00

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. The amounts necessary to fund the excess examination expenses shall be collected from banks being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2. The division shall notify in writing the legislative fiscal bureau and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed to the general fund, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by this section.

The banking division may expend additional funds, not to exceed \$86,500, for the purpose of purchasing laptop computers to be used by bank examination staff. The amount necessary to fund the purchase of such computers shall be collected from banks being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2.

5. CREDIT UNION DIVISION

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

.....	\$	1,033,772
.....	FTEs	20.00

The credit union division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for credit union examinations and directly result from examinations of credit unions. The amounts necessary to fund the excess examination expenses shall be collected from credit unions being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2. The division shall notify in writing the legislative fiscal bureau and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed to the general fund, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by this section.

6. INSURANCE DIVISION

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

.....	\$	2,816,995
.....	FTEs	88.50

*Item veto; see message at end of the Act

Of the amounts appropriated in this section to the insurance division, not more than \$100,000 shall be used for the regulation of health insurance purchasing cooperatives.

The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if such expenditures are fully reimburseable and the division first does both of the following:

- a. Notifies the department of management, legislative fiscal bureau, and the legislative fiscal committee of the need for such expenditures.
- b. Files with each of the entities named in subsection 1 the legislative and regulatory justification for such expenditures, along with an estimate of the expenditures.

7. UTILITIES DIVISION

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

.....	\$	4,771,826
.....	FTEs	79.00

The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, 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 regulation expenses exceed the funds budgeted by the general assembly to the division and that the division does not have other funds from which regulation expenses can be paid. Upon approval of the director of the department of management the division may expend and encumber funds for excess regulation expenses. The amounts necessary to fund the excess regulation expenses shall be collected from those utility companies being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2.

Sec. 14. PUBLIC EMPLOYMENT RELATIONS BOARD. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:

.....	\$	720,769
.....	FTEs	12.68

Sec. 15. BUDGET PROPOSALS. The department of commerce, department of employment services, and department of inspections and appeals shall each designate a single division within the respective departments to submit a budget proposal in accordance with the zero-based budgeting method, and to track the appropriations made to the divisions in accordance with the program performance-based budgeting method for the fiscal year beginning July 1, 1995. The proposals shall be submitted by the designated divisions to the department of management and the legislative fiscal bureau no later than January 1, 1995.

Sec. 16. Section 11.5B, subsection 7, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

- 7. Iowa veterans home.

Sec. 17. Section 13B.4, subsections 3 and 4, Code Supplement 1993, are amended to read as follows:

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

*Item veto; see message at end of the Act

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.

a. If the claim is from a noncontract attorney, the state public defender shall request a hearing before the court granting the claim as to the reasonableness of the claim within thirty days of receipt of such claim.

b. If the claim is from a contract attorney, the state public defender shall request a hearing before the appointing court as to the reasonableness of the claim within thirty days of receipt of such claim.

Sec. 18. Section 13B.9, subsection 5, Code 1993, is amended to read as follows:

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~~ shall first appoint a contract attorney, ~~or a private noncontracting attorney, who has agreed to take the case,~~ Appointments by the court shall be on a rotational or equalization basis considering the experience of the attorney and the difficulty of the case.

Sec. 19. Section 13B.9, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If a contract attorney is not available, or if a conflict of interest or overload prevents a contract attorney from handling a case, the court shall appoint a private noncontracting attorney, who has agreed to take the case. The appointment shall be on a rotational or equalization basis, considering the experience of the attorney and the difficulty of the case.

Sec. 20. Section 534.102, subsection 28, Code 1993, is amended to read as follows:

28. "Superintendent" means the superintendent of savings and loan associations ~~who is the director of the department of commerce appointed pursuant to section 534.401.~~

Sec. 21. Section 534.401, subsection 1, Code 1993, is amended to read as follows:

1. ~~DIVISION SUPERINTENDENT OF SAVINGS AND LOAN ASSOCIATIONS CREATED — SUPERINTENDENT. A savings and loan association division is created within the department of commerce. The superintendent of savings and loan associations is the chief administrative officer of the division administrator of professional licensing and regulation appointed pursuant to section 546.10, subsection 2, or an individual appointed by the administrator as provided in section 546.10, subsection 7.~~

Sec. 22. Section 546.10, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The administrator of professional licensing and regulation is the superintendent of savings and loan associations. The administrator may appoint an individual to act as the superintendent who shall serve as the superintendent at the pleasure of the administrator.

Sec. 23. Section 815.7, Code 1993, is amended to read as follows:

815.7 FEES TO ATTORNEYS.

An attorney who has not entered into a contract authorized under section 13B.4 and who is appointed by the court to represent any person charged with a crime in this state shall be entitled to a reasonable compensation which shall be the ordinary and customary charges for like services in the community to be decided in each case by a judge of the district court, including such sum or sums as the court may determine are necessary for investigation in the interests of justice and in the event of appeal the cost of obtaining the transcript of the trial and the printing of the trial record and necessary briefs in behalf of the defendant. Such attorney need not follow the case into another county or into the appellate court unless so directed by the court at the request of the defendant, where grounds for further litigation are not capricious or unreasonable, but if such attorney does so, the attorney's fee shall be determined accordingly. Only one attorney fee shall be so awarded in any one case except that in class "A" felony cases, two may be authorized.

Sec. 24. Section 815.10, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 4. A contract attorney appointed by the court under this section and section 13B.4 shall apply to the state public defender for compensation and for reimbursement of costs incurred in accordance with the contract. The amount of compensation due shall be determined in accordance with the contract.

Sec. 25. Section 815.11, Code 1993, is amended to read as follows:
815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

Costs incurred under section 232.141, subsection 3, paragraph "c", sections 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, or the rules of criminal procedure on behalf of an indigent shall be paid from funds appropriated by the general assembly to the department of inspections and appeals for those purposes.

Sec. 26. **FEDERAL GRANTS.** All federal grants to and the federal receipts of agencies appropriated funds under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Approved April 13, 1994, except the items which I hereby disapprove and which are designated as that portion of Section 3, unnumbered and unlettered paragraph 1, which is herein bracketed in ink and initialed by me; Section 4, subsections 1 and 2 in their entirety; Section 13, subsection 3, unnumbered and unlettered paragraph 2 in its entirety; and Section 15 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the President of the Senate this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, *Governor*

Dear Mr. President:

I hereby transmit Senate File 2218, an Act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates.

Senate File 2218 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 3, unnumbered and unlettered paragraph 1. This language would remove the discretion of the director of the Department of Employment Services in filling vacant positions within the agency. Personnel decisions within the department are the prerogative of the executive branch. The director of the department must have the authority to adjust personnel to respond to the agency's needs.

I am unable to approve the item designated as Section 4, subsection 1, in its entirety. This provision would require the Department of Employment Services to maintain all workforce centers in operation as of July 1, 1993. The department must retain the flexibility to provide services where they are most needed and in the most cost effective manner.

I am unable to approve the item designated as Section 4, subsection 2, in its entirety. This provision specifies the number, location and schedule of hearings for contested workers' compensation cases which the Industrial Services Division would be required to conduct through June 30, 1995. The division must retain flexibility to conduct hearings to meet the needs of employers and injured workers.

I am unable to approve the item designated as Section 13, subsection 3, unnumbered and unlettered paragraph 2, in its entirety. This provision relates to the elimination of an employee position within the Division of Alcoholic Beverages and the loaning of employees by the Department of Commerce to other agencies. Decisions concerning personnel in the Department of Commerce are the prerogative of the executive branch. The director of the department must retain the authority to assign employees to perform tasks as needed.

I am unable to approve the item designated as Section 15, in its entirety. This provision would require the Departments of Commerce, Employment Services and Inspections and Appeals to prepare and monitor budget proposals for divisions within the agencies under zero-based and performance-based budgeting methods. Agencies within the executive branch should utilize only one budgeting method to provide consistency and uniformity in budget preparation and tracking across state government.

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 2218 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1188

APPROPRIATIONS — STATE DEPARTMENTS AND AGENCIES

S.F. 2229

AN ACT relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters.

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

Section 1. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COMMISSION ON UNIFORM STATE LAWS

For support of the commission and expenses of the members: \$ 19,749

2. NATIONAL CONFERENCE OF STATE LEGISLATURES

For support of the membership assessment: \$ 85,531

Sec. 2. REVIEW OF PROFESSIONAL, SCIENTIFIC, OR EDUCATIONAL DUES. The executive council shall review dues paid by state agencies of the executive department of state government for membership in professional, scientific, and educational organizations with the goal of reducing membership costs by one third. The executive council shall give first consideration to reductions by state agencies which have multiple memberships.

Sec. 3. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:

\$ 466,740
FTEs 9.35