

CHAPTER 209**MISCELLANEOUS APPROPRIATIONS, STATE BUDGET PROCESSES, AND
STATUTORY CORRECTIONS**

S.F. 486

AN ACT relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions.

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

DIVISION I**STANDING AND OTHER APPROPRIATIONS**

Section 1. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the appropriation made to the department of education for the educational excellence program pursuant to section 294A.25, subsection 1, shall be increased by \$5,000.

Sec. 2. Section 294A.25, subsection 1, Code 1995, is amended to read as follows:

1. For the fiscal year beginning July 1, 1990, there is appropriated from the general fund of the state to the department of education the amount of ninety-two million one hundred thousand eighty-five dollars to be used to improve teacher salaries. For each fiscal year in the fiscal period commencing July 1, 1991, and ending June 30, 1993, there is appropriated an amount equal to the amount appropriated for the fiscal year beginning July 1, 1990, plus an amount sufficient to pay the costs of the additional funding provided for school districts and area education agencies under sections 294A.9 and 294A.14. For each fiscal year beginning on or after July 1, ~~1993~~ 1995, there is appropriated the sum which was appropriated for the previous fiscal year ~~commencing July 1, 1992~~, including supplemental payments. The moneys shall be distributed as provided in this section.

Sec. 3. **OKLAHOMA VICTIM ASSISTANCE.** There is appropriated from the victim compensation fund established under section 912.14 to the department of justice for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the amount of \$100,000 to be transferred to the state of Oklahoma victim assistance fund to be used to provide compensation to the victims of the April 19, 1995, bombing of the Murrah federal building in Oklahoma City, Oklahoma.

Sec. 4. Section 421.31, subsection 11, if enacted by 1995 Iowa Acts, Senate File 475,* is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. There is annually appropriated from the general fund of the state to the department of revenue and finance an amount sufficient to pay interest costs that may be due the federal government as a result of implementation of the federal law. Nothing in this paragraph authorizes the payment of interest from the general fund of the state for any departmental revolving, trust, or special fund where monthly interest earnings accrue to the credit of the departmental revolving, trust, or special fund. For any departmental revolving, trust, or special fund where monthly interest is accrued to the credit of the fund, the director may authorize a supplemental expenditure to pay interest costs from the individual fund which are due the federal government as a result of implementation of the federal law.

Sec. 5. Sections 3 and 4 of this division of this Act, being deemed of immediate importance, take effect upon enactment.

DIVISION II**EDUCATION FINANCES - CONTINGENT PROVISION**

Sec. 6. **AT-RISK CHILDREN.** For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the appropriation made to the department of education pursuant to section

*Chapter 214 herein

279.51, subsection 1, shall be increased by \$5,000,000 to be allocated as provided in section 279.51, subsection 1, paragraph "b", for four-year old at-risk children programs.

Sec. 7. CONTINGENT APPROPRIATION. If the actual taxable valuation of real property located in this state, based upon January 1, 1994, assessments, which is used in the computation of property taxes payable in the fiscal year beginning July 1, 1995, increases from the estimate of such taxable valuation, the amount of the reduction in state foundation aid under section 257.1 as a result of such increase in taxable valuation shall be used to fund section 6 of this division of this Act. If the amount of the reduction in state foundation aid is insufficient to fully fund the increase set out in section 6 of this division of this Act, section 6 shall be funded only to the extent of the reduction.

Sec. 8. CONTINGENT EFFECTIVE DATE. Section 6 of this division of this Act takes effect upon the enactment of section 7.

DIVISION III MISCELLANEOUS PROVISIONS

Sec. 9. 1994 Iowa Acts, chapter 1193, sections 2, 4, and 35, are repealed.

Sec. 10. SPECIAL FUNDS – SPECIAL AUTHORIZATION FOR GAAP SALARY ACCRUAL. The department of management may authorize supplemental expenditures for the fiscal year beginning July 1, 1994, in amounts necessary to accrue salaries in accordance with generally accepted accounting principles, for those departmental revolving, trust, or special funds which are not part of the general fund of the state and for which the general assembly has established an operating budget.

Sec. 11. Section 8.57, subsection 1, paragraph a, Code 1995, is amended by striking the paragraph and inserting in lieu thereof the following:

a. The "cash reserve goal percentage" for fiscal years beginning on or after July 1, 1995, is five percent of the adjusted revenue estimate. For each fiscal year beginning on or after July 1, 1995, in which the appropriation of the surplus existing in the general fund of the state at the conclusion of the prior fiscal year pursuant to paragraph "b" was not sufficient for the cash reserve fund to reach the cash reserve goal percentage for the current fiscal year, there is appropriated from the general fund of the state an amount to be determined as follows:

(1) If the balance of the cash reserve fund in the current fiscal year is not more than four percent of the adjusted revenue estimate for the current fiscal year, the amount of the appropriation under this lettered paragraph is one percent of the adjusted revenue estimate for the current fiscal year.

(2) If the balance of the cash reserve fund in the current fiscal year is more than four percent but less than five percent of the adjusted revenue estimate for that fiscal year, the amount of the appropriation under this lettered paragraph is the amount necessary for the cash reserve fund to reach five percent of the adjusted revenue estimate for the current fiscal year.

(3) The moneys appropriated under this lettered paragraph shall be credited in equal and proportionate amounts in each quarter of the current fiscal year.

Sec. 12. Section 8.57, subsection 1, paragraph b, Code 1995, is amended to read as follows:

b. ~~Commencing June 30, 1993, the~~ The surplus existing in the general fund of the state at the conclusion of the fiscal year is appropriated for distribution in the succeeding fiscal year as provided in ~~this section~~ subsections 2 and 3. Moneys credited to the cash reserve fund from the appropriation made in this paragraph shall not exceed the amount necessary for the cash reserve fund to reach the cash reserve goal percentage for the succeeding fiscal year. As used in this paragraph, "surplus" means the excess of revenues and other

financing sources over expenditures and other financing uses for the general fund of the state in a fiscal year.

Sec. 13. Section 257.11, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

If the school budget review committee certifies to the department of management that the shared classes or teachers would otherwise not be implemented without the assignment of additional weighting, pupils attending classes in another school district or a community college, attending classes taught by a teacher who is employed jointly under section 280.15, or attending classes taught by a teacher who is employed by another school district, are assigned a weighting of one plus an additional portion equal to one times the percent of the pupil's school day during which the pupil attends classes in another district or community college, attends classes taught by a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district. A pupil attending a class in which students from one or more other school districts are enrolled and the class is taught via the Iowa communications network is not deemed to be attending a class in another school district for the purposes of this subsection and the school district is not eligible for additional weighting for that class under this subsection.

Sec. 14. Section 279.51, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1990, the sum of eight million seven hundred thousand dollars. For each fiscal year beginning on or after July 1, ~~1993~~ 1995, there is appropriated the sum which was appropriated for the fiscal year commencing July 1, ~~1992~~ 1994.

Sec. 15. Section 285.1, subsection 1, paragraph c, Code 1995, is amended to read as follows:

c. Children attending prekindergarten programs offered or sponsored by the district or nonpublic school and approved by the department of education or department of human services may be provided transportation services. However, transportation services provided nonpublic school children are not eligible for reimbursement under this chapter.

Sec. 16. Sections 9 and 10 of this division of this Act, being deemed of immediate importance, take effect upon enactment.

DIVISION IV AMENDMENTS TO 1995 IOWA ACTS

Sec. 17. REPEALS. 1995 Iowa Acts, Senate File 278,* sections 8 and 9, are repealed.

Sec. 18. If enacted, 1995 Iowa Acts, House File 203,** section 5, subsection 2, is amended to read as follows:

2. Study the costs of training provided to executive directors of county commissions of veteran affairs under section 35A.3, subsection 12. The commission shall submit a report of its findings and recommendations to the general assembly by January 1, 1996.

Sec. 19. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V AMENDMENTS TO 1995 IOWA ACTS

Sec. 20. Section 142C.13, as enacted by 1995 Iowa Acts, Senate File 117,*** section 13, is amended to read as follows:

142C.13 TRANSITIONAL PROVISIONS.

*Chapter 43 herein

**Chapter 161 herein

***Chapter 39 herein

This chapter applies to a document of gift, revocation, or refusal to make an anatomical gift signed by the donor or a person authorized to make or object to the making of an anatomical gift on or after July 1, 1995. A document of gift, revocation, or refusal to make an anatomical gift pursuant to the law in effect prior to July 1, 1995, shall not be affected by the provisions of this chapter.

Sec. 21. Section 147A.28, as enacted by 1995 Iowa Acts, Senate File 118,* section 9, is amended to read as follows:

147A.28 PROHIBITED ACTS.

A hospital or emergency care facility that imparts or conveys, or causes to be imparted or conveyed, that it is a trauma care facility, or that uses any other term to indicate or imply that the hospital or emergency care facility is a trauma care facility without having obtained a certificate of verification under this division is subject to a civil penalty not to exceed one hundred dollars per day for each offense. In addition, the director may apply to the district court for a writ of injunction to restrain the use of the term "trauma ~~health~~ care facility". However, nothing in this division shall be construed to restrict a hospital or emergency facility from providing any services for which it is duly authorized.

Sec. 22. Section 196A.17, Code 1995, is amended to read as follows:

196A.17 ADMINISTRATION OF MONEYS.

Subject to the provisions of section 196A.15, the ~~tax~~ assessment imposed by this chapter shall be remitted by the purchaser to the ~~Iowa egg~~ council not later than thirty days following each calendar quarter during which the ~~tax~~ assessment was collected. Amounts collected from the ~~tax~~ assessment shall be deposited in the office of the treasurer of state in a separate fund to be known as the Iowa egg fund. The department of revenue and finance shall transfer moneys from the fund to the council for deposit into an account established by the council in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the council. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open.

Sec. 23. Section 252J.4, subsection 4, paragraph b, if enacted by 1995 Iowa Acts, Senate File 431,** section 4, is amended to read as follows:

b. The unit finds a mistake in determining that the amount of delinquent support is equal to or greater than ~~one month~~ ninety days.

Sec. 24. Section 252J.6, subsection 3, paragraph b, if enacted by 1995 Iowa Acts, Senate File 431,** section 6, is amended to read as follows:

b. The unit or the court finds a mistake in determining that the amount of delinquent support due is equal to or greater than ~~one month~~ ninety days.

Sec. 25. Section 455D.3, subsection 3, paragraph c, Code 1995, as amended by 1995 Iowa Acts, House File 289,*** section 2, and relettered as paragraph "b" is amended to read as follows:

If at any time the department determines that a planning area has met or exceeded the fifty percent goal, the planning area shall subtract fifty cents from the total amount of the tonnage fee imposed pursuant to section 455B.310, subsection 2. This amount shall be in addition to any ~~amounts~~ amount subtracted pursuant to ~~paragraphs~~ paragraph "a" and "b" of this subsection. The reduction in tonnage fees pursuant to this paragraph shall be taken from that portion of the tonnage fees which would have been allocated to funding alternatives to landfills pursuant to section 455E.11, subsection 2, paragraph "a", subparagraph (1).

Sec. 26. Section 514C.3A, subsection 1, unnumbered paragraph 1, as enacted by 1995 Iowa Acts, House File 139,**** section 1, is amended to read as follows:

*Chapter 40 herein

**Chapter 115 herein

***Chapter 80 herein

****Chapter 78 herein

An individual or group policy of accident or health insurance or individual or group hospital or health care service contract issued pursuant to chapter 509, 514, or 514A, and delivered, amended, or renewed on or after July 1, ~~1996~~ 1995, that provides dental care benefits with a base payment for those benefits determined upon a usual and customary fee charged by licensed dentists, shall disclose all of the following:

Sec. 27. Section 537.1302, Code 1995, as amended by 1995 Iowa Acts, Senate File 175,* is amended to read as follows:

537.1302 DEFINITION - TRUTH IN LENDING ACT.

As used in this chapter, "Truth in Lending Act" means title 1 of the Consumer Credit Protection Act, in subchapter 1 of ~~4~~ 15 U.S.C. ~~title 15~~ chapter 41, as amended to and including January 1, 1995, and includes regulations issued pursuant to that Act prior to January 1, 1995.

Sec. 28. Section 709C.12, if enacted by 1995 Iowa Acts, Senate File 432,** is amended to read as follows:

709C.12 EFFECTIVE DATE.

This chapter takes effect July 1, ~~1996~~ 1997, and applies to persons convicted of a sexually violent offense on or after July 1, 1997.

Sec. 29. If enacted, 1995 Iowa Acts, Senate File 462,*** section 3, subsection 13, is amended to read as follows:

13. The department shall amend the department's current home and community-based waivers under medical assistance to include "consumer directed attendant care" as allowed by federal regulation. The department shall also develop and implement a new home and community-based waiver for persons with physical disabilities as a means to further develop the personal assistance services program under section 225C.46. The waiver shall not be implemented in a manner which would require additional county or state costs for assistance provided to an individual served under the waiver. A waiver amended, developed, or implemented pursuant to this subsection shall be consistent with the provisions of the appropriation in this Act for a personal assistance services pilot project and the provisions of chapter ~~255C~~ 225C relating to personal assistance services.

Sec. 30. If enacted, 1995 Iowa Acts, Senate File 69,**** section 35, is amended to read as follows:

SEC. 35. FISCAL YEAR 1996 RELIEF FUND PAYMENT. Notwithstanding 1995 Iowa Acts, House File 132,***** section 13, the appropriation in that section shall not be made from the general fund of the state but shall be made from the property tax relief fund created in section 426B.1, as enacted by this Act. Notwithstanding section 426B.2, subsection ~~2~~ 1, as enacted by this Act, for the fiscal year beginning July 1, 1995, the amount of moneys distributed under that subsection shall be \$54.4 million.

Sec. 31. REPEAL. 1995 Iowa Acts, Senate File 439,***** section 2, is repealed.

Approved May 16, 1995

*Chapter 31 herein
 **Chapter 144 herein
 ***Chapter 205 herein
 ****Chapter 206 herein
 *****Chapter 202 herein
 *****Chapter 89 herein