

Reprinted

SENATE FILE 2328
BY COMMITTEE ON APPROPRIATIONS
Appropriations (7505)
(SUCCESSOR TO LSB 7291SC)

Passed Senate, Date 2/26/90 (p. 727) Passed House, Date 3/23/90 (p. 1369)
Vote: Ayes 27 Nays 22 Vote: Ayes 89 Nays 0
Approved *Jan Veto* 4-5-90

A BILL FOR

1 An Act relating to and making appropriations to regulatory bodies
2 of state government, including the auditor of state, the
3 campaign finance disclosure commission, the department of
4 employment services, the office of the state public defender,
5 the department of inspections and appeals, the department of
6 commerce, and the racing and gaming commission.

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

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1 Section 1.

2 There is appropriated from the general fund of the state to
3 the office of the auditor of state for the fiscal year
4 beginning July 1, 1990, and ending June 30, 1991, the
5 following amount, or so much thereof as is necessary, to be
6 used for the purposes designated:

7 For salaries, support, maintenance, miscellaneous purposes,
8 and for not more than the following full-time equivalent posi-
9 tions:

10	\$	2,036,602
11	FTEs	154.50

12 Of the amount appropriated in this section, \$276,952, or so
13 much thereof as is necessary, is to be expended for 19 FTEs,
14 which are new positions, to conduct audits required to prepare
15 financial statements related to full implementation of
16 generally accepted accounting principles (GAAP). The
17 authorization for 19 additional FTEs in this paragraph is
18 intended to be a one-time appropriation, and those positions
19 are not intended to be funded in subsequent fiscal years.

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

25 1. The amount expended is proportional to the costs that
26 are reimbursable from the entity being audited, including but
27 not limited to expenses reimbursable pursuant to section
28 11.5A, 11.20, or 11.21.

29 2. The auditor of state submits a request to the
30 department of management to expend a specific additional
31 amount in connection with specified reimbursable audits.

32 3. The department of management approves the additional
33 spending from any unappropriated funds in the state treasury
34 upon a finding that all or substantially all of the amount
35 requested and approved will be reimbursable from the entity

1 being audited.

2 4. The department of management notifies the legislative
3 fiscal bureau of any additional moneys approved.

4 5. The department of management notifies the legislative
5 fiscal committee of any additional moneys approved prior to
6 the expenditure.

7 6. Upon payment or reimbursement by the entity, the
8 auditor of state shall credit the payments to the state
9 treasury for deposit in the general fund.

10 The auditor of state shall discontinue the use of the
11 revolving fund currently used to fund reimbursable audits, and
12 shall instead use moneys from the general fund as provided in
13 this section to perform reimbursable audits.

14 Sec. 2.

15 There is appropriated from the general fund of the state to
16 the campaign finance disclosure commission for the fiscal year
17 beginning July 1, 1990, and ending June 30, 1991, the
18 following amount, or so much thereof as is necessary, for the
19 purposes designated:

20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent posi-
22 tions:

23	\$	239,118
24	FTEs	5.75

25 Sec. 3.

26 There is appropriated from the general fund of the state to
27 the department of employment services for the fiscal year
28 beginning July 1, 1990, and ending June 30, 1991, the
29 following amounts, or so much thereof as is necessary, for the
30 purposes designated:

31 i. DIVISION OF LABOR SERVICES

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

35	\$	2,727,562
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1 FTEs 104.80

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

6 Of the amount appropriated under this subsection, the
7 following amounts, or so much thereof as is necessary, shall
* 8 be expended for the designated purposes: \$214,258, for 10
9 FTEs to enforce the Iowa minimum wage law; \$98,974, for 3.0
10 FTEs in connection with asbestos removal; \$14,108, for 1 FTE
11 to implement a recordkeeping system to meet federal
12 occupational and health administration requirements; and
13 \$70,244, for 2 FTEs for administration and enforcement of the
14 contractor registration program.

15 2. DIVISION OF INDUSTRIAL SERVICES

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

19 \$ 2,058,120
20 FTEs 47.76

21 As a condition, qualification, and limitation of the funds
22 appropriated by this subsection, \$471,508, or so much thereof
23 as is necessary, shall be expended for 11 FTEs, and necessary
24 expenses, including 5 deputy industrial commissioners, 2 word
25 processors, 3 data entry operators, and 1 insurance program
26 specialist to expedite the administrative hearing process for
27 workers' compensation cases, and to assist in reducing the
28 contested case backlog.

29 Of the amount appropriated under this subsection, \$116,000,
30 or so much thereof as is necessary, is to reimburse the
31 department of employment services, for data processing costs.

32 The division shall continue charging a \$65 filing fee for
33 workers' compensation cases. The filing fee shall be paid by
34 the petitioner of a claim; however, the fee can be taxed as a
35 cost, and therefore, paid by the losing party, except in cases

1 where it would impose an undue hardship or be unjust in the
2 circumstances.

3 The department of employment services, the department of
4 personnel, and the department of management shall work
5 together to ensure that as nearly as possible all full-time
6 equivalent positions authorized and funded for the department
7 of employment services will be utilized during the fiscal year
8 beginning July 1, 1990, and ending June 30, 1991, and future
9 fiscal years, to ensure that the backlog of cases in that
10 department will be reduced as rapidly as possible.

11 Sec. 4. DEPARTMENT OF EMPLOYMENT SERVICES, DIVISION OF
12 INDUSTRIAL SERVICES PILOT SERVICES DELIVERY PROGRAM.

13 1. The division of industrial services of the department
14 of employment services shall establish a pilot program to
15 deliver precontested case proceeding services to employees and
16 employers from the local job service office in each of the
17 following service areas: Cedar Rapids, Des Moines, Dubuque,
18 and Sioux City. Each of the job service offices in the
19 industrial services pilot program shall be assigned one
20 additional professional staff person and one additional
21 support staff person, for a total of 2 additional FTEs in each
22 office.

23 2. The industrial services pilot program employees in each
24 of the participating job service offices shall provide the
25 following precontested case proceeding services:

26 a. Independent informational services for both employees
27 and employers by providing informal assistance in determining
28 rights and obligations of employees and employers under state
29 and federal law, especially as such rights pertain to workers'
30 compensation rights and obligations. Advice or information
31 provided shall not be binding upon the division.

32 b. Workers' compensation compliance investigations, based
33 upon complaints received, or upon a random selection mechanism
34 from a list of employers within the service area.

35 c. Informal mediation of disputes between employers and

1 employees to avoid, if possible, filing of a contested case by
2 resolving disputes through mediation.

3 d. Assistance in preparation of an adequate record or an
4 initial complaint to facilitate the contested case
5 proceedings. Evidence of the initial fact gathering conducted
6 under the pilot program, or of information or advice provided
7 through the pilot program, may be introduced in a contested
8 case proceeding to the extent such information is relevant.

9 e. Other duties assigned to the pilot program employees by
10 the industrial commissioner in connection with workers'
11 compensation compliance enforcement; avoidance of contested
12 cases through improved communications among the department,
13 employees, and employers; and decentralized administrative
14 duties.

15 3. The department of employment services and the division
16 of industrial services shall employ reasonable efforts to
17 advertise and make known the availability of industrial
18 services pilot program services in the communities served.
19 Such efforts shall include notices in any departmental mass
20 mailings to employers or employees in the service areas,
21 public service announcements and advertisements, and leaflets
22 to be made available in each job service office served and to
23 be made otherwise available.

24 4. The professional staff person assigned to each
25 participating job service office of the industrial services
26 pilot program may order an employee or employer to participate
27 in an informal mediation meeting. A person who fails to
28 comply with an order to participate in mediation shall pay all
29 costs incurred by the division and other parties in connection
30 with the order and the attempted mediation, and is admissible
31 in evidence in any subsequent contested case proceeding.

32 5. There is appropriated from the general fund of the
33 state, to the division of industrial services of the
34 department of employment services, for the fiscal year
35 beginning July 1, 1990, and ending June 30, 1991, the

1 following amount, or so much thereof as is necessary, for the
2 purpose designated:

3 For industrial services pilot program salaries, support,
4 maintenance, miscellaneous purposes, and for not more than the
5 following full-time equivalent positions:

x 6	\$	360,000
x 7	FTEs	8.00

8 6. The industrial commissioner shall submit a report to
9 the general assembly on or before January 15, 1991,
10 summarizing the impact to date of the pilot program on
11 contested case proceedings filed by employees and upon
12 division compliance efforts. The commissioner shall make
13 specific recommendations on whether to continue the pilot
14 program, and whether the scope of the program should be
15 expanded to include other job service offices. It is the
16 intention of the general assembly to reduce the number of
17 contested case filings by employees through early voluntary
18 resolution of disputes between informed employees and
19 employers. Provision of accurate information by the division,
20 and mediation if necessary, early in the process is intended
21 to substantially reduce the legal and litigation expenses
22 typically incurred by employers and employees in workers'
23 compensation contested cases. Further, accurate information
24 should help employers avoid incurring unintended liability and
25 thus avoid disputes. It is also the intention of the general
26 assembly to assure that employees receive the full benefit of
27 the protections of the workers' compensation law through
28 improved compliance enforcement. The commissioner's report
29 shall analyze the pilot program in light of these goals.

30 Sec. 5.

31 1. Notwithstanding the provisions of section 96.13,
32 subsection 3, which restrict the use of moneys in the special
33 employment security contingency fund, moneys in the fund on
34 June 30, 1990, shall not be transferred by the treasurer of
35 state to either the temporary emergency surcharge fund or the

1 unemployment compensation fund, but shall be available to the
2 division of job service of the department of employment
3 services for the fiscal year beginning July 1, 1990, and
4 ending June 30, 1991, for expenditures under subsection 2.

5 2. The division of job service shall expend moneys which
6 are credited to the special employment security contingency
7 fund during the fiscal year beginning July 1, 1990, and ending
8 June 30, 1991, including moneys which are available to the
9 division of job service under subsection 1, only in accordance
10 with the following restrictions:

11 a. The division may expend up to \$559,300 from the fund
12 for the support of the county, labor survey, economic
13 development teams to assist in conducting "labor availability
14 surveys" on a county basis.

15 b. The balance of moneys in the special employment
16 security contingency fund shall be deposited by the treasurer
17 of state in the division-approved training fund which is
18 created as a special fund in the state treasury.

19 Notwithstanding section 453.7, interest or earnings from
20 moneys deposited in the division-approved training fund shall
21 be credited to that fund. The division shall use moneys from
22 the fund to pay only the instructional cost of training
23 related to tuition and course fees, approved by the division
24 pursuant to section 96.4 and 345 Iowa administrative code,
25 rules 4.39 and 4.40, for individuals who demonstrate to the
26 division's satisfaction that they are financially incapable of
27 paying the instructional cost of the approved training.

28 However, the division may expend up to \$40,000 from the fund
29 for administrative costs relating to payments for division
30 approved training.

31 Payments from the fund shall not be made to the individual
32 receiving approved training but shall be made directly to the
33 institution or person providing the approved training.

34 Payments shall not exceed \$1,000 per individual trainee in any
35 2-year period. The division shall distribute information on

1 the qualification requirements for and availability of payment
2 for the division-approved training to individuals filing
3 claims for benefits or receiving benefits under chapter 96.
4 Sec. 6.

5 There is appropriated from the administrative contribution
6 surcharge fund of the state to the department of employment
7 services for the fiscal year beginning July 1, 1990, and
8 ending June 30, 1991, the following amount, or so much thereof
9 as is necessary, for the purposes designated:

10 DIVISION OF JOB SERVICE

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

15	\$	4,895,084
16	FTEs	171.80

17 As a condition, qualification, and limitation of this
18 appropriation, the department of employment services shall
19 provide services throughout the fiscal year beginning July 1,
20 1990, and ending June 30, 1991, in all communities in which
21 job service offices are operating on July 1, 1990. However,
22 this provision shall not prevent the consolidation of multiple
23 offices within the same city or the collocation of job service
24 offices with another public agency.

25 Sec. 7.

26 There is appropriated from the general fund of the state to
27 the department of inspections and appeals for the fiscal year
28 beginning July 1, 1990, and ending June 30, 1991, the
29 following amounts, or so much thereof as is necessary, for the
30 purposes designated:

31 1. FINANCE AND SERVICES DIVISION

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

35	\$	546,796
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1 FTEs 25.00

2 Of the amount appropriated, \$13,210, or so much thereof as
3 is necessary, shall be expended for 1 FTE and necessary
4 expenses in connection with the administration of payment
5 claims to court-appointed counsel for adult and juvenile
6 indigent defense costs.

7 2. AUDITS DIVISION

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

11 \$ 559,809

12 FTEs 18.00

13 3. APPEALS AND FAIR HEARINGS DIVISION

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

17 \$ 366,991

18 FTEs 15.50

19 4. INVESTIGATIONS DIVISION

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

23 \$ 467,632

24 FTEs 39.00

25 5. HEALTH FACILITIES DIVISION

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

29 \$ 1,663,109

30 FTEs 105.00

31 6. INSPECTIONS DIVISION

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

35 \$ 929,177

1 FTEs 26.50

2 7. EMPLOYMENT APPEAL BOARD

3 For salaries, support, maintenance, miscellaneous purposes,
4 and for not more than the following full-time equivalent posi-
5 tions:

6 \$ 42,804

7 FTEs 16.80

8 The employment appeal board shall be reimbursed by the
9 labor services division of the department of employment
10 services for all costs associated with hearings conducted
11 under chapter 91C, related to contractor registration. The
12 board is authorized to expend, in addition to the amount
13 appropriated under this subsection, such amounts as are
14 directly billable to the labor services division under this
15 subsection and to retain such additional FTEs as needed to
16 conduct hearings required pursuant to chapter 91C.

17 8. FOSTER CARE REVIEW BOARD

18 For salaries, support, maintenance, miscellaneous purposes,
19 and for not more than the following full-time equivalent posi-
20 tions:

21 \$ 467,946

22 FTEs 12.85

23 Of the amount appropriated in this subsection, the
24 following amounts, or so much thereof as is necessary, shall
25 be expended for the purpose designated: for the purchase of 2
26 laptop computers, associated printers, and other hardware and
27 software, \$6,200; to expand the foster care registry
28 statewide, \$25,828 for 1.00 FTE; for the Polk county foster
29 care coordinator, \$34,342 and 1 FTE; and for expansion of the
30 foster care review system into the eighth judicial district,
31 \$74,433 and 2.50 FTEs.

32 9. The department of inspections and appeals may charge
33 state departments, agencies, and commissions for services
34 rendered and the payment received shall be considered
35 repayment receipts as defined in section 8.2, subsection 5.

1 10. BINGO AUDITORS

2 For salaries, support, maintenance, and miscellaneous
3 purposes in connection with conducting 100 percent of the
4 required bingo audits every 2 years, and for not more than the
5 following full-time equivalent positions:

6	\$	129,430
7	FTEs	3.00

8 Sec. 8.

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

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

17	\$	3,915,141
18	FTEs	93.80

19 a. Of the amount appropriated in this subsection, \$91,652,
20 or so much thereof as is necessary, shall be expended for 3
21 FTEs, and necessary expenses, to operate the Polk county
22 deposition unit.

23 b. Of the amount appropriated in this subsection, \$76,863,
24 or so much thereof as is necessary, shall be expended for 2
25 FTEs and necessary expenses for the Pottawattamie county
26 office of the public defender in connection with juvenile
27 defense expenses of that office in Pottawattamie county.

28 2. For indigent court-appointed attorney fees for adults
29 and juveniles, notwithstanding section 232.141 and chapter
30 815:

x 31	\$	10,341,229
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32 3. The office of the public defender shall be permitted to
33 transfer so much as is necessary for salaries, support,
34 maintenance, and miscellaneous purposes, for 2 FTEs from the
x 35 \$10,341,229 appropriated for indigent defense, if the

1 following conditions are satisfied:

2 a. The office of the public defender proposes the transfer
3 in the course of an expansion of services to provide public
4 defender services to persons who would otherwise be served by
5 court-appointed council funded from the indigent defense
6 appropriation.

7 b. The department of management approves the transfer upon
8 a finding that the delivery of services through the public
9 defender's office would be more cost effective.

10 c. The department of management reports the transfer of
11 moneys to the legislative fiscal bureau and to the regulation
12 appropriations subcommittee of the general assembly.

13 Sec. 9.

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

19 For salaries, support, maintenance, miscellaneous purposes,
20 and for not more than the following full-time equivalent posi-
21 tions:

22	\$	483,356
23	FTEs	11.50

24 It is the intent of the general assembly that the
25 department of inspections and appeals cross-train its
26 employees to perform more than one form of inspection or work
27 whenever possible.

28 Sec. 10.

29 There is appropriated from the general fund of the state to
30 the public employment relations board for the fiscal year
31 beginning July 1, 1990, and ending June 30, 1991, the
32 following amount, or so much thereof as is necessary, for the
33 purposes designated:

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

1 tions:

2 \$ 693,982

3 FTEs 14.00

4 Of the amount appropriated in this section, \$18,954, or so
5 much thereof as is necessary, shall be expended for .5 FTE by
6 converting a part-time administrative law judge to a full-time
7 position.

8 Sec. 11.

9 There is appropriated from the professional licensing
10 revolving fund to the professional licensing and regulation
11 division of the department of commerce, for the fiscal year
12 beginning July 1, 1990, and ending June 30, 1991, the
13 following amount, or so much thereof as is necessary, for the
14 purposes designated:

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

18 \$ 790,320

19 FTEs 10.00

20 Of the amount appropriated in this section, the following
21 amounts, or so much thereof as is necessary, shall be expended
22 for the designated purposes: \$29,045 for the real estate
23 appraisers board per diem, charges, and expenses; \$6,700 to
24 reimburse the auditor of state; \$450 to reimburse the
25 department of personnel; and \$24,768 to reimburse the office
26 of the attorney general for services provided by those
27 agencies to the division.

28 The professional licensing and regulation division may
29 expend additional funds, including funds required for
30 additional personnel, if those additional expenditures are
31 actual expenses which exceed the funds budgeted for the
32 division, and result directly from the licensing and
33 regulation of the subject professions. Before the division
34 expends or encumbers an amount in excess of the funds budgeted
35 for examinations, the director of the department of management

1 shall approve the expenditure or encumbrance. Before approval
2 is given, the director of the department of management shall
3 determine that the examination expenses exceed the funds
4 budgeted by the general assembly to the division and the
5 division does not have other funds from which the expenses can
6 be paid. Upon approval of the director of the department of
7 management, the division may expend and encumber funds for
8 excess expenses. The amounts necessary to fund the excess
9 expenses shall be collected from those persons being regulated
10 or licensed which caused the excess expenditures, and the
11 collections shall be treated as repayment receipts as defined
12 in section 8.2, subsection 5.

13 Sec. 12.

14 There is appropriated from the administrative services
15 trust fund to the administrative services division of the
16 department of commerce for the fiscal year beginning July 1,
17 1990, and ending June 30, 1991, the following amount, or so
18 much thereof as is necessary, to be used for the purposes
19 designated:

20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent posi-
22 tions:

23	\$	1,528,295
24	FTEs	43.50

25 Sec. 13.

26 Notwithstanding section 123.53, there is appropriated from
27 the beer and liquor control fund to the alcoholic beverages
28 division of the department of commerce for the fiscal year
29 beginning July 1, 1990, and ending June 30, 1991, the
30 following amount, or so much thereof as is necessary, for the
31 purposes designated:

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

35	\$	4,690,167
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1 FTEs 85.86

2 Sec. 14.

3 There is appropriated from the banking revolving fund to
4 the banking division of the department of commerce for the
5 fiscal year beginning July 1, 1990, and ending June 30, 1991,
6 the following amount, or so much thereof as is necessary, to
7 be used for the purposes designated:

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

11 \$ 5,590,448

12 FTEs 118.50

13 Of the amount appropriated in this section, the following
14 amounts, or so much thereof as is necessary, are to be
15 expended for the designated purpose: \$8,500, to reimburse the
16 auditor of state; \$6,040 to reimburse the department of
17 personnel; and \$10,000 to reimburse the attorney general for
18 services performed by those agencies for the division.

19 The banking division may expend additional funds, including
20 funds for additional personnel, if those additional
21 expenditures are actual expenses which exceed the funds
22 budgeted for bank examinations and directly result from
23 examinations of banks. Before the division expends or
24 encumbers an amount in excess of the funds budgeted for
25 examinations, the director of the department of management
26 shall approve the expenditure or encumbrance. Before approval
27 is given, the director of the department of management shall
28 determine that the examination expenses exceed the funds
29 budgeted by the general assembly to the division and that the
30 division does not have other funds from which examination
31 expenses can be paid. Upon approval of the director of the
32 department of management the division may expend and encumber
33 funds for excess examination expenses. The amounts necessary
34 to fund the excess examination expenses shall be collected
35 from those banks being regulated which caused the excess

1 expenditures, and the collections shall be treated as
2 repayment receipts as defined in section 8.2, subsection 5.
3 Sec. 15.

4 There is appropriated from the credit union revolving fund
5 to the credit union division of the department of commerce for
6 the fiscal year beginning July 1, 1990, and ending June 30,
7 1991, the following amount, or so much thereof as is
8 necessary, to be used for the purposes designated:

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

12	\$	1,037,070
13	FTEs	20.00

14 Of the amount appropriated in this section, the following
15 amounts, or so much thereof as is necessary, shall be expended
16 for the purposes designated: for the purchase of personal
17 computers, \$25,000; and to remodel administrative office space
18 for new staff added in fiscal year 1990, \$10,000.

19 Of the amount appropriated in this section, the following
20 amounts, or so much thereof as is necessary, shall be expended
21 for the purposes designated: \$6,150, to reimburse the auditor
22 of state; \$1,440, to reimburse the department of personnel;
23 and \$18,000, to reimburse the attorney general for services
24 performed by those agencies for the division.

25 The credit union division may expend additional funds,
26 including funds for additional personnel, if those additional
27 expenditures are actual expenses which exceed the funds
28 budgeted for credit union examinations and directly result
29 from examinations of credit unions. Before the division
30 expends or encumbers an amount in excess of the funds budgeted
31 for examinations, the director of the department of management
32 shall approve the expenditure or encumbrance. Before approval
33 is given, the director of the department of management shall
34 determine that the examination expenses exceed the funds
35 budgeted by the general assembly to the division and that the

1 division does not have other funds from which examination
2 expenses can be paid. Upon approval of the director of the
3 department of management the division may expend and encumber
4 funds for excess examination expenses. The amounts necessary
5 to fund the excess examination expenses shall be collected
6 from those credit unions being regulated which caused the
7 excess expenditures, and the collections shall be treated as
8 repayment receipts as defined in section 8.2, subsection 5.
9 Sec. 16.

10 There is appropriated from the savings and loan revolving
11 fund to the savings and loan division of the department of
12 commerce for the fiscal year beginning July 1, 1990, and
13 ending June 30, 1991, the following amount, or so much thereof
14 as is necessary, to be used for the purposes designated:

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

18	\$	151,818
19	FTEs	3.00

20 Of the amount appropriated in this section, the following
21 amounts, or so much thereof as is necessary, shall be expended
22 for the designated purposes: \$5,500, to reimburse the auditor
23 of state; and \$280, to reimburse the department of personnel
24 for services performed by those agencies for the division.

25 The savings and loan division may expend additional funds,
26 including funds for additional personnel, if those additional
27 expenditures are actual expenses which exceed the funds
28 budgeted for savings and loan examinations and directly result
29 from examinations of savings and loan associations. Before
30 the division expends or encumbers an amount in excess of the
31 funds budgeted for examinations, the director of the
32 department of management shall approve the expenditure or
33 encumbrance. Before approval is given, the director of the
34 department of management shall determine that the examination
35 expenses exceed the funds budgeted by the general assembly to

1 the division and that the division does not have other funds
2 from which examination expenses can be paid. Upon approval of
3 the director of the department of management the division may
4 expend and encumber funds for excess examination expenses.
5 The amounts necessary to fund the excess examination expenses
6 shall be collected from those savings and loan associations
7 being regulated which caused the excess expenditures, and the
8 collections shall be treated as repayment receipts as defined
9 in section 8.2, subsection 5.

10 Sec. 17.

11 There is appropriated from the insurance revolving fund to
12 the insurance division of the department of commerce for the
13 fiscal year beginning July 1, 1990, and ending June 30, 1991,
14 the following amount, or so much thereof as is necessary, to
15 be used for the purposes designated:

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

19	\$	4,282,403
20	FTEs	92.33

21 Of the amount appropriated in this section, the following
22 amounts, or so much thereof as is necessary, shall be expended
23 for the designated purposes: \$91,619, for travel expenses of
24 examination teams; and \$7,315, to reimburse the department of
25 personnel for services performed for the division.

26 It is the intent of the general assembly that the depart-
27 ment of commerce shall transfer 60 percent of insurance
28 nonexamination revenues received for the fiscal year beginning
29 July 1, 1990, and ending June 30, 1991, to the general fund of
30 the state. If the remaining 40 percent of nonexamination
31 revenues is insufficient, or is estimated to be insufficient,
32 to fully fund the division's appropriation pursuant to this
33 section, the division shall retain such amount from the 60
34 percent of nonexamination revenues as is necessary to fully
35 fund the division's appropriation.

1 The insurance division may expend additional funds,
2 including funds for additional personnel, if those additional
3 expenditures are actual expenses which exceed the funds
4 budgeted for insurance company examinations and directly
5 result from examinations of insurance companies. Before the
6 division expends or encumbers an amount in excess of the funds
7 budgeted for examinations, the director of the department of
8 management shall approve the expenditure or encumbrance. Be-
9 fore approval is given, the director of the department of man-
10 agement shall determine that the examination expenses exceed
11 the funds budgeted by the general assembly to the division and
12 that the division does not have other funds from which
13 examination expenses can be paid. Upon approval of the
14 director of the department of management the division may
15 expend and encumber funds for excess examination expenses.
16 The amounts necessary to fund the excess examination expenses
17 shall be collected from those insurance companies being
18 regulated which caused the excess expenditures, and the
19 collections shall be treated as repayment receipts as defined
20 in section 8.2, subsection 5.

21 Sec. 18.

22 There is appropriated from the utilities trust fund to the
23 utilities division of the department of commerce for the
24 fiscal year beginning July 1, 1990, and ending June 30, 1991,
25 the following amount, or so much thereof as is necessary, to
26 be used for the purposes designated:

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

30	\$	4,650,920
31	FTEs	87.50

32 Of the amount appropriated in this section, the following
33 amounts, or so much thereof as is necessary, shall be expended
34 for the designated purposes: \$33,000, to reimburse the
35 department of general services for increased rent expenses;

1 and \$3,000, to reimburse the department of personnel for
2 services performed for the division.

3 Sec. 19.

4 There is appropriated from the racing commission fund to
5 the racing and gaming commission for the fiscal year beginning
6 July 1, 1990, and ending June 30, 1991, the following amount,
7 or so much thereof as is necessary, to be used for the
8 purposes designated:

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

12	\$	1,793,953
13	FTEs	35.49

14 The racing and gaming commission shall provide, in the
15 budget forms for the fiscal year beginning July 1, 1991, and
16 ending June 30, 1992, a separate line item for veterinarian
17 services and another line item for body fluid testing of dogs
18 and horses. These items shall also be designated in the base
19 budget package and any decision packages in which they appear
20 in the budget forms. Other professional and scientific
21 services may be combined into an additional line item, but
22 must be clearly explained in the budget narrative section of
23 the budget forms.

24 Sec. 20.

25 There is appropriated from the excursion boat gambling
26 revolving fund to the racing and gaming commission, for the
27 fiscal year beginning July 1, 1990, and ending June 30, 1991,
28 the following amount, or so much thereof as is necessary, to
29 be used for the purposes designated:

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

34	\$	418,213
35	FTEs	17.00

1 Sec. 21.

5222 1. There is appropriated from the general fund of the
3 state to the racing and gaming commission of the department of
4 inspections and appeals, for the fiscal period beginning July
5 1, 1990, and ending June 30, 1992, for deposit in the
6 excursion boat gambling revolving fund, \$265,154.

7 Notwithstanding section 8.33, unencumbered and unobligated
8 moneys of the moneys appropriated in this subsection on June
9 30, 1991, shall not revert to the general fund of the state
10 but shall remain available for expenditure for the purposes
11 specified.

12 2. The amount appropriated from the general fund of the
13 state in subsection 1 is appropriated from the excursion boat
14 gambling revolving fund to the treasurer of state, to be
15 transferred to and deposited in the general fund of the state
16 no later than June 30, 1992.

17 3. There is appropriated from the excursion boat gambling
18 revolving fund to the racing and gaming commission, for the
19 fiscal year beginning July 1, 1990, and ending June 30, 1991,
20 the following amount, or so much thereof as is necessary, to
21 be used for the purposes designated:

22 For salaries, support, maintenance, miscellaneous purposes,
23 and for not more than the following full-time equivalent
24 positions for administration and enforcement of the excursion
25 boat gambling laws in connection with the initial 3 excursion
26 gambling boats to be licensed:

27	\$	265,154
28	FTEs	5.25

29 The appropriation in this section is in addition to the
30 appropriation to the racing and gaming commission from the
31 excursion boat gambling revolving fund in section 20.

32 The racing and gaming commission may expend additional
33 moneys from the excursion boat gambling revolving fund as are
34 reasonably necessary for the regulation and enforcement of
35 additional licensed excursion gambling boats beyond the

1 initial 3 boats for which an appropriation is provided,
2 conditioned upon the following requirements:

3 a. The commission shall request approval from the
4 department of management to expend additional moneys in
5 connection with additional licensed boats.

6 b. The department of management's approval of the request,
7 provided that the additional expenditure shall not exceed
8 \$114,417 and 5.0 FTEs for each additional licensed boat beyond
9 the initial 3 excursion gambling boats.

10 c. The department of management shall notify the
11 legislative fiscal bureau of the additional moneys to be
12 expended.

5292

13 Sec. 22. NEW SECTION. 11.21A REPAYMENT OF AUDIT EXPENSES
14 BY STATE DEPARTMENTS AND AGENCIES.

15 The auditor of state shall be reimbursed by a department or
16 agency for performing examinations of the following state
17 departments or agencies, or funds received by a department or
18 agency:

- 19 1. Department of commerce.
- 20 2. Department of human services.
- 21 3. State department of transportation.
- 22 4. Iowa department of public health.
- 23 5. State board of regents.
- 24 6. Department of agriculture and land stewardship.
- 25 7. Department of economic development.
- 26 8. Department of education.
- 27 9. Department of employment services.
- 28 10. Department of natural resources.
- 29 11. Offices of the clerks of the district court of the
30 judicial department.
- 31 12. The Iowa public employees' retirement system.
- 32 13. Federal financial assistance, as defined in Pub. L.
33 No. 98-502, received by all other departments.

34 Sec. 23. Section 96.7, subsection 12, paragraph d, Code
35 Supplement 1989, is amended by striking the paragraph.

5292

1 Sec. 24. Section 114.12, Code 1989, is amended to read as
2 follows:

3 114.12 DISPOSITION OF FEES.

4 The secretary shall collect and account for all fees
5 provided for by this chapter and pay the same to the treasurer
6 of state who shall deposit the fees in the ~~general fund of the~~
7 state professional licensing revolving fund.

8 Sec. 25. Section 116.3, subsection 3, unnumbered paragraph
9 1, Code 1989, is amended to read as follows:

10 3. All fees and other moneys received by the board,
11 pursuant to the provisions of this chapter, shall be paid
12 monthly to the treasurer of state for deposit in the
13 professional licensing revolving fund.

14 Sec. 26. Section 117.14, Code Supplement 1989, is amended
15 to read as follows:

16 117.14 FEES AND EXPENSES.

17 All fees and charges collected by the real estate
18 commission under this chapter shall be paid into the ~~general~~
19 ~~fund in the state treasury~~ professional licensing revolving
20 fund, except that the equivalent of ten dollars per year of
21 the fees for each real estate salesperson's or broker's
22 license shall be paid into the Iowa real estate education fund
23 created in section 117.54. All expenses incurred by the
24 commission under this chapter, including compensation of staff
25 assigned to the commission, shall be paid out of the ~~general~~
26 ~~fund in the state treasury~~ professional licensing revolving
27 fund, except for expenses incurred and compensation paid for
28 the real estate education director, which shall be paid out of
29 the real estate education fund.

30 Sec. 27. Section 117B.6, subsection 2, Code Supplement
31 1989, is amended to read as follows:

32 2. Fees collected by the board shall be transmitted to the
33 treasurer of state who shall deposit the fees in the ~~general~~
34 ~~fund of the state~~ professional licensing revolving fund.

35 Sec. 28. Section 118.11, unnumbered paragraph 2, Code

1 1989, is amended to read as follows:

2 All fees shall be paid to the treasurer of state and
3 deposited in the general-fund-of-the-state professional
4 licensing revolving fund.

5 Sec. 29. Section 118A.14, unnumbered paragraph 2, Code
6 1989, is amended to read as follows:

7 All fees shall be collected by the secretary, paid to the
8 treasurer of state and deposited in the general-fund-of-the
9 state professional licensing revolving fund.

10 Sec. 30. Section 534.408, subsection 1, unnumbered
11 paragraph 1, Code 1989, is amended to read as follows:

12 Associations shall pay fees by delivering to the
13 superintendent a check payable to the savings and loan
14 division of the department of commerce. All fees collected
15 under this chapter shall be deposited with the treasurer of
16 state in a separate fund to be known as the savings and loan
17 revolving fund, except eleven thousand dollars each fiscal
18 year shall be transferred to the general fund of the state.

19 Provided, however, a lesser amount may be transferred to the
20 extent unobligated moneys in the revolving fund are
21 insufficient to transfer the full eleven thousand dollars.

22 The amount actually transferred shall be considered as one of
23 the costs of the savings and loan division. All expenses
24 necessary to carry out this chapter shall be paid from the
25 savings and loan revolving fund and appropriated by the
26 general assembly from the fund.

27 Sec. 31. Section 546.10, Code 1989, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 5. There is created in the office of the
30 treasurer of state a professional licensing revolving fund.
31 Fees collected under chapters 114, 116, 117, 117B, 118, and
32 118A shall be paid to the treasurer of state and credited to
33 the professional licensing revolving fund. All expenses
34 required in the discharge of the duties and responsibilities
35 imposed upon the professional licensing division of the

1 department of commerce, the administrator, and the licensing
2 boards by the laws of this state shall be paid from the
3 revolving fund and appropriated by the general assembly from
4 the fund. Transfers shall not be made from the general fund
5 of the state or any other fund for the payment of expenses of
6 the division. Fees collected by the division shall not be
7 transferred to the general fund. The funds held by the
8 treasurer of state for the professional licensing division of
9 the department of commerce shall be invested by the treasurer
10 of state and the income derived from the investments shall be
11 credited to the general fund of the state.

12 EXPLANATION

13 This bill makes appropriations to various regulatory
14 agencies, boards, commissions, and programs of state
15 government for the fiscal year beginning July 1, 1990, and
16 ending June 30, 1991 (FY 91).

17 Section 1 provides funding for the auditor of state, and
18 allows the auditor to spend additional moneys from
19 unappropriated moneys in the general fund upon the approval of
20 the department of management and notification of the
21 legislative fiscal bureau and legislative fiscal committee,
22 provided that the expenditures are in connection with
23 reimbursable audits, such as those performed for local
24 governments. When the money is reimbursed it is then required
25 to be repaid to the general fund. Previous years' provisions
26 permitting direct billing of other state departments and
27 agencies for audit services has been codified in section 22 of
28 the bill.

29 Section 2 funds the campaign finance disclosure commission
30 from the general fund.

31 Section 3 funds the department of employment services,
32 including the following divisions of the department: labor
33 services and industrial services. The appropriation for the
34 division of industrial services fully funds the 5 additional
35 deputy industrial commissioners and related staff and support,

1 recommended by the workers' compensation interim study
2 committee to reduce the workers' compensation contested case
3 backlog.

4 Section 4 funds a pilot program to provide informational
5 and mediation services from certain job service offices to
6 minimize the number of workers' compensation contested case
7 filings by avoidance and early resolution of disputes.

8 Section 5 permits use of moneys in the special employment
9 security contingency fund for specified programs, including
10 support of the county, labor survey, economic development
11 teams, and division-approved training.

12 Section 6 appropriates moneys from the administrative
13 contribution surcharge fund to the department of employment
14 services, division of job service.

15 Section 7 funds the department of inspections and appeals
16 from the general fund.

17 Section 8 funds the office of the state public defender and
18 court-appointed attorney fees for indigent defense from the
19 general fund. The state public defender is authorized to
20 transfer funds from indigent defense to the public defender's
21 program upon the approval of the department of management to
22 fund up to 2 full-time equivalent positions, authorized but
23 not funded under the office's appropriation, to extend public
24 defender services to people who would otherwise be served by
25 court-appointed counsel. Other programs specifically funded
26 include maintenance of the Polk county deposition office and
27 juvenile defense costs incurred by the Pottawattamie county
28 office of the public defender.

29 Section 9 appropriates moneys from the road use tax fund to
30 the department of inspections and appeals.

31 Section 10 appropriates moneys from the general fund of the
32 state to the public employment relations board.

33 Section 11 appropriates moneys from the professional
34 licensing revolving fund to the professional licensing and
35 regulation division of the department of commerce. A change

1 in structure for the appropriations to the department of
2 commerce divisions is that specific payments are not provided
3 for to the general fund for administrative services performed
4 by central agencies as has been the practice in past years.
5 Rather, each agency providing central services, such as the
6 auditor, attorney general, or department of personnel, has
7 been permitted to direct bill the department or division
8 receiving services, and estimates for such services are built
9 into the budget proposal for department or division. The same
10 is true for contributions to the department of commerce's
11 administrative services trust fund.

12 Section 12 appropriates moneys from the administrative
13 services trust fund to the administrative services division of
14 the department of commerce.

15 Section 13 appropriates moneys from the beer and liquor
16 control fund to the alcoholic beverages division of the
17 department of commerce.

18 Section 14 appropriates moneys from the banking revolving
19 fund to the banking division of the department of commerce.
20 Similar to the division of professional licensing, prior
21 years' provisions for payments to the general fund, including
22 a statutory annual transfer from the division revolving fund
23 of \$60,000, have been deleted and replaced with specified
24 amounts budgeted for direct-billed services by departments or
25 agencies providing central services, such as the auditor, the
26 department of personnel, the administrative services division,
27 and the attorney general.

28 Section 15 appropriates moneys from the credit union
29 revolving fund to the credit union division of the department
30 of commerce. Changes similar to those provided for in the
31 division of banking section are made with regard to the credit
32 union division. These changes do not necessarily change the
33 amount paid for central services, but the manner such expenses
34 are reflected in the bill itself. Additional expenses funded
35 for the credit union division include moneys for personal

1 computers and remodeling administrative office space to
2 accommodate new staff added in fiscal year 1990.

3 Section 16 appropriates moneys from the savings and loan
4 revolving fund to the savings and loan division of the
5 department of commerce. Parallel structural changes in the
6 reporting of central services expenses to those in other
7 department of commerce divisions are included in this section
8 as well.

9 Section 17 appropriates moneys from the insurance revolving
10 fund to the insurance division of the department of commerce.
11 Parallel structural changes in reporting central services
12 expenses are made, but the insurance division revolving fund
13 continues to transfer a substantial portion (50%) of
14 nonexamination revenues to the general fund.

15 Section 18 appropriates moneys from the utilities trust
16 fund to the utilities division of the department of commerce.

17 Section 19 appropriates moneys from the racing commission
18 fund to the racing and gaming commission.

19 Section 20 appropriates moneys from the excursion boat
20 gambling revolving fund to the racing and gaming commission
21 for administration and enforcement of the excursion boat
22 gambling laws.

23 Section 21 appropriates start-up moneys to the racing and
24 gaming commission in connection with the administration and
25 enforcement of riverboat gambling laws for the initial 3
26 excursion gambling boats licensed. The \$265,154 appropriated
27 is to be repaid from the excursion boat revolving fund to the
28 general fund inside of 2 years. The racing and gaming
29 commission is permitted to expend additional moneys from the
30 revolving fund upon the approval of the department of
31 management if more than 3 excursion gambling boats are
32 licensed.

33 Section 22 codifies provisions previously repeated annually
34 to permit the auditor of state to direct bill specified state
35 departments and agencies, or funds received by a department or

1 agency for audit services performed by the auditor of state.

2 Section 23 removes the sunset upon the administrative
3 contribution surcharge which would otherwise expire July 1,
4 1990, and no longer be collected.

5 Sections 24 through 29 amend Code sections relating to
6 individual professional licensing boards to provide that fees
7 collected under the relevant chapters are deposited into the
8 professional licensing revolving fund instead of into the
9 general fund as currently provided. This corresponds with
10 actual practice after the creation of the revolving fund.

11 Section 30 amends the Code requirement that the savings and
12 loan revolving fund annually transfer \$11,000 to the general
13 fund, to allow transfer of less than that amount if
14 unobligated funds remaining in the fund are insufficient to
15 transfer the full \$11,000. Because of reorganization of
16 savings and loans and the likelihood that some state chartered
17 savings and loans will convert to a national charter, fund
18 revenue may be insufficient to transfer the full amount
19 historically anticipated and required.

20 Section 31 codifies the professional licensing revolving
21 fund currently in existence pursuant to the 1988 Acts, chapter
22 1274, section 13.

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SENATE FILE 2328

S-5221

1 Amend Senate File 2328 as follows:

2 1. Page 18, by inserting after line 35, the
3 following:

4 "Sec. _____.

5 There is appropriated from the insurance revolving
6 fund to the insurance division of the department of
7 commerce for the fiscal year beginning July 1, 1989,
8 and ending June 30, 1991, the following amount, or so
9 much thereof as is necessary, to be used for the
10 purposes designated:

11 For a contract for the mass-loading and processing
12 of insurance agent licensing and continuing education
13 data:

14 \$ 60,000

15 As a condition, qualification, and limitation of
16 this appropriation, the division shall report on or
17 before January 1, 1991, on the reduction in delays in
18 agent continuing education, licensing, and company
19 appointments data processing occurring, or to occur,
20 as a result of this contract. The report shall be
21 delivered to the legislative fiscal bureau."

By JOE WELSH

S-5221 FILED FEBRUARY 26, 1990

ADOPTED (p. 723)

SENATE FILE 2328

S-5224

1 Amend Senate File 2328 as follows:

2 1. Page 3, line 8, by striking the figure
3 "214,258" and inserting the following: "344,258".

By JOE WELSH

S-5224 FILED FEBRUARY 26, 1990

ADOPTED (p. 722)

SENATE FILE 2328

S-5226

1 Amend Senate File 2328 as follows:

2 1. Page 4, line 17, by striking the words "Des
3 Moines,".

4 2. Page 6, line 6, by striking the figure
5 "360,000" and inserting the following: "270,000".

6 3. Page 6, line 7, by striking the figure "8.00"
7 and inserting the following: "6.00".

By JOE J. WELSH

S-5226 FILED FEBRUARY 26, 1990

ADOPTED (p. 722)

SENATE FILE 2328

S-5211

1 Amend Senate File 2328 as follows:

2 1. Page 22, line 35, by inserting after the word
3 "paragraph" the following: "and inserting in lieu
4 thereof the following:

5 d. This subsection is repealed July 1, 1994, and
6 the repeal is applicable to contribution rates for
7 calendar year 1995 and subsequent calendar years."

8 2. Page 25, by inserting after line 11 the fol-
9 lowing:

10 "Sec. ____ . Section 23 of this Act, being deemed of
11 immediate importance, takes effect June 30, 1990."

12 3. Title page, line 6, by inserting after the
13 word "commission" the following: ", and providing an
14 effective date".

15 4. By renumbering as necessary.

By RICHARD RUNNING
JOHN A. PETERSON
H. KAY HEDGE

NORMAN J. GOODWIN
WILLIAM D. PALMER

S-5211 FILED FEBRUARY 22, 1990

(Adopted 2/26 (p. 723))

SENATE FILE 2328

S-5220

1 Amend Senate File 2328 as follows:

2 1. Page 24, by inserting after line 9, the
3 following:

4 "Sec. ____ . Section 524.207, unnumbered paragraph
5 1, Code 1989, is amended to read as follows:

6 All expenses required in the discharge of the
7 duties and responsibilities imposed upon the banking
8 division of the department of commerce, the
9 superintendent, and the state banking board by the
10 laws of this state shall be paid from fees provided by
11 the laws of this state and appropriated by the general
12 assembly from the fund established in this section.
13 All of these fees are payable to the superintendent.
14 The superintendent shall pay all the fees and other
15 money received by the superintendent to the treasurer
16 of state within the time required by section 12.10.
17 The treasurer of state shall hold these funds in a
18 banking revolving fund that shall be established in
19 the name of the superintendent for the payment of the
20 expenses of the division. This fund is subject at all
21 times to the warrant of the department of revenue and
22 finance, drawn upon written requisition of the
23 superintendent or the superintendent's designated
24 representative, for the payment of all salaries and
25 other expenses necessary to carry out the duties of
26 the banking division of the department of commerce.
27 The superintendent may keep on hand with the treasurer
28 of state funds in excess of the current needs of the
29 division to the extent approved by the state banking
30 board. Transfers shall not be made from the general
31 fund of the state or any other fund for the payment of
32 the expenses of the division. No part of the funds
33 held by the treasurer of state for the account of the
34 superintendent shall be transferred to the general
35 fund of the state or any other fund, except as
36 follows: Sixty thousand dollars each fiscal year
37 shall be transferred to the general fund of the state.
38 However, a lesser amount may be transferred to the
39 extent unobligated moneys in the trust fund are
40 insufficient to transfer the full sixty thousand
41 dollars. That amount actually transferred shall be
42 considered as one of the costs of the division. The
43 funds held by the treasurer of state for the account
44 of the superintendent shall be invested by the
45 treasurer of state and the income derived from these
46 investments shall be credited to the general fund of
47 the state.

48 Sec. ____ . Section 533.67, unnumbered paragraph 1,
49 Code 1989, is amended to read as follows:

50 All expenses required in the discharge of the

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1 duties and responsibilities imposed upon the credit
2 union division, the superintendent, and the credit
3 union review board by the laws of this state shall be
4 paid from fees provided by the laws of this state and
5 appropriated by the general assembly from the fund
6 established in this section. All of these fees are
7 payable to the superintendent. The superintendent
8 shall pay all the fees and other money received by the
9 superintendent to the treasurer of state within the
10 time required by section 12.10. The treasurer of
11 state shall hold these funds in a credit union
12 revolving fund that shall be established in the name
13 of the superintendent for the payment of the expenses
14 of the division. This fund is subject at all times to
15 the warrant of the department of revenue and finance,
16 drawn upon written requisition of the superintendent
17 or the superintendent's designated representative, for
18 the payment of all salaries and other expenses
19 necessary to carry out the duties of the division.
20 The superintendent may keep on hand with the treasurer
21 of state funds in excess of the current needs of the
22 division to the extent approved by the credit union
23 review board. No transfers shall be made from the
24 general fund of the state or any other fund for the
25 payment of the expenses of the division. No part of
26 the funds held by the treasurer of state for the
27 account of the superintendent shall be transferred to
28 the general fund of the state or any other fund,
29 except as follows: Thirty thousand dollars each
30 fiscal year shall be transferred to the general fund
31 of the state. However, a lesser amount may be
32 transferred to the extent unobligated moneys in the
33 trust fund are insufficient to transfer the full
34 thirty thousand dollars. The amount actually
35 transferred shall be considered as one of the costs of
36 the division. The funds held by the treasurer of
37 state for the account of the superintendent shall be
38 invested by the treasurer of state and the income
39 derived from these investments shall be credited to
40 the general fund of the state."

41 2. By renumbering as necessary.

By JOE WELSH

S-5220 FILED FEBRUARY 26, 1990

ADOPTED (p. 723)

SENATE FILE 2328

S-5233

1 Amend Senate File 2328 as follows:

2 1. Page 21, lines 3 and 4, by striking the words
3 "of the department of inspections and appeals".

4 2. Page 22, by inserting after line 35 the
5 following:

6 "STATE RACING AND GAMING COMMISSION

7 Sec. ____ . Section 99D.5, subsection 1, Code
8 Supplement 1989, is amended to read as follows:

9 1. A state racing and gaming commission is created
10 ~~within the~~ as a separate department of inspections and
11 ~~appeals consisting.~~ The membership of the commission
12 shall consist of five members who shall be appointed
13 by the governor subject to confirmation by the senate,
14 and who shall serve not to exceed a three-year term at
15 the pleasure of the governor. The term of each member
16 shall begin and end as provided in section 69.19.

17 Sec. ____ . Section 99D.15, Code Supplement 1989, is
18 amended to read as follows:

19 99D.15 PARI-MUTUEL WAGERING TAXES -- RATE --
20 CREDIT.

21 1. A tax of six percent is imposed on the gross
22 sum wagered by the pari-mutuel method at each horse
23 race meeting. The tax imposed by this subsection
24 shall be paid by the licensee to the treasurer of
25 state commission within ten days after the close of
26 each horse race meeting and shall be distributed as
27 follows:

28 a. If the racetrack is located in a city, five
29 percent of the gross sum wagered shall be deposited in
30 ~~the general fund of the state~~ with the commission.
31 One-half of one percent of the gross sum wagered shall
32 be remitted to the treasurer of the city in which the
33 racetrack is located and shall be deposited in the
34 general fund of the city. The remaining one-half of
35 one percent of the gross sum wagered shall be remitted
36 to the treasurer of the county in which the racetrack
37 is located and shall be deposited in the general fund
38 of the county.

39 b. If the racetrack is located in an
40 unincorporated part of a county, five and one-half
41 percent of the gross sum wagered shall be deposited in
42 ~~the general fund of the state~~ with the commission.
43 The remaining one-half of one percent of the gross sum
44 wagered shall be remitted to the treasurer of the
45 county in which the racetrack is located and shall be
46 deposited in the general fund of the county.

47 2. A tax credit of up to five percent of the gross
48 sum wagered per year shall be granted to licensees
49 licensed for horse races and paid into a special fund
50 for the purpose of retiring the annual debt on the

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1 cost of construction of the licensed facility.
2 However, the tax credit is equal to six percent of the
3 gross sum wagered in a year when the gross sum wagered
4 is less than ninety million dollars. Any portion of
5 the credit not used in a particular year shall be
6 retained by the treasurer-of-state commission. A tax
7 credit shall first be assessed against any share going
8 to a city, then to the share going to a county, and
9 then to the share going to the state.

10 3. a. A tax is imposed on the gross sum wagered
11 by the pari-mutuel method at each track licensed for
12 dog races. The tax imposed by this subsection shall
13 be paid by the licensee to the treasurer-of-state
14 commission within ten days after the close of the
15 track's racing season. The rate of tax on each track
16 is as follows:

17 (1) Six percent, if the gross sum wagered in the
18 racing season is fifty-five million dollars or more.

19 (2) Five percent, if the gross sum wagered in the
20 racing season is thirty million dollars or more but
21 less than fifty-five million dollars.

22 (3) Four percent, if the gross sum wagered in the
23 racing season is less than thirty million dollars.

24 b. The tax revenue shall be distributed as
25 follows:

26 (1) If the racetrack is located in a city, one-
27 half of one percent of the gross sum wagered shall be
28 remitted to the treasurer of the city in which the
29 racetrack is located and shall be deposited in the
30 general fund of the city. One-half of one percent of
31 the gross sum wagered shall be remitted to the
32 treasurer of the county in which the racetrack is
33 located and shall be deposited in the general fund of
34 the county. The remaining amount shall be deposited
35 in-the-general-fund-of-the-state with the commission.

36 (2) If the racetrack is located in an
37 unincorporated part of a county, one-half of one
38 percent of the gross sum wagered shall be remitted to
39 the treasurer of the county in which the racetrack is
40 located and shall be deposited in the general fund of
41 the county. The remaining amount shall be deposited
42 in-the-general-fund-of-the-state with the commission.

43 c. If the rate of tax imposed under paragraph "a"
44 is five percent or four percent, a track shall set
45 aside for retiring the debt of the racetrack
46 facilities or for capital improvement to the racetrack
47 facilities the following amount:

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

S-5233

Page 3

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

4 Sec. _____. Section 99D.17, Code 1989, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 99D.17 USE OF FUNDS.

8 Funds received pursuant to sections 99D.14 and
9 99D.15 shall be deposited in the pari-mutuel
10 regulation fund created in the racing and gaming
11 commission of the department of inspections and
12 appeals. These funds shall first be used to the
13 extent appropriated by the general assembly and as
14 provided in section 99D.18. The remainder shall be
15 transferred to the treasurer of state to be deposited
16 in the general fund of the state. The commission is
17 subject to the budget requirements of chapter 8 and
18 the applicable auditing requirements and procedures of
19 chapter 11.

20 Sec. _____. Section 99D.18, Code 1989, is amended to
21 read as follows:

22 99D.18 SURPLUS FUNDS -- HOW USED.

23 From the balance of the funds coming into the hands
24 of the commission pursuant to ~~section~~ sections 99D.14
25 and 99D.15, fifty thousand dollars shall be used by
26 the Iowa state university college of veterinary
27 medicine to develop further research on the treatment
28 of equine injuries and diseases and fifty thousand
29 dollars shall be used by the Iowa state university
30 college of veterinary medicine to develop further
31 research on the treatment of dog injuries and
32 diseases. ~~The remaining funds shall be retained by~~
33 ~~the commission and may be distributed to a research~~
34 ~~program or project which the commission determines to~~
35 ~~be worthy and would benefit the racing industry in the~~
36 ~~state."~~

37 3. By renumbering as necessary.

By JOE WELSH

S-5233 FILED FEBRUARY 26, 1990

ADOPTED *as amended by 5239 2/26 (p. 724)*

SENATE FILE 2328

S-5232

1 Amend Senate File 2328 as follows:

2 1. Page 22, by inserting after line 12 the
3 following:

4 "Sec. _____.

5 Each appropriation from the general fund of the
6 state contained in this Act shall be reduced by one
7 and one-half percent."

8 2. By renumbering as necessary.

By JOE WELSH

S-5232 FILED FEBRUARY 26, 1990

ADOPTED *(p. 724)*

SENATE FILE 2328

S-5237

- 1 Amend Senate File 2328 as follows:
2 1. Page 7, by inserting after line 30 the fol-
3 lowing:
4 "c. The division may expend moneys in the fund in
5 accordance with section 96.13, subsection 3, paragraph
6 "a", for the payment of costs of administration which
7 are found not to have been properly and validly
8 chargeable against federal grants or other funds,
9 received for or in the employment security
10 administration fund."
11 2. By renumbering, relettering, and redesignating
12 as necessary.

By RICHARD RUNNING

S-5237 FILED FEBRUARY 26, 1990

ADOPTED (p. 725)

SENATE FILE 2328

S-5238

- 1 Amend Senate File 2328 as follows:
2 1. Page 11, line 31, by striking the figure
3 "10,341,229" and inserting the following:
4 "10,090,127".
5 2. Page 11, line 35, by striking the figure
6 "10,341,229" and inserting the following:
7 "10,090,127".

By RICHARD RUNNING

S-5238 FILED FEBRUARY 26, 1990

WITHDRAWN (p. 727)

SENATE FILE 2328

S-5239

- 1 Amend the amendment, S-5233, to Senate File 2328,
2 as follows:
3 1. Page 3, by inserting after line 36 the
4 following:
5 "Sec. _____. The sections of this Act amending
6 chapter 99D, being deemed of immediate importance,
7 take effect upon enactment."
8 _____. Title, line 6, by inserting after the word
9 "commission" the following: ", and providing an
10 effective date".

By JOE J. WELSH

S-5239 FILED FEBRUARY 26, 1990

ADOPTED (p. 726)

Approp. 2/27 Amended per 559.50 to Sec 3/7

SENATE FILE **2328**
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 7291SC)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 26, 1990)

- _____ - New Language by the Senate
- * - Language Stricken by the Senate

Passed Senate, Date 3/28/90 (p 1367) Passed House, ^{Amended} Date 3/23/90 (p 1369)
 Vote: Ayes 41 Nays 6 Vote: Ayes 89 Nays 0

Approved State Veterinarian 4/5/90

Motion to reconsider (p 1375) passed 3/29
 Passed Senate 3/29/90 (p 1396) 46-2 A BILL FOR
 Passed House 3/30/90 (p 1633) 82-8

1 An Act relating to and making appropriations to regulatory bodies
 2 of state government, including the auditor of state, the
 3 campaign finance disclosure commission, the department of
 4 employment services, the office of the state public defender,
 5 the department of inspections and appeals, the department of
 6 commerce, and the racing and gaming commission, and providing
 7 an effective date.

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

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S.F. 2328

1 Section 1.

2 There is appropriated from the general fund of the state to
3 the office of the auditor of state for the fiscal year
4 beginning July 1, 1990, and ending June 30, 1991, the
5 following amount, or so much thereof as is necessary, to be
6 used for the purposes designated:

7 For salaries, support, maintenance, miscellaneous purposes,
8 and for not more than the following full-time equivalent posi-
9 tions:

10	\$	2,036,602
11	FTEs	154.50

12 Of the amount appropriated in this section, \$276,952, or so
13 much thereof as is necessary, is to be expended for 19 FTEs,
14 which are new positions, to conduct audits required to prepare
15 financial statements related to full implementation of
16 generally accepted accounting principles (GAAP). The
17 authorization for 19 additional FTEs in this paragraph is
18 intended to be a one-time appropriation, and those positions
19 are not intended to be funded in subsequent fiscal years.

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

25 1. The amount expended is proportional to the costs that
26 are reimbursable from the entity being audited, including but
27 not limited to expenses reimbursable pursuant to section
28 11.5A, 11.20, or 11.21.

29 2. The auditor of state submits a request to the
30 department of management to expend a specific additional
31 amount in connection with specified reimbursable audits.

32 3. The department of management approves the additional
33 spending from any unappropriated funds in the state treasury
34 upon a finding that all or substantially all of the amount
35 requested and approved will be reimbursable from the entity

1 being audited.

2 4. The department of management notifies the legislative
3 fiscal bureau of any additional moneys approved.

4 5. The department of management notifies the legislative
5 fiscal committee of any additional moneys approved prior to
6 the expenditure.

7 6. Upon payment or reimbursement by the entity, the
8 auditor of state shall credit the payments to the state
9 treasury for deposit in the general fund.

10 The auditor of state shall discontinue the use of the
11 revolving fund currently used to fund reimbursable audits, and
12 shall instead use moneys from the general fund as provided in
13 this section to perform reimbursable audits.

14 Sec. 2.

15 There is appropriated from the general fund of the state to
16 the campaign finance disclosure commission for the fiscal year
17 beginning July 1, 1990, and ending June 30, 1991, the
18 following amount, or so much thereof as is necessary, for the
19 purposes designated:

20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent posi-
22 tions:

23	\$	239,118
24	FTEs	5.75

25 Sec. 3.

26 There is appropriated from the general fund of the state to
27 the department of employment services for the fiscal year
28 beginning July 1, 1990, and ending June 30, 1991, the
29 following amounts, or so much thereof as is necessary, for the
30 purposes designated:

31 1. DIVISION OF LABOR SERVICES

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

35	\$	2,727,562
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1 FTEs 104.80

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

6 Of the amount appropriated under this subsection, the
7 following amounts, or so much thereof as is necessary, shall
8 be expended for the designated purposes: \$344,258, for 10
9 FTEs to enforce the Iowa minimum wage law; \$98,974, for 3.0
10 FTEs in connection with asbestos removal; \$14,108, for 1 FTE
11 to implement a recordkeeping system to meet federal
12 occupational and health administration requirements; and
13 \$70,244, for 2 FTEs for administration and enforcement of the
14 contractor registration program.

15 2. DIVISION OF INDUSTRIAL SERVICES

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

19 \$ 2,058,120
20 FTEs 47.76

21 As a condition, qualification, and limitation of the funds
22 appropriated by this subsection, \$471,508, or so much thereof
23 as is necessary, shall be expended for 11 FTEs, and necessary
24 expenses, including 5 deputy industrial commissioners, 2 word
25 processors, 3 data entry operators, and 1 insurance program
26 specialist to expedite the administrative hearing process for
27 workers' compensation cases, and to assist in reducing the
28 contested case backlog.

29 Of the amount appropriated under this subsection, \$116,000,
30 or so much thereof as is necessary, is to reimburse the
31 department of employment services, for data processing costs.

32 The division shall continue charging a \$65 filing fee for
33 workers' compensation cases. The filing fee shall be paid by
34 the petitioner of a claim; however, the fee can be taxed as a
35 cost, and therefore, paid by the losing party, except in cases

1 where it would impose an undue hardship or be unjust in the
2 circumstances.

3 The department of employment services, the department of
4 personnel, and the department of management shall work
5 together to ensure that as nearly as possible all full-time
6 equivalent positions authorized and funded for the department
7 of employment services will be utilized during the fiscal year
8 beginning July 1, 1990, and ending June 30, 1991, and future
9 fiscal years, to ensure that the backlog of cases in that
10 department will be reduced as rapidly as possible.

11 Sec. 4. DEPARTMENT OF EMPLOYMENT SERVICES, DIVISION OF
12 INDUSTRIAL SERVICES PILOT SERVICES DELIVERY PROGRAM.

13 1. The division of industrial services of the department
14 of employment services shall establish a pilot program to
15 deliver precontested case proceeding services to employees and
16 employers from the local job service office in each of the
*17 following service areas: Cedar Rapids, Dubuque, and Sioux
18 City. Each of the job service offices in the industrial
19 services pilot program shall be assigned one additional
20 professional staff person and one additional support staff
21 person, for a total of 2 additional FTEs in each office.

22 2. The industrial services pilot program employees in each
23 of the participating job service offices shall provide the
24 following precontested case proceeding services:

25 a. Independent informational services for both employees
26 and employers by providing informal assistance in determining
27 rights and obligations of employees and employers under state
28 and federal law, especially as such rights pertain to workers'
29 compensation rights and obligations. Advice or information
30 provided shall not be binding upon the division.

31 b. Workers' compensation compliance investigations, based
32 upon complaints received, or upon a random selection mechanism
33 from a list of employers within the service area.

34 c. Informal mediation of disputes between employers and
35 employees to avoid, if possible, filing of a contested case by

1 resolving disputes through mediation.

2 d. Assistance in preparation of an adequate record or an
3 initial complaint to facilitate the contested case
4 proceedings. Evidence of the initial fact gathering conducted
5 under the pilot program, or of information or advice provided
6 through the pilot program, may be introduced in a contested
7 case proceeding to the extent such information is relevant.

8 e. Other duties assigned to the pilot program employees by
9 the industrial commissioner in connection with workers'
10 compensation compliance enforcement; avoidance of contested
11 cases through improved communications among the department,
12 employees, and employers; and decentralized administrative
13 duties.

14 3. The department of employment services and the division
15 of industrial services shall employ reasonable efforts to
16 advertise and make known the availability of industrial
17 services pilot program services in the communities served.
18 Such efforts shall include notices in any departmental mass
19 mailings to employers or employees in the service areas,
20 public service announcements and advertisements, and leaflets
21 to be made available in each job service office served and to
22 be made otherwise available.

23 4. The professional staff person assigned to each
24 participating job service office of the industrial services
25 pilot program may order an employee or employer to participate
26 in an informal mediation meeting. A person who fails to
27 comply with an order to participate in mediation shall pay all
28 costs incurred by the division and other parties in connection
29 with the order and the attempted mediation, and is admissible
30 in evidence in any subsequent contested case proceeding.

31 5. There is appropriated from the general fund of the
32 state, to the division of industrial services of the
33 department of employment services, for the fiscal year
34 beginning July 1, 1990, and ending June 30, 1991, the
35 following amount, or so much thereof as is necessary, for the

1 purpose designated:

2 For industrial services pilot program salaries, support,
3 maintenance, miscellaneous purposes, and for not more than the
4 following full-time equivalent positions:

5	\$	<u>270,000</u>
6	FTEs	<u>6.00</u>

7 6. The industrial commissioner shall submit a report to
8 the general assembly on or before January 15, 1991,
9 summarizing the impact to date of the pilot program on
10 contested case proceedings filed by employees and upon
11 division compliance efforts. The commissioner shall make
12 specific recommendations on whether to continue the pilot
13 program, and whether the scope of the program should be
14 expanded to include other job service offices. It is the
15 intention of the general assembly to reduce the number of
16 contested case filings by employees through early voluntary
17 resolution of disputes between informed employees and
18 employers. Provision of accurate information by the division,
19 and mediation if necessary, early in the process is intended
20 to substantially reduce the legal and litigation expenses
21 typically incurred by employers and employees in workers'
22 compensation contested cases. Further, accurate information
23 should help employers avoid incurring unintended liability and
24 thus avoid disputes. It is also the intention of the general
25 assembly to assure that employees receive the full benefit of
26 the protections of the workers' compensation law through
27 improved compliance enforcement. The commissioner's report
28 shall analyze the pilot program in light of these goals.

29 Sec. 5.

30 1. Notwithstanding the provisions of section 96.13,
31 subsection 3, which restrict the use of moneys in the special
32 employment security contingency fund, moneys in the fund on
33 June 30, 1990, shall not be transferred by the treasurer of
34 state to either the temporary emergency surcharge fund or the
35 unemployment compensation fund, but shall be available to the

1 division of job service of the department of employment
2 services for the fiscal year beginning July 1, 1990, and
3 ending June 30, 1991, for expenditures under subsection 2.

4 2. The division of job service shall expend moneys which
5 are credited to the special employment security contingency
6 fund during the fiscal year beginning July 1, 1990, and ending
7 June 30, 1991, including moneys which are available to the
8 division of job service under subsection 1, only in accordance
9 with the following restrictions:

10 a. The division may expend up to \$559,300 from the fund
11 for the support of the county, labor survey, economic
12 development teams to assist in conducting "labor availability
13 surveys" on a county basis.

14 b. The balance of moneys in the special employment
15 security contingency fund shall be deposited by the treasurer
16 of state in the division-approved training fund which is
17 created as a special fund in the state treasury.
18 Notwithstanding section 453.7, interest or earnings from
19 moneys deposited in the division-approved training fund shall
20 be credited to that fund. The division shall use moneys from
21 the fund to pay only the instructional cost of training
22 related to tuition and course fees, approved by the division
23 pursuant to section 96.4 and 345 Iowa administrative code,
24 rules 4.39 and 4.40, for individuals who demonstrate to the
25 division's satisfaction that they are financially incapable of
26 paying the instructional cost of the approved training.
27 However, the division may expend up to \$40,000 from the fund
28 for administrative costs relating to payments for division
29 approved training.

30 c. The division may expend moneys in the fund in
31 accordance with section 96.13, subsection 3, paragraph "a",
32 for the payment of costs of administration which are found not
33 to have been properly and validly chargeable against federal
34 grants or other funds, received for or in the employment
35 security administration fund.

1 Payments from the fund shall not be made to the individual
2 receiving approved training but shall be made directly to the
3 institution or person providing the approved training.
4 Payments shall not exceed \$1,000 per individual trainee in any
5 2-year period. The division shall distribute information on
6 the qualification requirements for and availability of payment
7 for the division-approved training to individuals filing
8 claims for benefits or receiving benefits under chapter 96.

9 Sec. 6.

10 There is appropriated from the administrative contribution
11 surcharge fund of the state to the department of employment
12 services for the fiscal year beginning July 1, 1990, and
13 ending June 30, 1991, the following amount, or so much thereof
14 as is necessary, for the purposes designated:

15 DIVISION OF JOB SERVICE

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

20	\$	4,895,084
21	FTEs	171.80

22 As a condition, qualification, and limitation of this
23 appropriation, the department of employment services shall
24 provide services throughout the fiscal year beginning July 1,
25 1990, and ending June 30, 1991, in all communities in which
26 job service offices are operating on July 1, 1990. However,
27 this provision shall not prevent the consolidation of multiple
28 offices within the same city or the collocation of job service
29 offices with another public agency.

30 Sec. 7.

31 There is appropriated from the general fund of the state to
32 the department of inspections and appeals for the fiscal year
33 beginning July 1, 1990, and ending June 30, 1991, the
34 following amounts, or so much thereof as is necessary, for the
35 purposes designated:

1 1. FINANCE AND SERVICES DIVISION

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

5	\$	546,796
6	FTEs	25.00

7 Of the amount appropriated, \$13,210, or so much thereof as
8 is necessary, shall be expended for 1 FTE and necessary
9 expenses in connection with the administration of payment
10 claims to court-appointed counsel for adult and juvenile
11 indigent defense costs.

12 2. AUDITS DIVISION

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

16	\$	559,809
17	FTEs	18.00

18 3. APPEALS AND FAIR HEARINGS DIVISION

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

22	\$	366,991
23	FTEs	15.50

24 4. INVESTIGATIONS DIVISION

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

28	\$	467,632
29	FTEs	39.00

30 5. HEALTH FACILITIES DIVISION

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

34	\$	1,663,109
35	FTEs	105.00

1 6. INSPECTIONS DIVISION

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

5	\$	929,177
6	FTEs	26.50

7 7. EMPLOYMENT APPEAL BOARD

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

11	\$	42,804
12	FTEs	16.80

13 The employment appeal board shall be reimbursed by the
14 labor services division of the department of employment
15 services for all costs associated with hearings conducted
16 under chapter 91C, related to contractor registration. The
17 board is authorized to expend, in addition to the amount
18 appropriated under this subsection, such amounts as are
19 directly billable to the labor services division under this
20 subsection and to retain such additional FTEs as needed to
21 conduct hearings required pursuant to chapter 91C.

22 8. FOSTER CARE REVIEW BOARD

23 For salaries, support, maintenance, miscellaneous purposes,
24 and for not more than the following full-time equivalent posi-
25 tions:

26	\$	467,946
27	FTEs	12.85

28 Of the amount appropriated in this subsection, the
29 following amounts, or so much thereof as is necessary, shall
30 be expended for the purpose designated: for the purchase of 2
31 laptop computers, associated printers, and other hardware and
32 software, \$6,200; to expand the foster care registry
33 statewide, \$25,828 for 1.00 FTE; for the Polk county foster
34 care coordinator, \$34,342 and 1 FTE; and for expansion of the
35 foster care review system into the eighth judicial district,

1 \$74,433 and 2.50 FTEs.

2 9. The department of inspections and appeals may charge
3 state departments, agencies, and commissions for services
4 rendered and the payment received shall be considered
5 repayment receipts as defined in section 8.2, subsection 5.

6 10. BINGO AUDITORS

7 For salaries, support, maintenance, and miscellaneous
8 purposes in connection with conducting 100 percent of the
9 required bingo audits every 2 years, and for not more than the
10 following full-time equivalent positions:

11	\$	129,430
12	FTEs	3.00

13 Sec. 8.

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

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

22	\$	3,915,141
23	FTEs	93.80

24 a. Of the amount appropriated in this subsection, \$91,652,
25 or so much thereof as is necessary, shall be expended for 3
26 FTEs, and necessary expenses, to operate the Polk county
27 deposition unit.

28 b. Of the amount appropriated in this subsection, \$76,863,
29 or so much thereof as is necessary, shall be expended for 2
30 FTEs and necessary expenses for the Pottawattamie county
31 office of the public defender in connection with juvenile
32 defense expenses of that office in Pottawattamie county.

33 2. For indigent court-appointed attorney fees for adults
34 and juveniles, notwithstanding section 232.141 and chapter
35 815:

1 \$ 10,341,229

2 3. The office of the public defender shall be permitted to
3 transfer so much as is necessary for salaries, support,
4 maintenance, and miscellaneous purposes, for 2 FTEs from the
5 \$10,341,229 appropriated for indigent defense, if the
6 following conditions are satisfied:

7 a. The office of the public defender proposes the transfer
8 in the course of an expansion of services to provide public
9 defender services to persons who would otherwise be served by
10 court-appointed council funded from the indigent defense
11 appropriation.

12 b. The department of management approves the transfer upon
13 a finding that the delivery of services through the public
14 defender's office would be more cost effective.

15 c. The department of management reports the transfer of
16 moneys to the legislative fiscal bureau and to the regulation
17 appropriations subcommittee of the general assembly.

18 Sec. 9.

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

24 For salaries, support, maintenance, miscellaneous purposes,
25 and for not more than the following full-time equivalent posi-
26 tions:

27	\$	483,356
28	FTEs	11.50

29 It is the intent of the general assembly that the
30 department of inspections and appeals cross-train its
31 employees to perform more than one form of inspection or work
32 whenever possible.

33 Sec. 10.

34 There is appropriated from the general fund of the state to
35 the public employment relations board for the fiscal year

1 beginning July 1, 1990, and ending June 30, 1991, the
2 following amount, or so much thereof as is necessary, for the
3 purposes designated:

4 For salaries, support, maintenance, miscellaneous purposes,
5 and for not more than the following full-time equivalent posi-
6 tions:
7 \$ 693,982
8 FTEs 14.00

9 Of the amount appropriated in this section, \$18,954, or so
10 much thereof as is necessary, shall be expended for .5 FTE by
11 converting a part-time administrative law judge to a full-time
12 position.

13 Sec. 11.

14 There is appropriated from the professional licensing
15 revolving fund to the professional licensing and regulation
16 division of the department of commerce, for the fiscal year
17 beginning July 1, 1990, and ending June 30, 1991, the
18 following amount, or so much thereof as is necessary, for the
19 purposes designated:

20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent posi-
22 tions:
23 \$ 790,320
24 FTEs 10.00

25 Of the amount appropriated in this section, the following
26 amounts, or so much thereof as is necessary, shall be expended
27 for the designated purposes: \$29,045 for the real estate
28 appraisers board per diem, charges, and expenses; \$6,700 to
29 reimburse the auditor of state; \$450 to reimburse the
30 department of personnel; and \$24,768 to reimburse the office
31 of the attorney general for services provided by those
32 agencies to the division.

33 The professional licensing and regulation division may
34 expend additional funds, including funds required for
35 additional personnel, if those additional expenditures are

1 actual expenses which exceed the funds budgeted for the
2 division, and result directly from the licensing and
3 regulation of the subject professions. Before the division
4 expends or encumbers an amount in excess of the funds budgeted
5 for examinations, the director of the department of management
6 shall approve the expenditure or encumbrance. Before approval
7 is given, the director of the department of management shall
8 determine that the examination expenses exceed the funds
9 budgeted by the general assembly to the division and the
10 division does not have other funds from which the expenses can
11 be paid. Upon approval of the director of the department of
12 management, the division may expend and encumber funds for
13 excess expenses. The amounts necessary to fund the excess
14 expenses shall be collected from those persons being regulated
15 or licensed which caused the excess expenditures, and the
16 collections shall be treated as repayment receipts as defined
17 in section 8.2, subsection 5.

18 Sec. 12.

19 There is appropriated from the administrative services
20 trust fund to the administrative services division of the
21 department of commerce for the fiscal year beginning July 1,
22 1990, and ending June 30, 1991, the following amount, or so
23 much thereof as is necessary, to be used for the purposes
24 designated:

25 For salaries, support, maintenance, miscellaneous purposes,
26 and for not more than the following full-time equivalent posi-
27 tions:
28 \$ 1,528,295
29 FTEs 43.50

30 Sec. 13.

31 Notwithstanding section 123.53, there is appropriated from
32 the beer and liquor control fund to the alcoholic beverages
33 division of the department of commerce for the fiscal year
34 beginning July 1, 1990, and ending June 30, 1991, the
35 following amount, or so much thereof as is necessary, for the

1 purposes designated:

2 For salaries, support, maintenance, miscellaneous purposes,
3 and for not more than the following full-time equivalent posi-
4 tions:

5	\$	4,690,167
6	FTEs	85.86

7 Sec. 14.

8 There is appropriated from the banking revolving fund to
9 the banking division of the department of commerce for the
10 fiscal year beginning July 1, 1990, and ending June 30, 1991,
11 the following amount, or so much thereof as is necessary, to
12 be used for the purposes designated:

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

16	\$	5,590,448
17	FTEs	118.50

18 Of the amount appropriated in this section, the following
19 amounts, or so much thereof as is necessary, are to be
20 expended for the designated purpose: \$8,500, to reimburse the
21 auditor of state; \$6,040 to reimburse the department of
22 personnel; and \$10,000 to reimburse the attorney general for
23 services performed by those agencies for the division.

24 The banking division may expend additional funds, including
25 funds for additional personnel, if those additional
26 expenditures are actual expenses which exceed the funds
27 budgeted for bank examinations and directly result from
28 examinations of banks. Before the division expends or
29 encumbers an amount in excess of the funds budgeted for
30 examinations, the director of the department of management
31 shall approve the expenditure or encumbrance. Before approval
32 is given, the director of the department of management shall
33 determine that the examination expenses exceed the funds
34 budgeted by the general assembly to the division and that the
35 division does not have other funds from which examination

1 expenses can be paid. Upon approval of the director of the
2 department of management the division may expend and encumber
3 funds for excess examination expenses. The amounts necessary
4 to fund the excess examination expenses shall be collected
5 from those banks being regulated which caused the excess
6 expenditures, and the collections shall be treated as
7 repayment receipts as defined in section 8.2, subsection 5.

8 Sec. 15.

9 There is appropriated from the credit union revolving fund
10 to the credit union division of the department of commerce for
11 the fiscal year beginning July 1, 1990, and ending June 30,
12 1991, the following amount, or so much thereof as is
13 necessary, to be used for the purposes designated:

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

17	\$	1,037,070
18	FTEs	20.00

19 Of the amount appropriated in this section, the following
20 amounts, or so much thereof as is necessary, shall be expended
21 for the purposes designated: for the purchase of personal
22 computers, \$25,000; and to remodel administrative office space
23 for new staff added in fiscal year 1990, \$10,000.

24 Of the amount appropriated in this section, the following
25 amounts, or so much thereof as is necessary, shall be expended
26 for the purposes designated: \$6,150, to reimburse the auditor
27 of state; \$1,440, to reimburse the department of personnel;
28 and \$18,000, to reimburse the attorney general for services
29 performed by those agencies for the division.

30 The credit union division may expend additional funds,
31 including funds for additional personnel, if those additional
32 expenditures are actual expenses which exceed the funds
33 budgeted for credit union examinations and directly result
34 from examinations of credit unions. Before the division
35 expends or encumbers an amount in excess of the funds budgeted

1 for examinations, the director of the department of management
2 shall approve the expenditure or encumbrance. Before approval
3 is given, the director of the department of management shall
4 determine that the examination expenses exceed the funds
5 budgeted by the general assembly to the division and that the
6 division does not have other funds from which examination
7 expenses can be paid. Upon approval of the director of the
8 department of management the division may expend and encumber
9 funds for excess examination expenses. The amounts necessary
10 to fund the excess examination expenses shall be collected
11 from those credit unions being regulated which caused the
12 excess expenditures, and the collections shall be treated as
13 repayment receipts as defined in section 8.2, subsection 5.

14 Sec. 16.

15 There is appropriated from the savings and loan revolving
16 fund to the savings and loan division of the department of
17 commerce for the fiscal year beginning July 1, 1990, and
18 ending June 30, 1991, the following amount, or so much thereof
19 as is necessary, to be used for the purposes designated:

20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent posi-
22 tions:

23	\$	151,818
24	FTEs	3.00

25 Of the amount appropriated in this section, the following
26 amounts, or so much thereof as is necessary, shall be expended
27 for the designated purposes: \$5,500, to reimburse the auditor
28 of state; and \$280, to reimburse the department of personnel
29 for services performed by those agencies for the division.

30 The savings and loan division may expend additional funds,
31 including funds for additional personnel, if those additional
32 expenditures are actual expenses which exceed the funds
33 budgeted for savings and loan examinations and directly result
34 from examinations of savings and loan associations. Before
35 the division expends or encumbers an amount in excess of the

1 funds budgeted for examinations, the director of the
2 department of management shall approve the expenditure or
3 encumbrance. Before approval is given, the director of the
4 department of management shall determine that the examination
5 expenses exceed the funds budgeted by the general assembly to
6 the division and that the division does not have other funds
7 from which examination expenses can be paid. Upon approval of
8 the director of the department of management the division may
9 expend and encumber funds for excess examination expenses.
10 The amounts necessary to fund the excess examination expenses
11 shall be collected from those savings and loan associations
12 being regulated which caused the excess expenditures, and the
13 collections shall be treated as repayment receipts as defined
14 in section 8.2, subsection 5.

15 Sec. 17.

16 There is appropriated from the insurance revolving fund to
17 the insurance division of the department of commerce for the
18 fiscal year beginning July 1, 1990, and ending June 30, 1991,
19 the following amount, or so much thereof as is necessary, to
20 be used for the purposes designated:

21 For salaries, support, maintenance, miscellaneous purposes,
22 and for not more than the following full-time equivalent posi-
23 tions:

24	\$	4,282,403
25	FTEs	92.33

26 Of the amount appropriated in this section, the following
27 amounts, or so much thereof as is necessary, shall be expended
28 for the designated purposes: \$91,619, for travel expenses of
29 examination teams; and \$7,315, to reimburse the department of
30 personnel for services performed for the division.

31 It is the intent of the general assembly that the depart-
32 ment of commerce shall transfer 60 percent of insurance
33 nonexamination revenues received for the fiscal year beginning
34 July 1, 1990, and ending June 30, 1991, to the general fund of
35 the state. If the remaining 40 percent of nonexamination

1 revenues is insufficient, or is estimated to be insufficient,
2 to fully fund the division's appropriation pursuant to this
3 section, the division shall retain such amount from the 60
4 percent of nonexamination revenues as is necessary to fully
5 fund the division's appropriation.

6 Sec. 18.

7 There is appropriated from the insurance revolving fund to
8 the insurance division of the department of commerce for the
9 fiscal year beginning July 1, 1989, and ending June 30, 1991,
10 the following amount, or so much thereof as is necessary, to
11 be used for the purposes designated:

12 For a contract for the mass-loading and processing of
13 insurance agent licensing and continuing education data:
14 \$ 60,000

15 As a condition, qualification, and limitation of this
16 appropriation, the division shall report on or before January
17 1, 1991, on the reduction in delays in agent continuing
18 education, licensing, and company appointments data processing
19 occurring, or to occur, as a result of this contract. The
20 report shall be delivered to the legislative fiscal bureau.

21 The insurance division may expend additional funds,
22 including funds for additional personnel, if those additional
23 expenditures are actual expenses which exceed the funds
24 budgeted for insurance company examinations and directly
25 result from examinations of insurance companies. Before the
26 division expends or encumbers an amount in excess of the funds
27 budgeted for examinations, the director of the department of
28 management shall approve the expenditure or encumbrance. Be-
29 fore approval is given, the director of the department of man-
30 agement shall determine that the examination expenses exceed
31 the funds budgeted by the general assembly to the division and
32 that the division does not have other funds from which
33 examination expenses can be paid. Upon approval of the
34 director of the department of management the division may
35 expend and encumber funds for excess examination expenses.

1 The amounts necessary to fund the excess examination expenses
2 shall be collected from those insurance companies being
3 regulated which caused the excess expenditures, and the
4 collections shall be treated as repayment receipts as defined
5 in section 8.2, subsection 5.

6 Sec. 19.

7 There is appropriated from the utilities trust fund to the
8 utilities division of the department of commerce for the
9 fiscal year beginning July 1, 1990, and ending June 30, 1991,
10 the following amount, or so much thereof as is necessary, to
11 be used for the purposes designated:

12 For salaries, support, maintenance, miscellaneous purposes,
13 and for not more than the following full-time equivalent posi-
14 tions:

15	\$	4,650,920
16	FTEs	87.50

17 Of the amount appropriated in this section, the following
18 amounts, or so much thereof as is necessary, shall be expended
19 for the designated purposes: \$33,000, to reimburse the
20 department of general services for increased rent expenses;
21 and \$3,000, to reimburse the department of personnel for
22 services performed for the division.

23 Sec. 20.

24 There is appropriated from the racing commission fund to
25 the racing and gaming commission for the fiscal year beginning
26 July 1, 1990, and ending June 30, 1991, the following amount,
27 or so much thereof as is necessary, to be used for the
28 purposes designated:

29 For salaries, support, maintenance, miscellaneous purposes,
30 and for not more than the following full-time equivalent posi-
31 tions:

32	\$	1,793,953
33	FTEs	35.49

34 The racing and gaming commission shall provide, in the
35 budget forms for the fiscal year beginning July 1, 1991, and

1 ending June 30, 1992, a separate line item for veterinarian
2 services and another line item for body fluid testing of dogs
3 and horses. These items shall also be designated in the base
4 budget package and any decision packages in which they appear
5 in the budget forms. Other professional and scientific
6 services may be combined into an additional line item, but
7 must be clearly explained in the budget narrative section of
8 the budget forms.

9 Sec. 21.

10 There is appropriated from the excursion boat gambling
11 revolving fund to the racing and gaming commission, for the
12 fiscal year beginning July 1, 1990, and ending June 30, 1991,
13 the following amount, or so much thereof as is necessary, to
14 be used for the purposes designated:

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

19	\$	418,213
20	FTEs	17.00

21 Sec. 22.

22 1. There is appropriated from the general fund of the
* 23 state to the racing and gaming commission, for the fiscal
24 period beginning July 1, 1990, and ending June 30, 1992, for
25 deposit in the excursion boat gambling revolving fund,
26 \$265,154.

27 Notwithstanding section 8.33, unencumbered and unobligated
28 moneys of the moneys appropriated in this subsection on June
29 30, 1991, shall not revert to the general fund of the state
30 but shall remain available for expenditure for the purposes
31 specified.

32 2. The amount appropriated from the general fund of the
33 state in subsection 1 is appropriated from the excursion boat
34 gambling revolving fund to the treasurer of state, to be
35 transferred to and deposited in the general fund of the state

1 no later than June 30, 1992.

2 3. There is appropriated from the excursion boat gambling
3 revolving fund to the racing and gaming commission, for the
4 fiscal year beginning July 1, 1990, and ending June 30, 1991,
5 the following amount, or so much thereof as is necessary, to
6 be used for the purposes designated:

7 For salaries, support, maintenance, miscellaneous purposes,
8 and for not more than the following full-time equivalent
9 positions for administration and enforcement of the excursion
10 boat gambling laws in connection with the initial 3 excursion
11 gambling boats to be licensed:

12	\$	265,154
13	FTEs	5.25

14 The appropriation in this section is in addition to the
15 appropriation to the racing and gaming commission from the
16 excursion boat gambling revolving fund in section 20.

17 The racing and gaming commission may expend additional
18 moneys from the excursion boat gambling revolving fund as are
19 reasonably necessary for the regulation and enforcement of
20 additional licensed excursion gambling boats beyond the
21 initial 3 boats for which an appropriation is provided,
22 conditioned upon the following requirements:

23 a. The commission shall request approval from the
24 department of management to expend additional moneys in
25 connection with additional licensed boats.

26 b. The department of management's approval of the request,
27 provided that the additional expenditure shall not exceed
28 \$114,417 and 5.0 FTEs for each additional licensed boat beyond
29 the initial 3 excursion gambling boats.

30 c. The department of management shall notify the
31 legislative fiscal bureau of the additional moneys to be
32 expended.

33 Sec. 23.

34 Each appropriation from the general fund of the state
35 contained in this Act shall be reduced by one and one-half

1 percent.

2 Sec. 24. NEW SECTION. 11.21A REPAYMENT OF AUDIT EXPENSES
3 BY STATE DEPARTMENTS AND AGENCIES.

4 The auditor of state shall be reimbursed by a department or
5 agency for performing examinations of the following state
6 departments or agencies, or funds received by a department or
7 agency:

- 8 1. Department of commerce.
- 9 2. Department of human services.
- 10 3. State department of transportation.
- 11 4. Iowa department of public health.
- 12 5. State board of regents.
- 13 6. Department of agriculture and land stewardship.
- 14 7. Department of economic development.
- 15 8. Department of education.
- 16 9. Department of employment services.
- 17 10. Department of natural resources.
- 18 11. Offices of the clerks of the district court of the
19 judicial department.
- 20 12. The Iowa public employees' retirement system.
- 21 13. Federal financial assistance, as defined in Pub. L.
22 No. 98-502, received by all other departments.

23 Sec. 25. Section 96.7, subsection 12, paragraph d, Code
24 Supplement 1989, is amended by striking the paragraph and
25 inserting in lieu thereof the following:

26 d. This subsection is repealed July 1, 1994, and the
27 repeal is applicable to contribution rates for calendar year
28 1995 and subsequent calendar years.

29 STATE RACING AND GAMING COMMISSION

30 Sec. 26. Section 99D.5, subsection 1, Code Supplement
31 1989, is amended to read as follows:

- 32 1. A state racing and gaming commission is created within
33 the as a separate department of-inspections-and-appeals
34 consisting. The membership of the commission shall consist of
35 five members who shall be appointed by the governor subject to

1 confirmation by the senate, and who shall serve not to exceed
2 a three-year term at the pleasure of the governor. The term
3 of each member shall begin and end as provided in section
4 69.19.

5 Sec. 27. Section 99D.15, Code Supplement 1989, is amended
6 to read as follows:

7 99D.15 PARI-MUTUEL WAGERING TAXES -- RATE --CREDIT.

8 1. A tax of six percent is imposed on the gross sum
9 wagered by the pari-mutuel method at each horse race meeting.
10 The tax imposed by this subsection shall be paid by the
11 licensee to the treasurer-of-state commission within ten days
12 after the close of each horse race meeting and shall be
13 distributed as follows:

14 a. If the racetrack is located in a city, five percent of
15 the gross sum wagered shall be deposited in-the-general-fund
16 of-the-state with the commission. One-half of one percent of
17 the gross sum wagered shall be remitted to the treasurer of
18 the city in which the racetrack is located and shall be
19 deposited in the general fund of the city. The remaining one-
20 half of one percent of the gross sum wagered shall be remitted
21 to the treasurer of the county in which the racetrack is
22 located and shall be deposited in the general fund of the
23 county.

24 b. If the racetrack is located in an unincorporated part
25 of a county, five and one-half percent of the gross sum
26 wagered shall be deposited in-the-general-fund-of-the-state
27 with the commission. The remaining one-half of one percent of
28 the gross sum wagered shall be remitted to the treasurer of
29 the county in which the racetrack is located and shall be
30 deposited in the general fund of the county.

31 2. A tax credit of up to five percent of the gross sum
32 wagered per year shall be granted to licensees licensed for
33 horse races and paid into a special fund for the purpose of
34 retiring the annual debt on the cost of construction of the
35 licensed facility. However, the tax credit is equal to six

1 percent of the gross sum wagered in a year when the gross sum
2 wagered is less than ninety million dollars. Any portion of
3 the credit not used in a particular year shall be retained by
4 the treasurer-of-state commission. A tax credit shall first
5 be assessed against any share going to a city, then to the
6 share going to a county, and then to the share going to the
7 state.

8 3. a. A tax is imposed on the gross sum wagered by the
9 pari-mutuel method at each track licensed for dog races. The
10 tax imposed by this subsection shall be paid by the licensee
11 to the treasurer-of-state commission within ten days after the
12 close of the track's racing season. The rate of tax on each
13 track is as follows:

14 (1) Six percent, if the gross sum wagered in the racing
15 season is fifty-five million dollars or more.

16 (2) Five percent, if the gross sum wagered in the racing
17 season is thirty million dollars or more but less than fifty-
18 five million dollars.

19 (3) Four percent, if the gross sum wagered in the racing
20 season is less than thirty million dollars.

21 b. The tax revenue shall be distributed as follows:

22 (1) If the racetrack is located in a city, one-half of one
23 percent of the gross sum wagered shall be remitted to the
24 treasurer of the city in which the racetrack is located and
25 shall be deposited in the general fund of the city. One-half
26 of one percent of the gross sum wagered shall be remitted to
27 the treasurer of the county in which the racetrack is located
28 and shall be deposited in the general fund of the county. The
29 remaining amount shall be deposited in-the-general-fund-of-the
30 state with the commission.

31 (2) If the racetrack is located in an unincorporated part
32 of a county, one-half of one percent of the gross sum wagered
33 shall be remitted to the treasurer of the county in which the
34 racetrack is located and shall be deposited in the general
35 fund of the county. The remaining amount shall be deposited

1 in-the-general-fund-of-the-state with the commission.

2 c. If the rate of tax imposed under paragraph "a" is five
3 percent or four percent, a track shall set aside for retiring
4 the debt of the racetrack facilities or for capital
5 improvement to the racetrack facilities the following amount:

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

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

12 Sec. 28. Section 99D.17, Code 1989, is amended by striking
13 the section and inserting in lieu thereof the following:

14 99D.17 USE OF FUNDS.

15 Funds received pursuant to sections 99D.14 and 99D.15 shall
16 be deposited in the pari-mutuel regulation fund created in the
17 racing and gaming commission of the department of inspections
18 and appeals. These funds shall first be used to the extent
19 appropriated by the general assembly and as provided in
20 section 99D.18. The remainder shall be transferred to the
21 treasurer of state to be deposited in the general fund of the
22 state. The commission is subject to the budget requirements
23 of chapter 8 and the applicable auditing requirements and
24 procedures of chapter 11.

25 Sec. 29. Section 99D.18, Code 1989, is amended to read as
26 follows:

27 99D.18 SURPLUS FUNDS -- HOW USED.

28 From the balance of the funds coming into the hands of the
29 commission pursuant to section sections 99D.14 the Iowa state
30 university college of veterinary medicine to develop further
31 research on the treatment of equine injuries and diseases and
32 fifty thousand dollars shall be used by the Iowa state
33 university college of veterinary medicine to develop further
34 research on the treatment of dog injuries and diseases. The
35 remaining-funds-shall-be-retained-by-the-commission-and-may-be

1 ~~distributed-to-a-research-program-or-project-which-the~~
2 ~~commission-determines-to-be-worthy-and-would-benefit-the~~
3 ~~racing-industry-in-the-state-~~

4 Sec. 30. Section 114.12, Code 1989, is amended to read as
5 follows:

6 114.12 DISPOSITION OF FEES.

7 The secretary shall collect and account for all fees
8 provided for by this chapter and pay the same to the treasurer
9 of state who shall deposit the fees in the ~~general-fund-of-the~~
10 state professional licensing revolving fund.

11 Sec. 31. Section 116.3, subsection 3, unnumbered paragraph
12 1, Code 1989, is amended to read as follows:

13 3. All fees and other moneys received by the board,
14 pursuant to the provisions of this chapter, shall be paid
15 monthly to the treasurer of state for deposit in the
16 professional licensing revolving fund.

17 Sec. 32. Section 117.14, Code Supplement 1989, is amended
18 to read as follows:

19 117.14 FEES AND EXPENSES.

20 All fees and charges collected by the real estate
21 commission under this chapter shall be paid into the ~~general~~
22 ~~fund-in-the-state-treasury~~ professional licensing revolving
23 fund, except that the equivalent of ten dollars per year of
24 the fees for each real estate salesperson's or broker's
25 license shall be paid into the Iowa real estate education fund
26 created in section 117.54. All expenses incurred by the
27 commission under this chapter, including compensation of staff
28 assigned to the commission, shall be paid out of the ~~general~~
29 ~~fund-in-the-state-treasury~~ professional licensing revolving
30 fund, except for expenses incurred and compensation paid for
31 the real estate education director, which shall be paid out of
32 the real estate education fund.

33 Sec. 33. Section 117B.6, subsection 2, Code Supplement
34 1989, is amended to read as follows:

35 2. Fees collected by the board shall be transmitted to the

1 treasurer of state who shall deposit the fees in the general
2 fund-of-the-state professional licensing revolving fund.

3 Sec. 34. Section 118.11, unnumbered paragraph 2, Code
4 1989, is amended to read as follows:

5 All fees shall be paid to the treasurer of state and
6 deposited in the general-fund-of-the-state professional
7 licensing revolving fund.

8 Sec. 35. Section 118A.14, unnumbered paragraph 2, Code
9 1989, is amended to read as follows:

10 All fees shall be collected by the secretary, paid to the
11 treasurer of state and deposited in the general-fund-of-the
12 state professional licensing revolving fund.

13 Sec. 36. Section 524.207, unnumbered paragraph 1, Code
14 1989, is amended to read as follows:

15 All expenses required in the discharge of the duties and
16 responsibilities imposed upon the banking division of the
17 department of commerce, the superintendent, and the state
18 banking board by the laws of this state shall be paid from
19 fees provided by the laws of this state and appropriated by
20 the general assembly from the fund established in this
21 section. All of these fees are payable to the superintendent.
22 The superintendent shall pay all the fees and other money
23 received by the superintendent to the treasurer of state
24 within the time required by section 12.10. The treasurer of
25 state shall hold these funds in a banking revolving fund that
26 shall be established in the name of the superintendent for the
27 payment of the expenses of the division. This fund is subject
28 at all times to the warrant of the department of revenue and
29 finance, drawn upon written requisition of the superintendent
30 or the superintendent's designated representative, for the
31 payment of all salaries and other expenses necessary to carry
32 out the duties of the banking division of the department of
33 commerce. The superintendent may keep on hand with the
34 treasurer of state funds in excess of the current needs of the
35 division to the extent approved by the state banking board.

1 Transfers shall not be made from the general fund of the state
2 or any other fund for the payment of the expenses of the
3 division. No part of the funds held by the treasurer of state
4 for the account of the superintendent shall be transferred to
5 the general fund of the state or any other fund, except as
6 follows: Sixty thousand dollars each fiscal year shall be
7 transferred to the general fund of the state. However, a
8 lesser amount may be transferred to the extent unobligated
9 moneys in the trust fund are insufficient to transfer the full
10 sixty thousand dollars. That amount actually transferred
11 shall be considered as one of the costs of the division. The
12 funds held by the treasurer of state for the account of the
13 superintendent shall be invested by the treasurer of state and
14 the income derived from these investments shall be credited to
15 the general fund of the state.

16 Sec. 37. Section 533.67, unnumbered paragraph 1, Code
17 1989, is amended to read as follows:

18 All expenses required in the discharge of the duties and
19 responsibilities imposed upon the credit union division, the
20 superintendent, and the credit union review board by the laws
21 of this state shall be paid from fees provided by the laws of
22 this state and appropriated by the general assembly from the
23 fund established in this section. All of these fees are
24 payable to the superintendent. The superintendent shall pay
25 all the fees and other money received by the superintendent to
26 the treasurer of state within the time required by section
27 12.10. The treasurer of state shall hold these funds in a
28 credit union revolving fund that shall be established in the
29 name of the superintendent for the payment of the expenses of
30 the division. This fund is subject at all times to the
31 warrant of the department of revenue and finance, drawn upon
32 written requisition of the superintendent or the
33 superintendent's designated representative, for the payment of
34 all salaries and other expenses necessary to carry out the
35 duties of the division. The superintendent may keep on hand

1 with the treasurer of state funds in excess of the current
2 needs of the division to the extent approved by the credit
3 union review board. No transfers shall be made from the
4 general fund of the state or any other fund for the payment of
5 the expenses of the division. No part of the funds held by
6 the treasurer of state for the account of the superintendent
7 shall be transferred to the general fund of the state or any
8 other fund, except as follows: Thirty thousand dollars each
9 fiscal year shall be transferred to the general fund of the
10 state. However, a lesser amount may be transferred to the
11 extent unobligated moneys in the trust fund are insufficient
12 to transfer the full thirty thousand dollars. The amount
13 actually transferred shall be considered as one of the costs
14 of the division. The funds held by the treasurer of state for
15 the account of the superintendent shall be invested by the
16 treasurer of state and the income derived from these
17 investments shall be credited to the general fund of the
18 state.

19 Sec. 38. Section 534.408, subsection 1, unnumbered
20 paragraph 1, Code 1989, is amended to read as follows:

21 Associations shall pay fees by delivering to the
22 superintendent a check payable to the savings and loan
23 division of the department of commerce. All fees collected
24 under this chapter shall be deposited with the treasurer of
25 state in a separate fund to be known as the savings and loan
26 revolving fund, except eleven thousand dollars each fiscal
27 year shall be transferred to the general fund of the state.
28 Provided, however, a lesser amount may be transferred to the
29 extent unobligated moneys in the revolving fund are
30 insufficient to transfer the full eleven thousand dollars.
31 The amount actually transferred shall be considered as one of
32 the costs of the savings and loan division. All expenses
33 necessary to carry out this chapter shall be paid from the
34 savings and loan revolving fund and appropriated by the
35 general assembly from the fund.

1 Sec. 39. Section 546.10, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. There is created in the office of the
4 treasurer of state a professional licensing revolving fund.
5 Fees collected under chapters 114, 116, 117, 117B, 118, and
6 118A shall be paid to the treasurer of state and credited to
7 the professional licensing revolving fund. All expenses
8 required in the discharge of the duties and responsibilities
9 imposed upon the professional licensing division of the
10 department of commerce, the administrator, and the licensing
11 boards by the laws of this state shall be paid from the
12 revolving fund and appropriated by the general assembly from
13 the fund. Transfers shall not be made from the general fund
14 of the state or any other fund for the payment of expenses of
15 the division. Fees collected by the division shall not be
16 transferred to the general fund. The funds held by the
17 treasurer of state for the professional licensing division of
18 the department of commerce shall be invested by the treasurer
19 of state and the income derived from the investments shall be
20 credited to the general fund of the state.

21 Sec. 40. Section 25 of this Act, being deemed of immediate
22 importance, takes effect June 30, 1990.

23 Sec. 41. The sections of this Act amending chapter 99D,
24 being deemed of immediate importance, take effect upon
25 enactment.

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SENATE FILE 2328

H-5595

1 Amend Senate File 2328, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 23, by striking the figure
4 "239,118" and inserting the following: "263,118".
5 2. Page 2, line 24, by striking the figure "5.75"
6 and inserting the following: "6.75".
7 3. Page 2, by inserting after line 24, the
8 following:
9 "Of the amount appropriated, \$24,000, or so much
10 thereof as is necessary shall be expended for 1 clerk
11 typist FTE, and necessary expenses, in connection with
12 the performance of administrative duties for the
13 director of the commission."
14 4. Page 7, by inserting after line 9, the
15 following:
16 " . The division may expend up to \$50,000 from
17 the fund for repairs to the exterior of the office
18 building located at 150 Des Moines Street, Des Moines,
19 Iowa."
20 5. Page 9, line 5, by striking the figure
21 "546,796" and inserting the following: "582,796".
22 6. Page 9, line 6, by striking the figure "25.00"
23 and inserting the following: "26.00".
24 7. Page 9, line 34, by striking the figure
25 "1,663,109" and inserting the following: "1,627,109".
26 8. Page 9, line 35, by striking the figure
27 "105.00" and inserting the following: "104.00".
28 9. Page 12, line 1, by striking the figure
29 "10,341,229" and inserting the following:
30 "10,069,000".
31 10. Page 12, by inserting after line 1, the
32 following:
33 "Of the amount appropriated in this subsection,
34 \$75,000, or so much thereof as is necessary, shall be
35 transferred to the legal services corporation of Iowa
36 for the general obligations of the legal services
37 corporation of Iowa."
38 11. Page 12, line 5, by striking the figure
39 "10,341,229" and inserting the following:
40 "10,069,000".
41 12. Page 15, line 16, by striking the figure
42 "\$5,590,448" and inserting the following:
43 "5,650,448".
44 13. Page 16, line 17, by striking the figure
45 "1,037,070" and inserting the following: "1,067,070".
46 14. Page 17, line 23, by striking the figure
47 "151,818" and inserting the following: "162,818".
48 15. Page 20, line 27, by inserting after the word
49 "necessary," the following: "conditioned upon the
50 creation of the state racing and gaming commission as

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1 a separate and distinct state department not under the
2 authority of the department of inspections and
3 appeals,".

4 16. Page 21, line 13, by inserting after the word
5 "necessary," the following: "conditioned upon the
6 creation of the state racing and gaming commission as
7 a separate and distinct state department not under the
8 authority of the department of inspections and
9 appeals,".

10 17. Page 21, line 25, by inserting after the word
11 "fund," the following: "conditioned upon the creation
12 of the state racing and gaming commission as a
13 separate and distinct state department not under the
14 authority of the department of inspections and
15 appeals,".

16 18. Page 22, line 16, by striking the figure "20"
17 and inserting the following: "21".

18 19. By striking page 22, line 33 through page 23,
19 line 1.

20 20. Page 23, by inserting after line 22, the
21 following:

22 "Sec. _____. Section 96.5, subsection 10, Code 1989,
23 is amended to read as follows:

24 10. ALIENS -- DISQUALIFIED. For services
25 performed by an alien unless such alien is an
26 individual who was lawfully admitted for permanent
27 residence at the time such services were performed,
28 was lawfully present for the purpose of performing
29 such services, or was permanently residing in the
30 United States under color of law at the time such
31 services were performed, including an alien who is
32 lawfully present in the United States as a result of
33 the application of the provisions of section 203(a)(7)
34 or section 212(d)(5) of the Immigration and
35 Nationality Act. Any data or information required of
36 individuals applying for benefits to determine whether
37 benefits are not payable to them because of their
38 alien status shall be uniformly required from all
39 applicants for benefits. In the case of an individual
40 whose application for benefits would otherwise be
41 approved, no determination that benefits to such
42 individual are not payable because of the individual's
43 alien status shall be made except upon a preponderance
44 of the evidence."

45 21. Page 26, lines 17 and 18, by striking the
46 words "of the department of inspections and appeals".

47 22. Page 26, line 29, by inserting after the
48 figure "99D.14" the following: "and 99D.15, fifty
49 thousand dollars shall be used by".

50 23. By striking page 28, line 13, through page

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- 1 29, line 15.
- 2 24. By striking page 29, line 16, through page
- 3 30, line 18.
- 4 25. Page 30, by striking lines 19 through 35.
- 5 26. Page 31, by inserting after line 20, the
- 6 following:
- 7 "Sec. 100. 1989 Iowa Acts, chapter 321, section
- 8 42, is repealed.
- 9 Sec. _____.
- 10 Section 100 of this Act, being deemed of immediate
- 11 importance, takes effect April 30, 1990."
- 12 27. By renumbering, relettering, and
- 13 redesignating as necessary.

By COMMITTEE ON APPROPRIATIONS
JOCHUM of Dubuque, Chairperson

H-5595 FILED MARCH 12, 1990

Adopted as amended by 5810 3/23 (p. 1264)

SENATE FILE 2328

H-5567

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 24, line 5, through page 27,
- 4 line 3.
- 5 2. By renumbering as necessary.

By HALVORSON of Webster

H-5567 FILED MARCH 8, 1990

w/d 3/23 (p. 1367)

SENATE FILE 2328

H-5585

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 13, the
- 4 following:
- 5 "_____. The division may expend moneys in the fund
- 6 in accordance with section 96.13, subsection 3,
- 7 paragraph "a", for the payment of costs of
- 8 administration which are found not to have been
- 9 properly and validly chargeable against federal grants
- 10 or other funds, received for or in the employment
- 11 security administration fund."
- 12 2. Page 7, by striking lines 30 through 35.
- 13 3. By relettering as necessary.

By JOCHUM of Dubuque

H-5585 FILED MARCH 8, 1990

Adopted 3/23 (p. 1265)

SENATE FILE 2328

H-5601

- 1 Amend Senate File 2328, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 4, line 11, through page 6,
- 4 line 28.
- 5 2. By renumbering as necessary.

By GARMAN of Story
HALVORSON of Clayton

H-5601 FILED MARCH 12, 1990

Done 3/23 (p. 1365)

SENATE FILE 2328

H-5604

- 1 Amend the amendment, H-5567, to Senate File 2328,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 4, the
- 5 following:
- 6 "____. Page 31, by striking lines 23 through 25."
- 7 2. By renumbering as necessary.

By HALVORSON of Webster

H-5604 FILED MARCH 12, 1990

Placed o/c 3/23 (p. 1367)

SENATE FILE 2328

H-5605

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 20, by inserting after line 22, the
- 4 following:
- 5 "Sec. 100.
- 6 There is appropriated from the general fund of the
- 7 state to the racing commission fund for the fiscal
- 8 year beginning July 1, 1989, and ending June 30, 1990,
- 9 the following amount, or so much thereof as is
- 10 necessary, to be used for the purpose designated:
- 11 For salaries, support, maintenance, and
- 12 miscellaneous purposes:
- 13 \$ 186,000".
- 14 2. By striking page 24, line 5 through page 27,
- 15 line 3.
- 16 3. Page 31, by striking lines 23 through 25, and
- 17 inserting the following:
- 18 "Sec. ____.
- 19 Section 100 of this Act, being deemed of immediate
- 20 importance, takes effect upon enactment."
- 21 4. By renumbering as necessary.

By HALVORSON of Webster

H-5605 FILED MARCH 12, 1990

Done 3/23 (p. 1367)

SENATE FILE 2328

H-5800

- 1 Amend the amendment, H-5631, to Senate File 2328,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 5 and 6, and
- 5 inserting the following: "A nonprofit".
- 6 2. Page 1, by striking lines 8 through 11, and
- 7 inserting the following: "pari-mutuel wagering on dog
- 8 or horse races shall adopt bylaws requiring open
- 9 meetings".

By SPEAR of Lee

H-5800 FILED MARCH 21, 1990

Adopted 3/23 (p. 1367)

SENATE FILE 2328

H-5814

- 1 Amend the amendment, H-5595, to Senate File 2328,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 1, line 48, through page 2,
- 5 line 15.
- 6 2. Page 2, by inserting after line 44, the
- 7 following:
- 8 " . By striking page 23, line 29, through page
- 9 24, line 4."
- 10 3. By renumbering as necessary.

By HALVORSON of Webster

H-5814 FILED MARCH 22, 1990

Adopted 3/23 (p. 1363)

SENATE FILE 2328

H-5815

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 23, line 29, through page 24,
- 4 line 4.
- 5 2. By renumbering as necessary.

By HALVORSON of Webster

H-5815 FILED MARCH 22, 1990

w/18 3/23 (p. 1367)

SENATE FILE 2328

H-5631

1 Amend Senate File 2328, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 22, by inserting after line 32, the
 4 following:
 5 "As a condition, limitation, and qualification of
 6 the appropriation made in this section, a nonprofit
 7 corporation conducting gambling or games of chance or
 8 pari-mutuel wagering on dog or horse races shall be
 9 required, as a condition of any license issued by the
 10 racing and gaming commission to the nonprofit
 11 corporation, to adopt bylaws requiring open meetings
 12 according to the procedures in chapter 21 applicable
 13 to governmental bodies."

By HERMANN of Scott

H-5631 FILED MARCH 13, 1990

w/15 3/23 (p. 1367)

SENATE FILE 2328

H-5736

1 Amend Senate File 2328, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 31, by inserting after line 20, the
 4 following:
 5 "Sec. 200. 1989 Iowa Acts, chapter 272, section
 6 42, is amended, to read as follows:
 7 SEC. 42. Sections 34, 35, and 36 of this Act are
 8 effective July 1, 1990. Section 34 of this Act is
 9 effective July 1, 1991.
 10 Sec. 201. Section 200 of the Act, being deemed of
 11 immediate importance, takes effect upon enactment."
 12 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-5736 FILED MARCH 15, 1990

*Adopted 3/23 (p. 1368)
 Reconsidered - w/15 (p. 1368)*

SENATE FILE 2328

H-5738

1 Amend Senate File 2328, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 31, by inserting after line 20, the
 4 following:
 5 "Sec. 200. 1989 Iowa Acts, chapter 272, section
 6 42, is amended, to read as follows:
 7 SEC. 42. Sections 34, 35, and 36 of this Act are
 8 effective July 1, 1990 1991.
 9 Sec. 201. Section 200 of the Act, being deemed of
 10 immediate importance, takes effect upon enactment."
 11 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-5738 FILED MARCH 15, 1990

Adopted 3/23 (p. 1369)

SENATE FILE 2328

H-5810

- 1 Amend the amendment, H-5595, to Senate File 2328,
 2 as amended, passed, and reprinted by the Senate, as
 A 3 follows:
- 4 1. Page 1, by inserting after line 13 the
 5 following:
- 6 "____". Page 3, line 19, by striking the figure
 7 "2,058,120" and inserting the following: "1,989,820".
 8 "____". Page 3, line 20, by striking the figure
 9 "47.76" and inserting the following: "45.76".
 10 "____". Page 3, line 22, by striking the figure
 11 "471,508" and inserting the following: "403,208".
 12 "____". Page 3, line 23, by striking the figure "11"
 13 and inserting the following: "9".
 14 "____". Page 3, line 24, by striking the figure "5"
 15 and inserting the following: "4".
 16 "____". Page 3, line 25, by striking the figure "3"
 17 and inserting the following: "2".
 18 "____". Page 4, line 17, by striking the words
 19 "Cedar Rapids, Dubuque," and inserting the following:
 20 "Dubuque".
 21 "____". Page 6, line 5, by striking the figure
 22 "270,000" and inserting the following: "180,000".
 23 "____". Page 6, line 6, by striking the figure
 24 "6.00" and inserting the following: "4.00".
- B 25 2. Page 1, by inserting after line 27, the
 26 following:
- 27 "____". Page 11, line 11, by striking the figure
 28 "129,430" and inserting the following: "87,430".
 29 "____". Page 11, line 12, by striking the figure
 30 "3.00" and inserting the following: "2.00".
- 31 3. Page 1, by striking lines 28 through 30 and
 32 inserting the following:
- 33 "____". Page 12, line 1, by striking the figure
 34 "10,341,229" and inserting the following:
 35 "9,700,000".
- 36 4. Page 1, by inserting after line 40, the
 37 following:
- 38 "____". Page 13, line 7, by striking the figure
 39 "693,982" and inserting the following: "685,409".
 40 "____". Page 13, line 10, by striking the word
 41 "shall" and inserting the following: "may".
- 42 5. Page 2, by inserting after line 9, the
 43 following:
- 44 "____". Page 21, line 19, by striking the figure
 45 "418,213" and inserting the following: "448,213".
- 46 6. Page 2, by inserting after line 15, the
 47 following:
- 48 "____". Page 21, line 26, by striking the figure
 49 "265,154" and inserting the following: " 06,154".
 50 "____". Page 21, by inserting after line 26, the

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Page 2

1 following:

2 "Notwithstanding section 99D.13 to the contrary,
3 for the fiscal year beginning July 1, 1990, and ending
4 June 30, 1991, of the moneys escheated to the state
5 pursuant to section 99D.13, subsection 2, which are
6 directed to the racing and gaming commission, the
7 first \$129,000 received shall be deposited into the
8 excursion boat gambling revolving fund for expenditure
9 as provided for under subsection 3 of this section.
10 Moneys received by the commission in excess of
11 \$129,000 shall be subject to the standing
12 appropriation formula contained in section 99D.13,
13 subsection 2.

14 There is appropriated from the funds available
15 under section 99D.13 to the racing and gaming
16 commission for the fiscal year beginning July 1, 1990,
17 and ending June 30, 1991, for deposit in the excursion
18 boat gambling revolving fund, \$129,000."

19 " . Page 22, line 12, by striking the figure
20 "265,154" and inserting the following: "235,154"."

21 7. Page 2, by inserting after line 44, the
22 following:

23 " . Page 24, by inserting after line 4 the
24 following:

25 "Sec. . Section 99D.13, subsection 2, Code
26 Supplement 1989, is amended to read as follows:

27 2. Winnings from each racetrack forfeited under
28 subsection 1 shall escheat to the state and to the
29 extent appropriated by the general assembly shall be
30 used by the department of agriculture and land
31 stewardship to administer ~~sections~~ section 99D.22 and
32 99D-27. The remainder shall be paid over to the
33 commission to pay the cost of drug testing at the
34 tracks. To the extent the remainder paid over to the
35 commission, less the cost of drug testing, is from
36 unclaimed winnings from harness racing meets, the
37 remainder shall be used as provided in subsection 3.
38 To the extent the remainder paid over to the
39 commission, less the cost of drug testing, is from
40 unclaimed winnings from tracks licensed for dog or
41 horse races, the commission, at least quarterly, shall
42 remit one-third of the amount to the treasurer of the
43 city in which the racetrack is located, one-third of
44 the amount to the treasurer of the county in which the
45 racetrack is located, and one-third of the amount to
46 the racetrack from which it was forfeited. If the
47 racetrack is not located in a city, then one-third
48 shall be deposited as provided in chapter 556. The
49 amount received by the racetrack under this subsection
50 shall be used only for retiring the debt of the

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- 1 racetrack facilities and for capital improvements to
 2 the racetrack facilities."
 3 8. By renumbering as necessary.

By SPEAR of Lee

JOCHUM of Dubuque

H-5810 FILED MARCH 22, 1990

Adopted 3/23 (p. 1363)

SENATE FILE 2328

H-5851

- 1 Amend Senate File 2328, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 20, by inserting after line 5, the
 4 following:
 5 "The insurance division may expend additional
 6 funds, including funds for additional personnel, if
 7 those additional expenditures are actual expenses
 8 which exceed the funds budgeted for administrative law
 9 duties and directly result from the administration of
 10 duties assigned the commissioner of insurance pursuant
 11 to Senate File 2249, if enacted by the 1990 Session of
 12 the General Assembly, and the expenditure is
 13 reasonably necessary to eliminate or prevent the
 14 creation of a backlog of workers' compensation
 15 contested-case-related determinations. Before the
 16 division expends or encumbers an amount in excess of
 17 the funds budgeted for administrative law duties, the
 18 director of the department of management shall approve
 19 the expenditure or encumbrance. Before approval is
 20 given, the director of the department of management
 21 shall determine the need for the additional
 22 expenditures by the division and that the division
 23 does not have other funds from which the
 24 administrative law expenses can be paid. Upon
 25 approval of the director of the department of
 26 management, the division may expend and encumber funds
 27 for excess administrative law expenses. The amounts
 28 necessary to fund the excess administrative law
 29 expenses shall be expended from the insurance
 30 revolving fund subject to such terms and conditions
 31 imposed by the director of the department of
 32 management when the expenditure is approved."

By SPEAR of Lee

H-5851 FILED MARCH 23, 1990

ADOPTED *(p. 1366)*

SENATE FILE 2326

H-5852

- 1 Amend Senate File 2326, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 23, by inserting after line 1 the
 4 following:
 5 "Sec. ____ . DOG COMPANIONSHIP PROJECT.
 6 The agency responsible for administering the dog
 7 adoption program under section 990.27 shall institute
 8 a pilot program to place dogs with persons needing a
 9 pet to provide companionship as recommended by the
 10 appropriate district office of the department of human
 11 services or the appropriate area agency on aging of
 12 the department of elder affairs."
 13 2. By renumbering as necessary.

By CORBETT of Linn

H-5852 FILED MARCH 23, 1990

NOT GERMANE *(p. 1369)*

HOUSE AMENDMENT TO
SENATE FILE 2328

S-5681

- 1 Amend Senate File 2328, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 23, by striking the figure
4 "239,118" and inserting the following: "263,118".
5 2. Page 2, line 24, by striking the figure "5.75"
6 and inserting the following: "6.75".
7 3. Page 2, by inserting after line 24, the
8 following:
9 "Of the amount appropriated, \$24,000, or so much
10 thereof as is necessary shall be expended for 1 clerk
11 typist FTE, and necessary expenses, in connection with
12 the performance of administrative duties for the
13 director of the commission."
14 4. Page 3, line 19, by striking the figure
15 "2,058,120" and inserting the following: "1,989,820".
16 5. Page 3, line 20, by striking the figure
17 "47.76" and inserting the following: "45.76".
18 6. Page 3, line 22, by striking the figure
19 "471,508" and inserting the following: "403,208".
20 7. Page 3, line 23, by striking the figure "11"
21 and inserting the following: "9".
22 8. Page 3, line 24, by striking the figure "5"
23 and inserting the following: "4".
24 9. Page 3, line 25, by striking the figure "3"
25 and inserting the following: "2".
26 10. Page 4, line 17, by striking the words "Cedar
27 Rapids, Dubuque," and inserting the following:
28 "Dubuque".
29 11. Page 6, line 5, by striking the figure
30 "270,000" and inserting the following: "180,000".
31 12. Page 6, line 6, by striking the figure "6.00"
32 and inserting the following: "4.00".
33 13. Page 7, by inserting after line 9, the
34 following:
35 "_____. The division may expend up to \$50,000 from
36 the fund for repairs to the exterior of the office
37 building located at 150 Des Moines Street, Des Moines,
38 Iowa."
39 14. Page 7, by inserting after line 13, the
40 following:
41 "_____. The division may expend moneys in the fund
42 in accordance with section 96.13, subsection 3,
43 paragraph "a", for the payment of costs of
44 administration which are found not to have been
45 properly and validly chargeable against federal grants
46 or other funds, received for or in the employment
47 security administration fund."
48 15. Page 7, by striking lines 30 through 35.
49 16. Page 9, line 5, by striking the figure
50 "546,796" and inserting the following: "582,796".

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Page 2

1 17. Page 9, line 6, by striking the figure
2 "25.00" and inserting the following: "26.00".
3 18. Page 9, line 34, by striking the figure
4 "1,663,109" and inserting the following: "1,627,109".
5 19. Page 9, line 35, by striking the figure
6 "105.00" and inserting the following: "104.00".
7 20. Page 11, line 11, by striking the figure
8 "129,430" and inserting the following: "87,430".
9 21. Page 11, line 12, by striking the figure
10 "3.00" and inserting the following: "2.00".
11 22. Page 12, line 1, by striking the figure
12 "10,341,229" and inserting the following:
13 "9,700,000".
14 23. Page 12, by inserting after line 1, the
15 following:
16 "Of the amount appropriated in this subsection,
17 \$75,000, or so much thereof as is necessary, shall be
18 transferred to the legal services corporation of Iowa
19 for the general obligations of the legal services
20 corporation of Iowa."
21 24. Page 12, line 5, by striking the figure
22 "10,341,229" and inserting the following:
23 "10,069,000".
24 25. Page 13, line 7, by striking the figure
25 "693,982" and inserting the following: "685,409".
26 26. Page 13, line 10, by striking the word
27 "shall" and inserting the following: "may".
28 27. Page 15, line 16, by striking the figure
29 "\$5,590,448" and inserting the following:
30 "5,650,448".
31 28. Page 16, line 17, by striking the figure
32 "1,037,070" and inserting the following: "1,067,070".
33 29. Page 17, line 23, by striking the figure
34 "151,818" and inserting the following: "162,818".
35 30. Page 20, by inserting after line 5, the
36 following:
37 "The insurance division may expend additional
38 funds, including funds for additional personnel, if
39 those additional expenditures are actual expenses
40 which exceed the funds budgeted for administrative law
41 duties and directly result from the administration of
42 duties assigned the commissioner of insurance pursuant
43 to Senate File 2249, if enacted by the 1990 Session of
44 the General Assembly, and the expenditure is
45 reasonably necessary to eliminate or prevent the
46 creation of a backlog of workers' compensation
47 contested-case-related determinations. Before the
48 division expends or encumbers an amount in excess of
49 the funds budgeted for administrative law duties, the
50 director of the department of management shall approve

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1 the expenditure or encumbrance. Before approval is
2 given, the director of the department of management
3 shall determine the need for the additional
4 expenditures by the division and that the division
5 does not have other funds from which the
6 administrative law expenses can be paid. Upon
7 approval of the director of the department of
8 management, the division may expend and encumber funds
9 for excess administrative law expenses. The amounts
10 necessary to fund the excess administrative law
11 expenses shall be expended from the insurance
12 revolving fund subject to such terms and conditions
13 imposed by the director of the department of
14 management when the expenditure is approved."

15 31. Page 20, line 27, by inserting after the word
16 "necessary," the following: "conditioned upon the
17 creation of the state racing and gaming commission as
18 a separate and distinct state department not under the
19 authority of the department of inspections and
20 appeals,".

21 32. Page 21, line 13, by inserting after the word
22 "necessary," the following: "conditioned upon the
23 creation of the state racing and gaming commission as
24 a separate and distinct state department not under the
25 authority of the department of inspections and
26 appeals,".

27 33. Page 21, line 19, by striking the figure
28 "418,213" and inserting the following: "448,213".

29 34. Page 21, line 25, by inserting after the word
30 "fund," the following: "conditioned upon the creation
31 of the state racing and gaming commission as a
32 separate and distinct state department not under the
33 authority of the department of inspections and
34 appeals,".

35 35. Page 21, line 26, by striking the figure
36 "265,154" and inserting the following: "106,154".

37 36. Page 21, by inserting after line 26, the
38 following:

39 "Notwithstanding section 99D.13 to the contrary,
40 for the fiscal year beginning July 1, 1990, and ending
41 June 30, 1991, of the moneys escheated to the state
42 pursuant to section 99D.13, subsection 2, which are
43 directed to the racing and gaming commission, the
44 first \$129,000 received shall be deposited into the
45 excursion boat gambling revolving fund for expenditure
46 as provided for under subsection 3 of this section.
47 Moneys received by the commission in excess of
48 \$129,000 shall be subject to the standing
49 appropriation formula contained in section 99D.13,
50 subsection 2.

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1 There is appropriated from the funds available
2 under section 99D.13 to the racing and gaming
3 commission for the fiscal year beginning July 1, 1990,
4 and ending June 30, 1991, for deposit in the excursion
5 boat gambling revolving fund, \$129,000."

6 37. Page 22, line 12, by striking the figure
7 "265,154" and inserting the following: "235,154".

8 38. Page 22, line 16, by striking the figure "20"
9 and inserting the following: "21".

10 39. By striking page 22, line 33 through page 23,
11 line 1.

12 40. Page 23, by inserting after line 22, the
13 following:

14 "Sec. _____. Section 96.5, subsection 10, Code 1989,
15 is amended to read as follows:

16 10. ALIENS -- DISQUALIFIED. For services
17 performed by an alien unless such alien is an
18 individual who was lawfully admitted for permanent
19 residence at the time such services were performed,
20 was lawfully present for the purpose of performing
21 such services, or was permanently residing in the
22 United States under color of law at the time such
23 services were performed, including an alien who is
24 lawfully present in the United States as a result of
25 the application of the provisions of section 203(a)(7)
26 or section 212(d)(5) of the Immigration and
27 Nationality Act. Any data or information required of
28 individuals applying for benefits to determine whether
29 benefits are not payable to them because of their
30 alien status shall be uniformly required from all
31 applicants for benefits. In the case of an individual
32 whose application for benefits would otherwise be
33 approved, no determination that benefits to such
34 individual are not payable because of the individual's
35 alien status shall be made except upon a preponderance
36 of the evidence."

37 41. Page 24, by inserting after line 4 the
38 following:

39 "Sec. _____. Section 99D.13, subsection 2, Code
40 Supplement 1989, is amended to read as follows:

41 2. Winnings from each racetrack forfeited under
42 subsection 1 shall escheat to the state and to the
43 extent appropriated by the general assembly shall be
44 used by the department of agriculture and land
45 stewardship to administer ~~sections~~ section 99D.22 and
46 99D-27. The remainder shall be paid over to the
47 commission to pay the cost of drug testing at the
48 tracks. To the extent the remainder paid over to the
49 commission, less the cost of drug testing, is from
50 unclaimed winnings from harness racing meets, the

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Page 5

1 remainder shall be used as provided in subsection 3.
 2 To the extent the remainder paid over to the
 3 commission, less the cost of drug testing, is from
 4 unclaimed winnings from tracks licensed for dog or
 5 horse races, the commission, at least quarterly, shall
 6 remit one-third of the amount to the treasurer of the
 7 city in which the racetrack is located, one-third of
 8 the amount to the treasurer of the county in which the
 9 racetrack is located, and one-third of the amount to
 10 the racetrack from which it was forfeited. If the
 11 racetrack is not located in a city, then one-third
 12 shall be deposited as provided in chapter 556. The
 13 amount received by the racetrack under this subsection
 14 shall be used only for retiring the debt of the
 15 racetrack facilities and for capital improvements to
 16 the racetrack facilities."

17 42. Page 26, lines 17 and 18, by striking the
 18 words "of the department of inspections and appeals".

19 43. Page 26, line 29, by inserting after the
 20 figure "99D.14" the following: "and 99D.15, fifty
 21 thousand dollars shall be used by".

22 44. By striking page 28, line 13, through page
 23 29, line 15.

24 45. By striking page 29, line 16, through page
 25 30, line 18.

26 46. Page 30, by striking lines 19 through 35.

27 47. Page 31, by inserting after line 20, the
 28 following:

29 "Sec. 200. 1989 Iowa Acts, chapter 272, section
 30 42, is amended, to read as follows:

31 SEC. 42. Sections 34, 35, and 36 of this Act are
 32 effective July 1, ~~1990~~ 1991.

33 Sec. 201. Section 200 of the Act, being deemed of
 34 immediate importance, takes effect upon enactment."

35 48. Page 31, by inserting after line 20, the
 36 following:

37 "Sec. 100. 1989 Iowa Acts, chapter 321, section
 38 42, is repealed.

39 Sec. _____.

40 Section 100 of this Act, being deemed of immediate
 41 importance, takes effect April 30, 1990."

42 49. By renumbering, relettering, or redesignating
 43 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5681 FILED MARCH 26, 1990

*Senate amended (5705+5730) v Concurred 3/28 (p. 1267) Motion to reconsider (p. 1375)
 Reconsidered, amended 5730 v Concurred 3/29 (p. 1296) "prevented 3/29"*

SENATE FILE 2328

S-5712

1 Amend the amendment, S-5681, to Senate File 2328,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 25, the
5 following:

6 " . Page 3, by inserting after line 28, the
7 following:

8 "As a condition, qualification, and limitation of
9 the funds appropriated by this section, the department
10 of employment services shall direct the division of
11 industrial services to implement, by rule, procedures
12 for an informal mediation process to avoid filing
13 contested cases and for an expedited workers'
14 compensation contested case proceeding.""

15 2. Page 1, by inserting after line 48, the
16 following:

17 " . Page 8, by inserting after line 29, the
18 following:

19 "Sec. 300.

20 There is appropriated from the administrative
21 contribution surcharge fund of the state to the
22 department of employment services, the lesser of
23 \$200,000 or the remaining balance in the fund at the
24 end of the fiscal year beginning July 1, 1989, and
25 ending June 30, 1990, to provide services in
26 communities where job service offices were located as
27 of July 1, 1989.""

28 3. Page 2, line 23, by striking the figure
29 "10,069,000" and inserting the following:
30 "9,700,000".

31 4. Page 2, by inserting after line 27, the
32 following:

33 " . Page 13, line 23, by striking the figure
34 "790,320" and inserting the following: "856,600".

35 . Page 13, line 24, by striking the figure
36 "10.00" and inserting the following: "11.00".

37 . Page 13, by inserting after line 32, the
38 following:

39 "Of the amount appropriated in this section, the
40 following amounts, or so much thereof as is necessary,
41 shall be expended for the designated purposes:
42 \$29,000 for 1 administrative assistant FTE, \$20,000 to
43 contract for insurance consulting services, and
44 \$17,280 for support and capital expenses, all in
45 connection with the first year of implementing House
46 File 730, regarding errors and omission insurance for
47 real estate appraisers, if enacted by the 1990 Session
48 of the General Assembly.""

49 5. Page 4, by inserting after line 13, the
50 following:

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Page 2

1 "Sec. ____ . Section 86.1, Code 1989, is amended to
2 read as follows:

3 86.1 INDUSTRIAL COMMISSIONER -- TERM.

4 The governor director of the department of
5 employment services shall appoint-subject-to
6 confirmation-by-the-senate, an industrial commissioner
7 whose-term-of-office-shall-be-six-years-beginning-and
8 ending-as-provided-in-section-69-i9. The industrial
9 commissioner shall maintain an office at the seat of
10 government. The industrial commissioner must be a
11 lawyer admitted to practice in this state.

12 Sec. ____ . Section 86.2, Code 1989, is amended by
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. The commissioner may
15 appoint one or more chief deputy industrial
16 commissioners and one or more assistant deputy
17 industrial commissioners. A chief deputy industrial
18 commissioner or an assistant deputy industrial
19 commissioner shall perform such additional
20 administrative responsibilities as are deemed
21 reasonably necessary and assigned by the commissioner.

22 Sec. ____ . Section 86.4, Code 1989, is amended to
23 read as follows:

24 86.4 POLITICAL ACTIVITY AND CONTRIBUTIONS.

25 It shall be unlawful for the commissioner, or any
26 appointee-of-the a chief deputy industrial
27 commissioner while in office, to espouse the election
28 or appointment of any candidate to any political
29 office, and any person violating the provisions of
30 this section shall be guilty of a simple misdemeanor.

31 Sec. ____ . Section 90A.7, Code 1989, is amended to
32 read as follows:

33 90A.7 WRITTEN REPORT FILED -- TAX.

34 1. Every person conducting a boxing or wrestling
35 match or charging an admission fee for viewing of a
36 closed-circuit boxing or wrestling match in this state
37 shall, within twenty-four hours after such match,
38 furnish to the commissioner a written report, duly
39 verified, showing the number of tickets sold for such
40 boxing or wrestling match, and the amount of gross
41 proceeds thereof of such boxing or wrestling match,
42 and such other matters as the commissioner may
43 prescribe; and shall also within the said same time
44 period pay to the treasurer of state a tax of five
45 percent of its total gross receipts, after deducting
46 any-federal-admission state sales tax, from the sale
47 of tickets of admission to such boxing or wrestling
48 match.

49 2. Moneys collected pursuant to subsection 1 in
50 excess of the amount of moneys needed to administer

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Page 3

1 this chapter are appropriated and shall be used by the
 2 state commissioner of athletics to award grants to
 3 organizations which promote amateur boxing matches in
 4 this state.

5 3. The state commissioner of athletics shall adopt
 6 rules pursuant to chapter 17A to establish procedures
 7 for the submission of applications for grants to be
 8 awarded pursuant to subsection 2, and for the awarding
 9 of grants pursuant to subsection 2.

10 4. An advisory board composed of three members of
 11 the golden gloves association of America, incorporated
 12 -- Iowa branch, appointed by the association, and three
 13 members of the United States of America amateur boxing
 14 federation -- Iowa branch, appointed by the
 15 federation, shall advise the state commissioner of
 16 athletics regarding the awarding of grants pursuant to
 17 subsection 2."

18 6. Page 5, by inserting after line 23, the
 19 following:

20 "____. Page 29, by inserting before line 16, the
 21 following:

22 "Sec. ____ . Section 524.1005, Code Supplement 1989,
 23 is amended by striking the section and inserting in
 24 lieu thereof the following:

25 524.1005 TRUST COMPANIES.

26 A trust company existing and operating in Iowa or
 27 its adjacent states and which is authorized to act as
 28 a trust company in Iowa or its adjacent states may act
 29 in a fiduciary capacity according to its articles of
 30 incorporation.""

31 7. Page 5, by inserting after line 41, the
 32 following:

33 "Sec. ____ .
 34 Section 300 of this Act, being deemed of immediate
 35 importance, takes effect upon enactment."

36 ____ . Title page, line 6, by inserting after the
 37 word "commission," the following: "allocating certain
 38 standing appropriations subject to certain procedures
 39 and conditions, and affecting certain regulated
 40 entities,"."

41 8. By renumbering as necessary.

By RICHARD RUNNING

S-5712 FILED MARCH 27, 1990

Revised 3/28 (pp 1352-3)

SENATE FILE 2328

S-5714

1 Amend the amendment, S-5712, to Senate File 2328,
 2 as amended, passed, and reprinted by the Senate as
 3 follows:

4 1. Page 2, by striking lines 22 through 30.

By CALVIN C. HULTMAN

S-5714 FILED MARCH 27, 1990

Lost 3/28 (p. 1352)

SENATE FILE 2328

S-5705

1 Amend the House amendment, S-5681, to Senate File
2 2328, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 4, by striking line 39 and inserting the
5 following:

6 "Sec. ____ . Section 99D.11, subsection 5, Code
7 Supplement 1989, is amended to read as follows:

8 5. As each race is run the licensee shall deduct
9 sixteen percent from the total sum wagered on all
10 horses or dogs as first winners. The balance, after
11 deducting breakage, shall be paid to the holders of
12 certificates on the winning horse or dog in the
13 proportion that the amount wagered by each certificate
14 holder bears to the total amount wagered on all horses
15 or dogs in the race as first winners. The licensee
16 may pay a larger amount if approved by the commission.
17 The licensee shall likewise receive other wagers on
18 horses or dogs selected-to-run-second, third, or both,
19 or in places or combinations the commission may
20 authorize. The method, procedure, and the authority
21 and right of the licensee, as well as the deduction
22 allowed to the licensee, shall be as specified with
23 respect to wagers upon horses or dogs selected to run
24 first. However, the commission may authorize the
25 licensee to deduct a higher percent of the total sum
26 wagered not to exceed twenty percent on multiple or
27 exotic wagering involving more than one horse or dog.

28 Sec. ____ . Section 99D.13, subsection 2, Code".

29 2. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-5705 FILED MARCH 27, 1990

Adopted 3/28 (p. 1353)

SENATE FILE 2328

S-5711

1 Amend the House amendment, S-5681, to Senate File
2 2328, as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 5, by striking lines 37 through 41 and
5 inserting the following:

6 "Sec. ____ . 1989 Iowa Acts, chapter 321, section
7 42, is amended to read as follows:

8 SEC. 42. Section 477.9A, as enacted in this Act,
9 is repealed effective ~~May 17, 1990~~ June 1, 1991.

10 Sec. ____ . The legislative council shall appoint an
11 interim study committee to investigate the impact of
12 the enactment of section 477.9A on customers of
13 telephone and telegraph companies whose services are
14 deregulated under section 476.1. The study committee
15 shall report to the general assembly which convenes in
16 January of 1991."

By TOM MAN ^{Jr.}
RICHARD L. VARN

S-5711 FILED MARCH 27, 1990

w/d 3/28 (p. 1353)

SENATE FILE 2328

S-5717

1 Amend amendment, S-5711, to the House amendment, S-
2 5681, to Senate File 2328 as amended, passed and
3 reprinted by the Senate as follows:
4 1. Page 1, line 10, by striking the words "shall
5 appoint" and inserting the following: "is requested
6 to consider the appointment of".

By BILL HUTCHINS

S-5717 FILED MARCH 27, 1990

w/10 3/28 (p. 1253)

SENATE FILE 2328

S-5721

1 Amend the amendment, S-5712, to the House
2 amendment, S-5681, to Senate File 2328, as amended,
3 passed and reprinted by the Senate as follows:
4 1. Page 2, by striking line 22 through page 3,
5 line 17.

By JULIA GENTLEMAN

S-5721 FILED MARCH 28, 1990

RULED OUT OF ORDER (p. 1352)

SENATE FILE 2328

S-5724

1 Amend the amendment, S-5712, to the House
2 amendment, S-5681, to Senate File 2328, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 3, line 30, by inserting after the word
5 "incorporation" the following: ", subject to the
6 prior approval of the superintendent".

By MIKE CONNOLLY

S-5724 FILED MARCH 28, 1990

RULED OUT OF ORDER (p. 1353)

SENATE FILE 2328

S-5772

- 1 Amend the amendment, S-5730, to the House
2 amendment, S-5681, to Senate File 2328, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 2, line 8, by inserting after the figure
5 "69-19" the following: "and shall direct the
6 administrative and compliance functions and control
7 the docket of the division of industrial services".
8 2. Page 2, line 16, by striking the word
9 "deputy".
10 3. Page 2, line 18, by striking the word
11 "deputy".

By RICHARD RUNNING

S-5772 FILED MARCH 29, 1990
RULED OUT OF ORDER (f. 1376)

SENATE FILE 2328

S-5773

- 1 Amend the amendment, S-5730, to the House
2 amendment, S-5681, to Senate File 2328, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 2, by striking lines 1 through 11, and
5 inserting the following:
6 ""Sec. ____ . Section 84A.1, subsection 2, Code
7 1989, is amended by adding the following new
8 unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. The director shall
10 direct the administrative and compliance functions and
11 control the docket of the division of industrial
12 services.""
13 2. Page 2, line 16, by striking the word
14 "deputy".
15 3. Page 2, line 18, by striking the word
16 "deputy".

By RICHARD RUNNING

S-5773 FILED MARCH 29, 1990
ADOPTED (f. 1376)

SENATE FILE 2328

S-5730

1 Amend the amendment, S-5681, to Senate File 2328,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 25, the
5 following:
6 "_____. Page 3, by inserting after line 28, the
7 following:
8 "As a condition, qualification, and limitation of
9 the funds appropriated by this section, the department
10 of employment services shall direct the division of
11 industrial services to implement, by rule, procedures
12 for an informal mediation process to avoid filing
13 contested cases and for an expedited workers'
14 compensation contested case proceeding."
15 2. Page 1, by inserting after line 48, the
16 following:
17 "_____. Page 8, by inserting after line 29, the
18 following:
19 "Sec. 300.
20 There is appropriated from the administrative
21 contribution surcharge fund of the state to the
22 department of employment services, the lesser of
23 \$200,000 or the remaining balance in the fund at the
24 end of the fiscal year beginning July 1, 1989, and
25 ending June 30, 1990, to provide services in
26 communities where job service offices were located as
27 of July 1, 1989."
28 3. Page 2, line 23, by striking the figure
29 "10,069,000" and inserting the following:
30 "9,700,000".
31 4. Page 2, by inserting after line 27, the
32 following:
33 "_____. Page 13, line 23, by striking the figure
34 "790,320" and inserting the following: "856,600".
35 _____. Page 13, line 24, by striking the figure
36 "10.00" and inserting the following: "11.00".
37 _____. Page 13, by inserting after line 32, the
38 following:
39 "Of the amount appropriated in this section, the
40 following amounts, or so much thereof as is necessary,
41 shall be expended for the designated purposes:
42 \$29,000 for 1 administrative assistant FTE, \$20,000 to
43 contract for insurance consulting services, and
44 \$17,280 for support and capital expenses, all in
45 connection with the first year of implementing House
46 File 730, regarding errors and omission insurance for
47 real estate appraisers, if enacted by the 1990 Session
48 of the General Assembly."
49 5. Page 4, by inserting after line 13, the
50 following:

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Page 1

1 "Sec. ____ Section 86.1, Code 1989, is amended to
2 read as follows:

3 86.1 INDUSTRIAL COMMISSIONER -- TERM.
4 The governor director of the department of
5 employment services shall appoint, subject to
6 confirmation by the senate, an industrial commissioner
7 whose term of office shall be six years beginning and
8 ending as provided in section 69.19. The industrial
9 commissioner shall maintain an office at the seat of
10 government. The industrial commissioner must be a
11 lawyer admitted to practice in this state.

12 Sec. ____ Section 86.2, Code 1989, is amended by
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. The commissioner may
15 appoint one or more chief deputy industrial
16 commissioners and one or more assistant deputy
17 industrial commissioners. A chief deputy industrial
18 commissioner or an assistant deputy industrial
19 commissioner shall perform such additional
20 administrative responsibilities as are deemed
21 reasonably necessary and assigned by the commissioner.

22 Sec. ____ Section 86.4, Code 1989, is amended to
23 read as follows:

24 86.4 POLITICAL ACTIVITY AND CONTRIBUTIONS.
25 It shall be unlawful for the commissioner, or any
26 appointee of the a chief deputy industrial
27 commissioner while in office, to espouse the election
28 or appointment of any candidate to any political
29 office, and any person violating the provisions of
30 this section shall be guilty of a simple
31 misdemeanor."

32 6. Page 5, by inserting after line 41, the
33 following:

34 "Sec. ____
35 Section 300 of this Act, being deemed of immediate
36 importance, takes effect upon enactment."
37 ____ Title page, line 6, by inserting after the
38 word "commission," the following: "allocating certain
39 standing appropriations subject to certain procedures
40 and conditions, and affecting certain regulated
41 entities,."

42 7. By renumbering as necessary.

By RICHARD RUNNING

S-5730 FILED MARCH 28, 1990

ADOPTED (p. 1367) Motion to reconsider (p. 1375) prevailed 3/29
Adopted as amended by 5733 3/29 (p. 1396)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2328
H-5971

1 Amend the amendment, S-5681, to Senate File 2328,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 25, the
5 following:
6 "_____. Page 3, by inserting after line 28, the
7 following:
8 "As a condition, qualification, and limitation of
9 the funds appropriated by this section, the department
10 of employment services shall direct the division of
11 industrial services to implement, by rule, procedures
12 for an informal mediation process to avoid filing
13 contested cases and for an expedited workers'
14 compensation contested case proceeding.""
15 2. Page 1, by inserting after line 48, the
16 following:
17 "_____. Page 8, by inserting after line 29, the
18 following:
19 "Sec. 300.
20 There is appropriated from the administrative
21 contribution surcharge fund of the state to the
22 department of employment services, the lesser of
23 \$200,000 or the remaining balance in the fund at the
24 end of the fiscal year beginning July 1, 1989, and
25 ending June 30, 1990, to provide services in
26 communities where job service offices were located as
27 of July 1, 1989.""
28 3. Page 2, line 23, by striking the figure
29 "10,069,000" and inserting the following:
30 "9,700,000".
31 4. Page 2, by inserting after line 27, the
32 following:
33 "_____. Page 13, line 23, by striking the figure
34 "790,320" and inserting the following: "856,600".
35 "_____. Page 13, line 24, by striking the figure
36 "10.00" and inserting the following: "11.00".
37 "_____. Page 13, by inserting after line 32, the
38 following:
39 "Of the amount appropriated in this section, the
40 following amounts, or so much thereof as is necessary,
41 shall be expended for the designated purposes:
42 \$29,000 for 1 administrative assistant FTE, \$20,000 to
43 contract for insurance consulting services, and
44 \$17,280 for support and capital expenses, all in
45 connection with the first year of implementing House
46 File 730, regarding errors and omission insurance for
47 real estate appraisers, if enacted by the 1990 Session
48 of the General Assembly.""
49 5. Page 4, by inserting after line 13, the
50 following:

H-5571

Page 2

1 "Sec. _____. Section 84A.1, subsection 2, Code 1989,
2 is amended by adding the following new unnumbered
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. The director shall
5 direct the administrative and compliance functions and
6 control the docket of the division of industrial
7 services.

8 Sec. _____. Section 86.2, Code 1989, is amended by
9 adding the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. The commissioner may
11 appoint one or more chief deputy industrial
12 commissioners and one or more assistant industrial
13 commissioners. A chief deputy industrial commissioner
14 or an assistant industrial commissioner shall perform
15 such additional administrative responsibilities as are
16 deemed reasonably necessary and assigned by the
17 commissioner.

18 Sec. _____. Section 86.4, Code 1989, is amended to
19 read as follows:

20 86.4 POLITICAL ACTIVITY AND CONTRIBUTIONS.

21 It shall be unlawful for the commissioner, or any
22 ~~appointee-of-the~~ a chief deputy industrial
23 commissioner while in office, to espouse the election
24 or appointment of any candidate to any political
25 office, and any person violating the provisions of
26 this section shall be guilty of a simple misdemeanor."

27 6. Page 4, by striking line 39 and inserting the
28 following:

29 "Sec. _____. Section 99D.11, subsection 5, Code
30 Supplement 1989, is amended to read as follows:

31 5. As each race is run the licensee shall deduct
32 sixteen percent from the total sum wagered on all
33 horses or dogs as first winners. The balance, after
34 deducting breakage, shall be paid to the holders of
35 certificates on the winning horse or dog in the
36 proportion that the amount wagered by each certificate
37 holder bears to the total amount wagered on all horses
38 or dogs in the race as first winners. The licensee
39 may pay a larger amount if approved by the commission.
40 The licensee shall likewise receive other wagers on
41 horses or dogs selected-to-run-second, third, or both,
42 or in places or combinations the commission may
43 authorize. The method, procedure, and the authority
44 and right of the licensee, as well as the deduction
45 allowed to the licensee, shall be as specified with
46 respect to wagers upon horses or dogs selected to run
47 first. However, the commission may authorize the
48 licensee to deduct a higher percent of the total sum
49 wagered not to exceed twenty percent on multiple or
50 exotic wagering involving more than one horse or dog.

H-5971

Page 3

- 1 Sec. ____ . Section 99D.13, subsection 2, Code".
- 2 7. Page 5, by inserting after line 41, the
- 3 following:
- 4 "Sec. ____ .
- 5 Section 300 of this Act, being deemed of immediate
- 6 importance, takes effect upon enactment."
- 7 ____ . Title page, line 6, by inserting after the
- 8 word "commission," the following: "allocating certain
- 9 standing appropriations subject to certain procedures
- 10 and conditions, and affecting certain regulated
- 11 entities, "."
- 12 8. By renumbering, relettering, or redesignating
- 13 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5971 FILED MARCH 29, 1990

House concurred 5/30 (p. 1638)



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319
515 281-5211

April 5, 1990.

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President,

I hereby transmit Senate File 2328, an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and affecting certain regulated entities, and providing an effective date.

Senate File 2328 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, in its entirety. I have approved language in this bill to require the Department of Employment Services to establish and provide staff for an informal mediation process for workers compensation cases. This provision, directing the establishment of pilot projects for the same purpose, does not authorize the Department to do anything that cannot be accomplished under the approved language.

I am unable to approve the item designated as Section 9, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This provision would allow funds from the indigent defense appropriation to be transferred to the Legal Services Corporation of Iowa. The indigent defense appropriation in this bill falls short of my recommendation by over \$500,000. Monies allocated to the Legal Services Corporation of Iowa would add to that shortfall, and increase the already certain need for supplemental funds in this area next year.

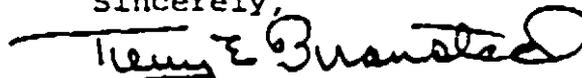
The Honorable Jo Ann Zimmerman
April 5, 1990
Page 2

I am unable to approve the item designated as Section 19, unnumbered and unlettered paragraph 5, in its entirety. Because I have previously acted upon the corresponding legislation referred to in this section, the authorization provided in this provision is not necessary.

I am unable to approve the designated portions of Sections 21, 22 and 23, and the item designated as Section 30, in its entirety. These provisions would remove the State Racing and Gaming Commission from the Department of Inspections and Appeals, and establish the Commission as a separate state agency. The functions of the Racing and Gaming Commission have been satisfactorily performed as a part of the Department of Inspections and Appeals, and I see no need to establish the Racing and Gaming Commission as a new state department.

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 2328 are hereby approved as of this date.

Sincerely,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House
Secretary of State

Item VETO

SENATE FILE 2328

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO REGULATORY BODIES OF STATE GOVERNMENT, INCLUDING THE AUDITOR OF STATE, THE CAMPAIGN FINANCE DISCLOSURE COMMISSION, THE DEPARTMENT OF EMPLOYMENT SERVICES, THE OFFICE OF THE STATE PUBLIC DEFENDER, THE DEPARTMENT OF INSPECTIONS AND APPEALS, THE DEPARTMENT OF COMMERCE, AND THE RACING AND GAMING COMMISSION, ALLOCATING CERTAIN STANDING APPROPRIATIONS SUBJECT TO CERTAIN PROCEDURES AND CONDITIONS, AND AFFECTING CERTAIN REGULATED ENTITIES, AND PROVIDING AN EFFECTIVE DATE.

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 office of the auditor of state for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

- Items vetoed: Section 9, § 2
- Section 4
- Section 19, paragraph 5
- Sections 21, 22, 23, & 30

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

.....	\$ 2,036,602
..... FTEs	154.50

Of the amount appropriated in this section, \$276,952, or so much thereof as is necessary, is to be expended for 19 FTEs, which are new positions, to conduct audits required to prepare financial statements related to full implementation of generally accepted accounting principles (GAAP). The authorization for 19 additional FTEs in this paragraph is intended to be a one-time appropriation, and those positions are not intended to be funded in subsequent fiscal years.

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, 11.20, 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.

The auditor of state shall discontinue the use of the revolving fund currently used to fund reimbursable audits, and shall instead use moneys from the general fund as provided in this section to perform reimbursable audits.

Sec. 2.

There is appropriated from the general fund of the state to the campaign finance disclosure commission for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 263,118
..... PTEs	6.75

Of the amount appropriated, \$24,000, or so much thereof as is necessary shall be expended for 1 clerk typist PTE, and necessary expenses, in connection with the performance of administrative duties for the director of the commission.

Sec. 3.

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

1. DIVISION OF LABOR SERVICES

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

.....	\$ 2,727,562
..... PTEs	104.80

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: \$344,258, for 10 PTEs to enforce the Iowa minimum wage law; \$98,974, for 3.0 FTEs in connection with asbestos removal; \$14,108, for 1 FTE to implement a recordkeeping system to meet federal occupational and health administration requirements; and \$70,244, for 2 FTEs for administration and enforcement of the contractor registration program.

2. DIVISION OF INDUSTRIAL SERVICES

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

.....	\$ 1,989,820
..... FTEs	45.76

As a condition, qualification, and limitation of the funds appropriated by this subsection, \$403,208, or so much thereof as is necessary, shall be expended for 9 FTEs, and necessary expenses, including 4 deputy industrial commissioners, 2 word processors, 2 data entry operators, and 1 insurance program specialist to expedite the administrative hearing process for workers' compensation cases, and to assist in reducing the contested case backlog.

As a condition, qualification, and limitation of the funds appropriated by this section, the department of employment services shall direct the division of industrial services to implement, by rule, procedures for an informal mediation process to avoid filing contested cases and for an expedited workers' compensation contested case proceeding.

Of the amount appropriated under this subsection, \$116,000, or so much thereof as is necessary, is to reimburse the department of employment services, for data processing costs.

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 therefore, paid by the losing party, except in cases where it would impose an undue hardship or be unjust in 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, 1990, and ending June 30, 1991, and future fiscal years, to ensure that the backlog of cases in that department will be reduced as rapidly as possible.

Sec. 4. DEPARTMENT OF EMPLOYMENT SERVICES, DIVISION OF INDUSTRIAL SERVICES PILOT SERVICES DELIVERY PROGRAM.

1. The division of industrial services of the department of employment services shall establish a pilot program to deliver precontested case proceeding services to employees and employers from the local job service office in each of the following service areas: Dubuque and Sioux City. Each of the job service offices in the industrial services pilot program shall be assigned one additional professional staff person and one additional support staff person, for a total of 2 additional FTEs in each office.

2. The industrial services pilot program employees in each of the participating job service offices shall provide the following precontested case proceeding services:

a. Independent informational services for both employees and employers by providing informal assistance in determining rights and obligations of employees and employers under state and federal law, especially as such rights pertain to workers' compensation rights and obligations. Advice or information provided shall not be binding upon the division.

b. Workers' compensation compliance investigations, based upon complaints received, or upon a random selection mechanism from a list of employers within the service area.

c. Informal mediation of disputes between employers and employees to avoid, if possible, filing of a contested case by resolving disputes through mediation.

d. Assistance in preparation of an adequate record or an initial complaint to facilitate the contested case proceedings. Evidence of the initial fact gathering conducted under the pilot program, or of information or advice provided through the pilot program, may be introduced in a contested case proceeding to the extent such information is relevant.

e. Other duties assigned to the pilot program employees by the industrial commissioner in connection with workers' compensation compliance enforcement; avoidance of contested cases through improved communications among the department, employees, and employers; and decentralized administrative duties.

3. The department of employment services and the division of industrial services shall employ reasonable efforts to advertise and make known the availability of industrial services pilot program services in the communities served. Such efforts shall include notices in any departmental mass mailings to employers or employees in the service areas, public service announcements and advertisements, and leaflets to be made available in each job service office served and to be made otherwise available.

4. The professional staff person assigned to each participating job service office of the industrial services pilot program may order an employee or employer to participate in an informal mediation meeting. A person who fails to comply with an order to participate in mediation shall pay all costs incurred by the division and other parties in connection with the order and the attempted mediation, and is admissible in evidence in any subsequent contested case proceeding.

5. There is appropriated from the general fund of the state, to the division of industrial services of the department of employment services, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the

following amount, or so much thereof as is necessary, for the purpose designated:

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

.....	\$	180,000
.....	FTEs	4.00

6. The industrial commissioner shall submit a report to the general assembly on or before January 15, 1991, summarizing the impact to date of the pilot program on contested case proceedings filed by employees and upon division compliance efforts. The commissioner shall make specific recommendations on whether to continue the pilot program, and whether the scope of the program should be expanded to include other job service offices. It is the intention of the general assembly to reduce the number of contested case filings by employees through early voluntary resolution of disputes between informed employees and employers. Provision of accurate information by the division, and mediation if necessary, early in the process is intended to substantially reduce the legal and litigation expenses typically incurred by employers and employees in workers' compensation contested cases. Further, accurate information should help employers avoid incurring unintended liability and thus avoid disputes. It is also the intention of the general assembly to assure that employees receive the full benefit of the protections of the workers' compensation law through improved compliance enforcement. The commissioner's report shall analyze the pilot program in light of these goals.

Sec. 5.

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, 1990, 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, 1990, and ending June 30, 1991, 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, 1990, and ending June 30, 1991, including moneys which are available to the division of job service under subsection 1, only in accordance with the following restrictions:

a. The division may expend up to \$50,000 from the fund for repairs to the exterior of the office building located at 150 Des Moines Street, Des Moines, Iowa.

b. The division may expend up to \$559,300 from the fund for the support of the county, labor survey, economic development teams to assist in conducting "labor availability surveys" on a county basis.

c. The division may expend moneys in the fund in accordance with section 96.13, subsection 3, paragraph "a", for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds, received for or in the employment security administration fund.

d. The balance of moneys in the special employment security contingency fund shall be deposited by the treasurer of state in the division-approved training fund which is created as a special fund in the state treasury. Notwithstanding section 453.7, interest or earnings from moneys deposited in the division-approved training fund shall be credited to that fund. The division shall use moneys from the fund to pay only the instructional cost of training related to tuition and course fees, approved by the division pursuant to section 96.4 and 345 Iowa administrative code, rules 4.39 and 4.40, for individuals who demonstrate to the division's satisfaction that they are financially incapable of paying the instructional cost of the approved training. However, the division may expend up to \$40,000 from the fund

for administrative costs relating to payments for division approved training.

Payments from the fund shall not be made to the individual receiving approved training but shall be made directly to the institution or person providing the approved training. Payments shall not exceed \$1,000 per individual trainee in any 2-year period. The division shall distribute information on the qualification requirements for and availability of payment for the division-approved training to individuals filing claims for benefits or receiving benefits under chapter 96.

Sec. 6.

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, 1990, and ending June 30, 1991, 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:

..... \$ 4,895,084
..... PTEs 171.80

As a condition, qualification, and limitation of this appropriation, the department of employment services shall provide services throughout the fiscal year beginning July 1, 1990, and ending June 30, 1991, in all communities in which job service offices are operating on July 1, 1990. However, this provision shall not prevent the consolidation of multiple offices within the same city or the collocation of job service offices with another public agency.

Sec. 7.

There is appropriated from the administrative contribution surcharge fund of the state to the department of employment services, the lesser of \$200,000 or the remaining balance in the fund at the end of the fiscal year beginning July 1, 1989,

and ending June 30, 1990, to provide services in communities where job service offices were located as of July 1, 1989.

Sec. 8.

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

1. FINANCE AND SERVICES DIVISION

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

..... \$ 582,796
..... PTEs 26.00

Of the amount appropriated, \$13,210, or so much thereof as is necessary, shall be expended for 1 PTE and necessary expenses in connection with the administration of payment claims to court-appointed counsel for adult and juvenile indigent defense costs.

2. AUDITS DIVISION

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

..... \$ 559,809
..... PTEs 18.00

3. APPEALS AND FAIR HEARINGS DIVISION

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

..... \$ 366,991
..... PTEs 15.50

4. INVESTIGATIONS DIVISION

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

..... \$ 467,632

..... FTEs 39.00

5. HEALTH FACILITIES DIVISION

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

..... \$ 1,627,109
..... FTEs 104.00

6. INSPECTIONS DIVISION

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

..... \$ 929,177
..... FTEs 26.50

7. EMPLOYMENT APPEAL BOARD

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

..... \$ 42,804
..... 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 FTEs 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:

..... \$ 467,946
..... FTEs 12.85

Of the amount appropriated in this subsection, the following amounts, or so much thereof as is necessary, shall

be expended for the purpose designated: for the purchase of 2 laptop computers, associated printers, and other hardware and software, \$6,200; to expand the foster care registry statewide, \$25,828 for 1.00 FTE; for the Polk county foster care coordinator, \$34,342 and 1 FTE; and for expansion of the foster care review system into the eighth judicial district, \$74,433 and 2.50 FTEs.

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, subsection 5.

10. BINGO AUDITORS

For salaries, support, maintenance, and miscellaneous purposes in connection with conducting 100 percent of the required bingo audits every 2 years, and for not more than the following full-time equivalent positions:

..... \$ 87,430
..... FTEs 2.00

Sec. 9.

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

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 3,915,141
..... FTEs 93.80

a. Of the amount appropriated in this subsection, \$91,652, or so much thereof as is necessary, shall be expended for 3 FTEs, and necessary expenses, to operate the Polk county deposition unit.

b. Of the amount appropriated in this subsection, \$76,863, or so much thereof as is necessary, shall be expended for 2 FTEs and necessary expenses for the Pottawattamie county

office of the public defender in connection with juvenile defense expenses of that office in Pottawattamie county.

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

..... \$ 9,700,000

Of the amount appropriated in this subsection, \$75,000, or so much thereof as is necessary, shall be transferred to the legal services corporation of Iowa for the general obligations of the legal services corporation of Iowa.

3. The office of the public defender shall be permitted to transfer so much as is necessary for salaries, support, maintenance, and miscellaneous purposes, for 2 FTEs from the \$9,700,000 appropriated for indigent defense, if the following conditions are satisfied:

a. The office of the public defender proposes the transfer in the course of an expansion of services to provide public defender services to persons who would otherwise be served by court-appointed council funded from the indigent defense appropriation.

b. The department of management approves the transfer upon a finding that the delivery of services through the public defender's office would be more cost effective.

c. The department of management reports the transfer of moneys to the legislative fiscal bureau and to the regulation appropriations subcommittee of the general assembly.

Sec. 10.

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

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

..... \$ 483,356

..... FTEs 11.50

It is the intent of the general assembly that the department of inspections and appeals cross-train its employees to perform more than one form of inspection or work whenever possible.

Sec. 11.

There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for the purposes designated:

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

..... \$ 685,409
..... PTEs 14.00

Of the amount appropriated in this section, \$18,954, or so much thereof as is necessary, may be expended for .5 PTE by converting a part-time administrative law judge to a full-time position.

Sec. 12.

There is appropriated from the professional licensing revolving fund to the professional licensing and regulation division of the department of commerce, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for the purposes designated:

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

..... \$ 856,600
..... FTEs 11.00

Of the amount appropriated in this section, the following amounts, or so much thereof as is necessary, shall be expended for the designated purposes: \$29,045 for the real estate appraisers board per diem, charges, and expenses; \$6,700 to

reimburse the auditor of state; \$450 to reimburse the department of personnel; and \$24,768 to reimburse the office of the attorney general for services provided by those agencies to the division.

Of the amount appropriated in this section, the following amounts, or so much thereof as is necessary, shall be expended for the designated purposes: \$29,000 for 1 administrative assistant FTE, \$20,000 to contract for insurance consulting services, and \$17,280 for support and capital expenses, all in connection with the first year of implementing House File 730, regarding errors and omission insurance for real estate appraisers, if enacted by the 1990 Session of the General Assembly.

The professional licensing and regulation division may expend additional funds, including funds required for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for the division, and result directly from the licensing and regulation of the subject professions. 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 the division does not have other funds from which the expenses can be paid. Upon approval of the director of the department of management, the division may expend and encumber funds for excess expenses. The amounts necessary to fund the excess expenses shall be collected from those persons being regulated or licensed which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 13.

There is appropriated from the administrative services trust fund to the administrative services division of the

department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 1,528,295
..... PTEs 43.50

Sec. 14.

Notwithstanding section 123.53, there is appropriated from the beer and liquor control fund to the alcoholic beverages division of the department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 4,690,167
..... PTEs 85.86

Sec. 15.

There is appropriated from the banking revolving fund to the banking division of the department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 5,650,448
..... PTEs 118.50

Of the amount appropriated in this section, the following amounts, or so much thereof as is necessary, are to be expended for the designated purpose: \$8,500, to reimburse the auditor of state; \$6,040 to reimburse the department of

personnel; and \$10,000 to reimburse the attorney general for services performed by those agencies for the division.

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. 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 being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 16.

There is appropriated from the credit union revolving fund to the credit union division of the department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 1,067,070
..... FTEs 20.00

Of the amount appropriated in this section, the following amounts, or so much thereof as is necessary, shall be expended for the purposes designated: for the purchase of personal computers, \$25,000; and to remodel administrative office space for new staff added in fiscal year 1990, \$10,000.

Of the amount appropriated in this section, the following amounts, or so much thereof as is necessary, shall be expended for the purposes designated: \$6,150, to reimburse the auditor of state; \$1,440, to reimburse the department of personnel; and \$18,000, to reimburse the attorney general for services performed by those agencies for the division.

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. 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 credit unions being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 17.

There is appropriated from the savings and loan revolving fund to the savings and loan division of the department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 162,818
..... PTEs 3.00

Of the amount appropriated in this section, the following amounts, or so much thereof as is necessary, shall be expended for the designated purposes: \$5,500, to reimburse the auditor of state; and \$280, to reimburse the department of personnel for services performed by those agencies for the division.

The savings and loan division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for savings and loan examinations and directly result from examinations of 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 savings and loan associations being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 9.2, subsection 5.

Sec. 18.

There is appropriated from the insurance revolving fund to the insurance division of the department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 4,282,403
..... PTEs 92.33

Of the amount appropriated in this section, the following amounts, or so much thereof as is necessary, shall be expended for the designated purposes: \$91,619, for travel expenses of examination teams; and \$7,315, to reimburse the department of personnel for services performed for the division.

It is the intent of the general assembly that the department of commerce shall transfer 60 percent of insurance nonexamination revenues received for the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the general fund of the state. If the remaining 40 percent of nonexamination revenues is insufficient, or is estimated to be insufficient, to fully fund the division's appropriation pursuant to this section, the division shall retain such amount from the 60 percent of nonexamination revenues as is necessary to fully fund the division's appropriation.

Sec. 19.

There is appropriated from the insurance revolving fund to the insurance division of the department of commerce for the fiscal year beginning July 1, 1989, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a contract for the mass-loading and processing of insurance agent licensing and continuing education data:
..... \$ 60,000

As a condition, qualification, and limitation of this appropriation, the division shall report on or before January 1, 1991, on the reduction in delays in agent continuing education, licensing, and company appointments data processing occurring, or to occur, as a result of this contract. The report shall be delivered to the legislative fiscal bureau.

The insurance division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for insurance company examinations and directly result from examinations of insurance companies. 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 insurance companies being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

The insurance division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for administrative law duties and directly result from the administration of duties assigned the commissioner of insurance pursuant to Senate File 2249, if enacted by the 1990 Session of the General Assembly, and the expenditure is reasonably necessary to eliminate or prevent the creation of a backlog of workers' compensation contested-case-related determinations. Before the division expends or encumbers an amount in excess of the funds budgeted for administrative law duties, 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 the need for the additional expenditures by the division and that the division does not have other funds from which the administrative law expenses can be paid. Upon approval of the director of the department of management, the division may expend and encumber funds for excess administrative law expenses. The amounts necessary to fund the excess administrative law expenses shall be expended from the insurance revolving fund subject to such terms and

conditions imposed by the director of the department of management when the expenditure is approved.

Sec. 20.

There is appropriated from the utilities trust fund to the utilities division of the department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 4,650,920
..... FTEs 87.50

Of the amount appropriated in this section, the following amounts, or so much thereof as is necessary, shall be expended for the designated purposes: \$33,000, to reimburse the department of general services for increased rent expenses; and \$3,000, to reimburse the department of personnel for services performed for the division.

Sec. 21.

There is appropriated from the racing commission fund to the racing and gaming commission for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, conditioned upon the creation of the state racing and gaming commission as a separate and distinct state department not under the authority of the department of inspections and appeals, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 1,793,953
..... PTEs 35.49

The racing and gaming commission shall provide, in the budget forms for the fiscal year beginning July 1, 1991, and ending June 30, 1992, a separate line item for veterinarian

services and another line item for body fluid testing of dogs and horses. These items shall also be designated in the base budget package and any decision packages in which they appear in the budget forms. Other professional and scientific services may be combined into an additional line item, but must be clearly explained in the budget narrative section of the budget forms.

Sec. 22.

There is appropriated from the excursion boat gambling revolving fund to the racing and gaming commission, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, conditioned upon the creation of the state racing and gaming commission as a separate and distinct state department not under the authority of the department of inspections and appeals, 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:

.....	\$	448,213
.....	FTEs	17.00

Sec. 23.

1. There is appropriated from the general fund of the state to the racing and gaming commission, for the fiscal period beginning July 1, 1990, and ending June 30, 1992, for deposit in the excursion boat gambling revolving fund, conditioned upon the creation of the state racing and gaming commission as a separate and distinct state department not under the authority of the department of inspections and appeals, \$106,154.

Notwithstanding section 99D.13 to the contrary, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, of the moneys escheated to the state pursuant to section 99D.13, subsection 2, which are directed to the racing and gaming commission, the first \$129,000 received shall be

deposited into the excursion boat gambling revolving fund for expenditure as provided for under subsection 3 of this section. Moneys received by the commission in excess of \$129,000 shall be subject to the standing appropriation formula contained in section 99D.13, subsection 2.

There is appropriated from the funds available under section 99D.13 to the racing and gaming commission for the fiscal year beginning July 1, 1990, and ending June 30, 1991, for deposit in the excursion boat gambling revolving fund, \$129,000.

Notwithstanding section 8.33, unencumbered and unobligated moneys of the moneys appropriated in this subsection on June 30, 1991, shall not revert to the general fund of the state but shall remain available for expenditure for the purposes specified.

2. The amount appropriated from the general fund of the state in subsection 1 is appropriated from the excursion boat gambling revolving fund to the treasurer of state, to be transferred to and deposited in the general fund of the state no later than June 30, 1992.

3. There is appropriated from the excursion boat gambling revolving fund to the racing and gaming commission, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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 in connection with the initial 3 excursion gambling boats to be licensed:

.....	\$	235,154
.....	FTEs	5.25

The appropriation in this section is in addition to the appropriation to the racing and gaming commission from the excursion boat gambling revolving fund in section 21.

The racing and gaming commission may expend additional moneys from the excursion boat gambling revolving fund as are reasonably necessary for the regulation and enforcement of additional licensed excursion gambling boats beyond the initial 3 boats for which an appropriation is provided, conditioned upon the following requirements:

- a. The commission shall request approval from the department of management to expend additional moneys in connection with additional licensed boats.
- b. The department of management's approval of the request, provided that the additional expenditure shall not exceed \$114,417 and 5.0 FTEs for each additional licensed boat beyond the initial 3 excursion gambling boats.
- c. The department of management shall notify the legislative fiscal bureau of the additional moneys to be expended.

Sec. 24. NEW SECTION. 11.21A REPAYMENT OF AUDIT EXPENSES BY STATE DEPARTMENTS AND AGENCIES.

The auditor of state shall be reimbursed by a department or agency for performing examinations of the following state departments or agencies, or funds received by a department or agency:

1. Department of commerce.
2. Department of human services.
3. State department of transportation.
4. Iowa department of public health.
5. State board of regents.
6. Department of agriculture and land stewardship.
7. Department of economic development.
8. Department of education.
9. Department of employment services.
10. Department of natural resources.
11. Offices of the clerks of the district court of the judicial department.
12. The Iowa public employees' retirement system.

13. Federal financial assistance, as defined in Pub. L. No. 98-502, received by all other departments.

Sec. 25. Section 84A.1, subsection 2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall direct the administrative and compliance functions and control the docket of the division of industrial services.

Sec. 26. Section 86.2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner may appoint one or more chief deputy industrial commissioners and one or more assistant industrial commissioners. A chief deputy industrial commissioner or an assistant industrial commissioner shall perform such additional administrative responsibilities as are deemed reasonably necessary and assigned by the commissioner.

Sec. 27. Section 86.4, Code 1989, is amended to read as follows:

86.4 POLITICAL ACTIVITY AND CONTRIBUTIONS.

It shall be unlawful for the commissioner, or any appointee of the a chief deputy industrial commissioner while in office, to espouse the election or appointment of any candidate to any political office, and any person violating the provisions of this section shall be guilty of a simple misdemeanor.

Sec. 28. Section 96.5, subsection 10, Code 1989, is amended to read as follows:

10. **ALIENS -- DISQUALIFIED.** For services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for the purpose of performing such services, or was permanently residing in the United States under color of law at the time such services were performed, including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act. Any data or information required of individuals applying for benefits to determine

whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence.

Sec. 29. Section 96.7, subsection 12, paragraph d, Code Supplement 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

d. This subsection is repealed July 1, 1994, and the repeal is applicable to contribution rates for calendar year 1995 and subsequent calendar years.

STATE RACING AND GAMING COMMISSION

Sec. 30. Section 99D.5, subsection 1, Code Supplement 1989, is amended to read as follows:

1. A state racing and gaming commission is created within the ~~as a separate department of inspections and appeals consisting. The membership of the commission shall consist of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19.~~

Sec. 31. Section 99D.11, subsection 5, Code Supplement 1989, is amended to read as follows:

5. As each race is run the licensee shall deduct sixteen percent from the total sum wagered on all horses or dogs as first winners. The balance, after deducting breakage, shall be paid to the holders of certificates on the winning horse or dog in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses or dogs in the race as first winners. The licensee may pay a larger amount if approved by the commission. The licensee shall likewise receive other wagers on horses or dogs selected-to-run-second,-third,-or-both-or in places or

combinations the commission may authorize. The method, procedure, and the authority and right of the licensee, as well as the deduction allowed to the licensee, shall be as specified with respect to wagers upon horses or dogs selected to run first. However, the commission may authorize the licensee to deduct a higher percent of the total sum wagered not to exceed twenty percent on multiple or exotic wagering involving more than one horse or dog.

Sec. 32. Section 99D.13, subsection 2, Code Supplement 1989, is amended to read as follows:

2. Winnings from each racetrack forfeited under subsection 1 shall escheat to the state and to the extent appropriated by the general assembly shall be used by the department of agriculture and land stewardship to administer sections section 99D.22 and 99D.27. The remainder shall be paid over to the commission to pay the cost of drug testing at the tracks. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from harness racing meets, the remainder shall be used as provided in subsection 3. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from tracks licensed for dog or horse races, the commission, at least quarterly, shall remit one-third of the amount to the treasurer of the city in which the racetrack is located, one-third of the amount to the treasurer of the county in which the racetrack is located, and one-third of the amount to the racetrack from which it was forfeited. If the racetrack is not located in a city, then one-third shall be deposited as provided in chapter 556. The amount received by the racetrack under this subsection shall be used only for retiring the debt of the racetrack facilities and for capital improvements to the racetrack facilities.

Sec. 33. Section 99D.15, Code Supplement 1989, is amended to read as follows:

99D.15 PARI-MUTUEL WAGERING TAXES -- RATE -- CREDIT.

1. A tax of six percent is imposed on the gross sum wagered by the pari-mutuel method at each horse race meeting. The tax imposed by this subsection shall be paid by the licensee to the treasurer-of-state commission within ten days after the close of each horse race meeting and shall be distributed as follows:

a. If the racetrack is located in a city, five percent of the gross sum wagered shall be deposited in-the-general-fund-of-the-state with the commission. One-half of one percent of the gross sum wagered shall be remitted to the treasurer of the city in which the racetrack is located and shall be deposited in the general fund of the city. The remaining one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county.

b. If the racetrack is located in an unincorporated part of a county, five and one-half percent of the gross sum wagered shall be deposited in-the-general-fund-of-the-state with the commission. The remaining one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county.

2. A tax credit of up to five percent of the gross sum wagered per year shall be granted to licensees licensed for horse races and paid into a special fund for the purpose of retiring the annual debt on the cost of construction of the licensed facility. However, the tax credit is equal to six percent of the gross sum wagered in a year when the gross sum wagered is less than ninety million dollars. Any portion of the credit not used in a particular year shall be retained by the treasurer-of-state commission. A tax credit shall first be assessed against any share going to a city, then to the share going to a county, and then to the share going to the state.

3. a. A tax is imposed on the gross sum wagered by the pari-mutuel method at each track licensed for dog races. The tax imposed by this subsection shall be paid by the licensee to the treasurer-of-state commission within ten days after the close of the track's racing season. The rate of tax on each track is as follows:

(1) Six percent, if the gross sum wagered in the racing season is fifty-five million dollars or more.

(2) Five percent, if the gross sum wagered in the racing season is thirty million dollars or more but less than fifty-five million dollars.

(3) Four percent, if the gross sum wagered in the racing season is less than thirty million dollars.

b. The tax revenue shall be distributed as follows:

(1) If the racetrack is located in a city, one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the city in which the racetrack is located and shall be deposited in the general fund of the city. One-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county. The remaining amount shall be deposited in-the-general-fund-of-the-state with the commission.

(2) If the racetrack is located in an unincorporated part of a county, one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county. The remaining amount shall be deposited in-the-general-fund-of-the-state with the commission.

c. If the rate of tax imposed under paragraph "a" is five percent or four percent, a track shall set aside for retiring the debt of the racetrack facilities or for capital improvement to the racetrack facilities the following amount:

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

Sec. 34. Section 99D.17, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

99D.17 USE OF FUNDS.

Funds received pursuant to sections 99D.14 and 99D.15 shall be deposited in the pari-mutuel regulation fund created in the racing and gaming commission. These funds shall first be used to the extent appropriated by the general assembly and as provided in section 99D.18. The remainder shall be transferred to the treasurer of state to be deposited in the general fund of the state. The commission is subject to the budget requirements of chapter 8 and the applicable auditing requirements and procedures of chapter 11.

Sec. 35. Section 99D.18, Code 1989, is amended to read as follows:

99D.18 SURPLUS FUNDS -- HOW USED.

From the balance of the funds coming into the hands of the commission pursuant to sections 99D.14 and 99D.15, fifty thousand dollars shall be used by the Iowa state university college of veterinary medicine to develop further research on the treatment of equine injuries and diseases and fifty thousand dollars shall be used by the Iowa state university college of veterinary medicine to develop further research on the treatment of dog injuries and diseases. The remaining funds shall be retained by the commission and may be distributed to a research program or project which the commission determines to be worthy and would benefit the racing industry in the state.

Sec. 36. Section 114.12, Code 1989, is amended to read as follows:

114.12 DISPOSITION OF FEES.

The secretary shall collect and account for all fees provided for by this chapter and pay the same to the treasurer of state who shall deposit the fees in the general fund of the state professional licensing revolving fund.

Sec. 37. Section 116.3, subsection 3, unnumbered paragraph 1, Code 1989, is amended to read as follows:

3. All fees and other moneys received by the board, pursuant to the provisions of this chapter, shall be paid monthly to the treasurer of state for deposit in the professional licensing revolving fund.

Sec. 38. Section 117.14, Code Supplement 1989, is amended to read as follows:

117.14 FEES AND EXPENSES.

All fees and charges collected by the real estate commission under this chapter shall be paid into the general fund-in-the-state-treasury professional licensing revolving fund, except that the equivalent of ten dollars per year of the fees for each real estate salesperson's or broker's license shall be paid into the Iowa real estate education fund created in section 117.54. All expenses incurred by the commission under this chapter, including compensation of staff assigned to the commission, shall be paid out of the general fund-in-the-state-treasury professional licensing revolving fund, except for expenses incurred and compensation paid for the real estate education director, which shall be paid out of the real estate education fund.

Sec. 39. Section 117B.6, subsection 2, Code Supplement 1989, is amended to read as follows:

2. Fees collected by the board shall be transmitted to the treasurer of state who shall deposit the fees in the general fund-of-the-state professional licensing revolving fund.

Sec. 40. Section 118.11, unnumbered paragraph 2, Code 1989, is amended to read as follows:

All fees shall be paid to the treasurer of state and deposited in the general-fund-of-the-state professional licensing revolving fund.

Sec. 41. Section 118A.14, unnumbered paragraph 2, Code 1989, is amended to read as follows:

All fees shall be collected by the secretary, paid to the treasurer of state and deposited in the general-fund-of-the state professional licensing revolving fund.

Sec. 42. Section 546.10, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 5. There is created in the office of the treasurer of state a professional licensing revolving fund. Fees collected under chapters 114, 116, 117, 117B, 118, and 118A shall be paid to the treasurer of state and credited to the professional licensing revolving fund. All expenses required in the discharge of the duties and responsibilities imposed upon the professional licensing division of the department of commerce, the administrator, and the licensing boards by the laws of this state shall be paid from the revolving fund and appropriated by the general assembly from the fund. Transfers shall not be made from the general fund of the state or any other fund for the payment of expenses of the division. Fees collected by the division shall not be transferred to the general fund. The funds held by the treasurer of state for the professional licensing division of the department of commerce shall be invested by the treasurer of state and the income derived from the investments shall be credited to the general fund of the state.

Sec. 43. 1989 Iowa Acts, chapter 272, section 42, is amended, to read as follows:

SEC. 42. Sections 34, 35, and 36 of this Act are effective July 1, 1990 ~~1991~~.

Sec. 44. Section 43 of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 45. 1989 Iowa Acts, chapter 321, section 42, is repealed.

Sec. 46.

Section 45 of this Act, being deemed of immediate importance, takes effect April 30, 1990.

Sec. 47.

Section 7 of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 48. Section 29 of this Act, being deemed of immediate importance, takes effect June 30, 1990.

Sec. 49. The sections of this Act amending chapter 99D, being deemed of immediate importance, take effect upon enactment.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2328, Seventy-third General Assembly.

John P. Dwyer
Approved *April 5*, 1990

JOHN P. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor