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SENATE FILE 2116

BY COMMITTEE ON APPROPRIATIONS

~~Approved~~ (7 262 )

(SUCCESSOR TO SSB 2118)

Passed Senate, Date 2/13/92 (p. 325) Passed House, Date 2/20/92

Vote: Ayes 31 Nays 19 Vote: Ayes 54 Nays 44

Approved Item Veto 3/10/92

A BILL FOR

1 An Act relating to the state budget by supplementing certain  
2 appropriations and reducing certain appropriations made for  
3 the fiscal year beginning July 1, 1991, making changes in the  
4 state aid to school corporations, and providing an effective  
5 date.

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

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SF 2116

1 Department of Human Services

2 Section 1. SUPPLEMENTAL APPROPRIATIONS. There is  
3 appropriated from the general fund of the state to the  
4 department of human services for the fiscal year beginning  
5 July 1, 1991, and ending June 30, 1992, to supplement the  
6 appropriations made in 1991 Iowa Acts, chapter 267, division  
7 I, the following amounts, or so much thereof as is necessary,  
8 to be used for the purposes designated:

- 9 1. Aid to families with dependent children, in section  
10 101:  
11 ..... \$ 4,306,161
- 12 2. Emergency assistance to families with  
13 dependent children to match federal funding for  
14 homeless prevention programs, in section 102:  
15 ..... \$ 375,000
- 16 3. Medical assistance, in section 103:  
17 ..... \$ 19,605,610
- 18 4. Medical contracts, in section 104:  
19 ..... \$ 295,104
- 20 5. State supplementary assistance, in section 107:  
21 ..... \$ 1,002,613
- 22 6. Child day care assistance, in section 109:  
23 ..... \$ 230,883
- 24 7. Transitional child care assistance, in section 110:  
25 ..... \$ 10,508
- 26 8. Foster care, in section 114:  
27 ..... \$ 11,525,652
- 28 9. Home-based services, in section 116:  
29 ..... \$ 287,332
- 30 10. Community-based programs, in section 117:  
31 ..... \$ 767,036
- 32 11. a. State mental health institute at Cherokee, in  
33 section 121, subsection 1:  
34 ..... \$ 158,485
- 35 b. State mental health institute at Independence, in

1 section 121, subsection 3:

2 ..... \$ 758,139

3 Sec. 2. CAPITAL IMPROVEMENTS. There is appropriated from  
4 the general fund of the state to the department of human  
5 services for the fiscal year beginning July 1, 1991, and  
6 ending June 30, 1992, the following amount, or so much thereof  
7 as is necessary, to be used for the purpose designated:

8 For capital improvements, including items for code  
9 compliance and critical major maintenance:

10 ..... \$ 996,224

11 Department of Corrections

12 Sec. 3. There is appropriated from the general fund of the  
13 state to the department of corrections for the fiscal year  
14 beginning July 1, 1991, and ending June 30, 1992, to  
15 supplement the appropriations made in 1991 Iowa Acts, chapter  
16 267, section 405, the following amounts, or so much thereof as  
17 is necessary, to be used for the purposes designated:

18 1. For annual payment relating to prison expansion, in  
19 subsection 5:

20 ..... \$ 20,340

21 2. For annual payment relating to prison expansion, in  
22 subsection 6:

23 ..... \$ 102,156

24 Interstate Compact on Agricultural Grain Marketing

25 Sec. 4. There is appropriated from the general fund of the  
26 state to the interstate agricultural grain marketing  
27 commission for the fiscal year beginning July 1, 1991, and  
28 ending June 30, 1992, to supplement the appropriation made in  
29 1991 Iowa Acts, chapter 268, section 206, the following  
30 amount, or so much thereof as is necessary, to be used for the  
31 purpose designated:

32 For carrying out the duties of the commission under the  
33 interstate compact as provided in chapter 183:

34 ..... \$ 1,950

35 Department of Inspections and Appeals

1     Sec. 5. There is appropriated from the road use tax fund  
2 to the department of inspections and appeals for the fiscal  
3 year beginning July 1, 1991, and ending June 30, 1992, to  
4 supplement the appropriation made in 1991 Iowa Acts, chapter  
5 268, section 414, the following amount, or so much thereof as  
6 is necessary, to be used for the purposes designated:

7     For salaries, support, maintenance, and miscellaneous  
8 purposes:  
9 ..... \$     100,000

10    Sec. 6. There is appropriated from the general fund of the  
11 state to the racing and gaming commission of the department of  
12 inspections and appeals for the fiscal year beginning July 1,  
13 1991, and ending June 30, 1992, to supplement the  
14 appropriation made in 1991 Iowa Acts, chapter 268, section  
15 425, the following amount, or so much thereof as is necessary,  
16 to be used for the purposes designated:

17    For salaries, support, maintenance, miscellaneous purposes,  
18 and for an increase of 2 full-time equivalent positions:  
19 ..... \$     50,000

20                   Department of General Services

21    Sec. 7. There is appropriated from the general fund of the  
22 state to the department of general services for the fiscal  
23 year beginning July 1, 1991, and ending June 30, 1992, the  
24 following amount, or so much thereof as is necessary, for the  
25 purpose designated:

26    For deferred maintenance projects at the capitol complex:  
27 ..... \$     223,440

28    Sec. 8. There is appropriated from the use tax revenues  
29 credited to the road use tax fund under section 423.24,  
30 subsection 1, paragraph "c", to the department of general  
31 services for the fiscal year beginning July 1, 1991, and  
32 ending June 30, 1992, the following amount, or so much thereof  
33 as is necessary, to be used for the purpose designated:

34    For the removal of the court avenue bridge:  
35 ..... \$     375,000

Department of Commerce

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2 Sec. 9. There is appropriated from the general fund of the  
3 state to the alcoholic beverages division of the department of  
4 commerce for the fiscal year beginning July 1, 1991, and  
5 ending June 30, 1992, the following amount, or so much thereof  
6 as is necessary, for the purpose designated:

7 For the repair of the roof at the Ankeny liquor warehouse  
8 facility:

9 ..... \$ 350,000

10 Department of Justice

11 Sec. 10. There is appropriated from the general fund of  
12 the state to the department of justice for the fiscal year  
13 beginning July 1, 1991, and ending June 30, 1992, the  
14 following amount, or so much thereof as is necessary, for the  
15 purpose designated:

16 For expenses relating to the enforcement of odometer fraud  
17 laws:

18 ..... \$ 130,000

19 Sec. 11. 1991 Iowa Acts, chapter 260, section 1103,  
20 unnumbered paragraph 2, is amended to read as follows:

21 The transfers under this section shall be made during the  
22 period beginning April 16, 1991, and ending June 30, 1991.  
23 However, state general fund cash balances shall be available  
24 from the general fund of the state for cash flow purposes to  
25 enable the timely payment of obligations incurred for purposes  
26 for which moneys in the funds designated in subsections 1  
27 through 4 are to be used for the fiscal years ending June 30,  
28 1992, and June 30, 1993.

29 Sec. 12. 1991 Iowa Acts, chapter 266, section 19, is  
30 amended to read as follows:

31 SEC. 19. There is appropriated from the health insurance  
32 reserve fund to the general fund of the state, on or before  
33 June 30, 1991, the following amount:

34 ..... \$ 6,000,000

35 However, state general fund cash balances shall be available

1 from the general fund of the state for cash flow purposes to  
2 enable the timely payment of obligations incurred for purposes  
3 of the health insurance reserve fund for the fiscal years  
4 ending June 30, 1992, and June 30, 1993.

5 Sec. 13. Section 257.6, subsection 4, unnumbered paragraph  
6 2, Code 1991, is amended to read as follows:

7 However, if a district's actual enrollment for a budget  
8 year is greater than one hundred three percent of its budget  
9 enrollment, the district is eligible for an advance for  
10 increasing enrollment as provided in section 257.13.

11 Sec. 14. Section 257.13, unnumbered paragraph 1, Code  
12 1991, is amended to read as follows:

13 If a district's actual enrollment for the budget year,  
14 determined under section 257.6, is greater than one hundred  
15 three percent of its budget enrollment for the budget year,  
16 the district is granted an advance from the state of an amount  
17 equal to its regular program district cost per pupil for the  
18 budget year multiplied by the difference between the actual  
19 enrollment for the budget year and one hundred three percent  
20 of the budget enrollment for the budget year. The advance is  
21 miscellaneous income.

22 Sec. 15. Section 257.16, unnumbered paragraph 2, Code  
23 Supplement 1991, is amended to read as follows:

24 All state aids paid under this chapter, unless otherwise  
25 stated, shall be paid in monthly installments beginning on  
26 September 15 of a budget year and ending on or about June 15  
27 of the budget year ~~and the installments shall be as nearly~~  
28 ~~equal as possible as determined by the department of~~  
29 management, taking into consideration the relative budget and  
30 cash position of the state resources. However, an amount of  
31 state school foundation aid equal to the general allocation of  
32 the school district as determined under section 405A.2 and the  
33 amount of the tax credit for livestock pursuant to section  
34 442.2, subsection 2, as it appeared in the 1987 Code, shall be  
35 paid to the school district on July 15 of the subsequent

1 fiscal year, and the appropriation for this amount shall be  
2 made for the fiscal year during which the payment is made.

3 However, the state aid paid to school districts under section  
4 257.13 shall be paid in monthly installments beginning on  
5 December 15 and ending on June 15 of a budget year.

6 Sec. 16. Notwithstanding the repeal of chapter 442 as of  
7 July 1, 1991, the provision of section 442.26 that requires an  
8 amount of school aid equal to the general allocation to a  
9 school district under section 405A.2 and the amount of tax  
10 credit for livestock to be paid to school districts on July 15  
11 of the subsequent fiscal year remains effective for the school  
12 budget year beginning July 1, 1990, and such amounts shall be  
13 paid to the school districts on July 15, 1991.

14 Department of Agriculture and Land Stewardship

15 Sec. 17. APPROPRIATION REDUCTION. The appropriation from  
16 the general fund of the state to the department of agriculture  
17 and land stewardship for the fiscal year beginning July 1,  
18 1991, and ending June 30, 1992, in 1991 Iowa Acts, chapter  
19 268, section 201, is reduced, as a result of the governor's  
20 item veto in section 201, by the following amount for the  
21 purpose designated:

22	Soil conservation division, in subsection 6:	
23	.....	\$ 250,000
24	Iowa Communications Network	

25 Sec. 18. REQUIRED REVERSION. Notwithstanding the  
26 nonreversion provision in section 18.137, up to \$2,000,000 of  
27 the unobligated and unencumbered moneys remaining in the Iowa  
28 communications network fund of the amount appropriated, as a  
29 result of the governor's item veto of 1991 Iowa Acts, chapter  
30 267, section 507, subsection 17, under section 18.137 to the  
31 fund for the fiscal year beginning July 1, 1991, and ending  
32 June 30, 1992, shall revert to the general fund of the state.

33 Sec. 19. FUNDS DO NOT REVERT. Notwithstanding section  
34 8.33, unobligated and unencumbered moneys remaining on June  
35 30, 1992, from the appropriations made for the fiscal year



1 general fund to receive any moneys from the general fund for  
2 cash flow purposes.

3 Sections 13 through 16 and 21 relate to changes in state  
4 school aid to education by limiting advance payments for  
5 increasing enrollment to enrollment increases greater than 103  
6 percent of budget enrollment, by eliminating the requirement  
7 that the 10 school aid installments be equal, and by providing  
8 school districts with state aid equal to the amount of tax  
9 credit for livestock that they would receive under the old  
10 school foundation aid formula.

11 Section 17 is a reduction in an appropriation resulting  
12 from an item veto for the 1991-1992 fiscal year to the  
13 department of agriculture and land stewardship. Section 18  
14 eliminates for the 1991-1992 fiscal year a nonreversion  
15 provision which applies to the Iowa communications network.

16 The bill takes effect upon enactment.

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SENATE FILE 2116

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1 Amend Senate File 2116 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "3.25 PERCENT

5 Section 101. REDUCTIONS OF FISCAL YEAR 1991-1992  
6 APPROPRIATIONS.

7 1. Moneys appropriated from the general fund of  
8 the state for the fiscal year beginning July 1, 1991,  
9 by the Seventy-fourth General Assembly, 1991 Session,  
10 and standing limited and unlimited appropriations from  
11 the general fund of the state for the fiscal year  
12 beginning July 1, 1991, are reduced by three and one-  
13 quarter percent. However, moneys appropriated from  
14 the general fund of the state for the fiscal year  
15 beginning July 1, 1991, shall not be reduced if the  
16 appropriation is any of the following:

17 a. Made by the Seventy-fourth General Assembly,  
18 1992 Session.

19 b. Made pursuant to section 2.12.

20 c. Made to the judicial branch of the government.

21 2. The three and one-quarter percent reduction in  
22 appropriations under subsection 1 shall be carried out  
23 uniformly and proportionately in the manner specified  
24 in section 8.31. The reduction of moneys appropriated  
25 and available for the fiscal year beginning July 1,  
26 1991, shall not, because of both executive action  
27 prior to the effective date of this section and  
28 pursuant to subsection 1, exceed more than three and  
29 one-quarter percent.

30 3. Moneys which become available as a result of  
31 the three and one-quarter percent reduction under  
32 subsection 1 and funds available from allotments which  
33 are modified because of the execution of the authority  
34 under section 8.31 as contained in executive order  
35 number 42 shall revert to the general fund of the  
36 state on the effective date of this section or on the  
37 effective date of the allotment, whichever is later.

B

38 REDUCTIONS

39 Department of Human Services

40 Sec. 201. The appropriations from the general fund  
41 of the state to the department of human services for  
42 the fiscal year beginning July 1, 1991, and ending  
43 June 30, 1992, in 1991 Iowa Acts, chapter 267,  
44 division I, are reduced by the following amounts for  
45 the purposes designated:

46 1. Child support recovery, in section 112:

47 ..... S 41,021

48 2. a. Iowa juvenile home at Toledo, in section  
49 113, subsection 1:

50 ..... S 128,771

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1	b. State training school at Eldora, in section		
2	113, subsection 2:		
3	.....	\$	240,829
4	3. Iowa veterans home, in section 120:		
5	.....	\$	1,356,958
6	4. a. State mental health institute at Clarinda,		
7	in section 121, subsection 2:		
8	.....	\$	977,595
9	b. State mental health institute at Mount		
10	Pleasant, in section 121, subsection 4:		
11	.....	\$	2,286,261
12	5. a. State hospital-school at Glenwood, in		
13	section 122, subsection 1:		
14	.....	\$	632,848
15	b. State hospital-school at Woodward, in section		
16	122, subsection 2:		
17	.....	\$	557,080
18	6. Field operations, in section 129:		
19	.....	\$	1,756,453
20	7. General administration, in section 130:		
21	.....	\$	276,378

Department of Education

23 Sec. 202. The appropriations from the general fund  
 24 of the state to the department of education for the  
 25 fiscal year beginning July 1, 1991, and ending June  
 26 30, 1992, in 1991 Iowa Acts, chapter 267, section 201,  
 27 are reduced by the following amounts for the purposes  
 28 designated:

29	1. General administration, in subsection 1:		
30	.....	\$	223,852
31	2. Board of educational examiners, in subsection		
32	3:		
33	.....	\$	3,711
34	3. Vocational education administration, in		
35	subsection 6:		
36	.....	\$	30,736
37	4. Vocational rehabilitation division for		
38	salaries, support, maintenance, and miscellaneous		
39	purposes, in subsection 8, paragraph "a":		
40	.....	\$	89,588

State Board of Regents

42 Sec. 203. The appropriations from the general fund  
 43 of the state to the state board of regents for the  
 44 fiscal year beginning July 1, 1991, and ending June  
 45 30, 1992, in 1991 Iowa Acts, chapter 267, section 210,  
 46 are reduced by the following amounts for the purposes  
 47 designated:

48	1. State university of Iowa, in subsection 2:		
49	a. General university, in paragraph "a":		
50	.....	\$	1,784,245

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1	b. University hospitals, in paragraph "d":		
2	.....	\$	295,206
3	c. Psychiatric hospital, in paragraph "e":		
4	.....	\$	74,843
5	d. Hospital-school, in paragraph "f":		
6	.....	\$	69,113
7	e. Oakdale campus, in paragraph "g":		
8	.....	\$	117,450
9	f. State hygienic laboratory, in paragraph "h":		
10	.....	\$	63,485
11	g. Family practice program, in paragraph "i":		
12	.....	\$	37,384
13	h. Child health care services, in paragraph "j":		
14	.....	\$	7,360
15	2. Iowa state university of science and		
16	technology, in subsection 3:		
17	a. General university, in paragraph "a":		
18	.....	\$	1,364,550
19	b. Agricultural experiment station, in paragraph		
20	"c":		
21	.....	\$	175,354
22	c. Cooperative extension service, in paragraph		
23	"e":		
24	.....	\$	79,365
25	3. University of northern Iowa, in subsection 4:		
26	For salaries, support, maintenance, equipment, and		
27	miscellaneous purposes, in paragraph "a":		
28	.....	\$	444,160
29	4. State school for the deaf, in subsection 5:		
30	.....	\$	78,966
31	5. Iowa braille and sight saving school, in		
32	subsection 6:		
33	.....	\$	75,973
34	Department of Cultural Affairs		
35	Sec. 204. The appropriations from the general fund		
36	of the state to the department of cultural affairs for		
37	the fiscal year beginning July 1, 1991, and ending		
38	June 30, 1992, in 1991 Iowa Acts, chapter 267, section		
39	214, are reduced by the following amounts for the		
40	purposes designated:		
41	1. Arts division, in subsection 1:		
42	.....	\$	22,900
43	2. Historical division, in subsection 2:		
44	.....	\$	80,780
45	3. Terrace Hill commission, in subsection 3:		
46	.....	\$	6,400
47	4. Library division, in subsection 4:		
48	.....	\$	35,162
49	5. Administration division, in subsection 6:		
50	.....	\$	18,608

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1	6. Public broadcasting division, in subsection 10:		
2	.....	\$	157,237
3	Department of Economic Development		
4	Sec. 205. The appropriations from the general fund		
5	of the state to the department of economic development		
6	for the fiscal year beginning July 1, 1991, and ending		
7	June 30, 1992, in 1991 Iowa Acts, chapter 267, section		
8	301, are reduced by the following amounts for the		
9	purposes designated:		
10	1. Administrative services division, in subsection		
11	1:		
12	a. General administration, in paragraph "a":		
13	.....	\$	6,300
14	b. Rural resource coordination, in paragraph "b":		
15	.....	\$	8,256
16	c. Primary research and computer center, in		
17	paragraph "c":		
18	.....	\$	7,050
19	d. Film office, in paragraph "d":		
20	.....	\$	900
21	2. Business development division, in subsection 2:		
22	Business development operations, in paragraph "a":		
23	.....	\$	23,424
24	3. Community and rural development division, in		
25	subsection 3:		
26	Community progress, in paragraph "c":		
27	.....	\$	34,173
28	4. International division, in subsection 4:		
29	a. European trade office, in paragraph "b":		
30	.....	\$	31,387
31	b. Export trade activities program, in paragraph		
32	"e":		
33	.....	\$	4,000
34	5. Tourism division, in subsection 5:		
35	Tourism operations, in paragraph "a":		
36	.....	\$	37,958
37	6. Work force development division, in subsection		
38	6:		
39	a. Iowa corps, in paragraph "b":		
40	.....	\$	29,161
41	b. Job retraining program, in paragraph "c":		
42	.....	\$	34,669

Board of Parole

44 Sec. 206. The appropriation from the general fund  
 45 of the state to the board of parole for the fiscal  
 46 year beginning July 1, 1991, and ending June 30, 1992,  
 47 in 1991 Iowa Acts, chapter 267, section 403, is  
 48 reduced by the following amount for the purposes  
 49 designated:

50 For salaries, support, maintenance, and

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1 miscellaneous purposes:  
2 ..... \$ 26,655  
3 Department of Corrections  
4 Sec. 207. The appropriations from the general fund  
5 of the state to the department of corrections for the  
6 fiscal year beginning July 1, 1991, and ending June  
7 30, 1992, in 1991 Iowa Acts, chapter 267, division IV,  
8 are reduced by the following amounts for the purposes  
9 designated:  
10 1. Operation of adult correctional facilities, in  
11 section 404, subsection 1:  
12 a. Fort Madison correctional facility, in  
13 paragraph "a":  
14 ..... \$ 226,091  
15 b. Anamosa correctional facility, in paragraph  
16 "b":  
17 ..... \$ 132,456  
18 c. Newton correctional facility, in paragraph "d":  
19 ..... \$ 641,237  
20 d. Mt. Pleasant correctional facility, in  
21 paragraph "e":  
22 ..... \$ 161,862  
23 e. Rockwell City correctional facility, in  
24 paragraph "f":  
25 ..... \$ 464,235  
26 f. Clarinda correctional facility, in paragraph  
27 "g":  
28 ..... \$ 81,747  
29 g. Mitchellville correctional facility, in  
30 paragraph "h":  
31 ..... \$ 488,191  
32 2. a. For general administration, in section 405,  
33 subsection 1:  
34 ..... \$ 57,390  
35 b. For salaries, support, maintenance, and  
36 miscellaneous purposes at the correctional training  
37 center at Mt. Pleasant, in section 405, subsection 4:  
38 ..... \$ 824  
39 3. For judicial district departments of  
40 correctional services, in section 406, subsection 1:  
41 a. First judicial district, in paragraph "a":  
42 ..... \$ 169,818  
43 b. Second judicial district, in paragraph "b":  
44 ..... \$ 137,132  
45 c. Third judicial district, in paragraph "c":  
46 ..... \$ 42,838  
47 d. Fourth judicial district, in paragraph "d":  
48 ..... \$ 46,186  
49 e. Fifth judicial district, in paragraph "e":  
50 ..... \$ 261,802

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1	f. Sixth judicial district, in paragraph "f":	
2	.....	\$ 227,262
3	g. Seventh judicial district, in paragraph "g":	
4	.....	\$ 124,596
5	h. Eighth judicial district, in paragraph "h":	
6	.....	\$ 102,217

Governor's Drug Coordinator

8 Sec. 208. The appropriation from the general fund  
 9 of the state to the office of the governor's drug  
 10 enforcement and abuse prevention coordinator for the  
 11 fiscal year beginning July 1, 1991, and ending June  
 12 30, 1992, in 1991 Iowa Acts, chapter 268, section 103,  
 13 is reduced by the following amount for the purposes  
 14 designated:

15	For salaries, support, maintenance, and	
16	miscellaneous purposes, in subsection 1:	
17	.....	\$ 7,181

Department of General Services

19 Sec. 209. The appropriations from the general fund  
 20 of the state to the department of general services for  
 21 the fiscal year beginning July 1, 1991, and ending  
 22 June 30, 1992, in 1991 Iowa Acts, chapter 268, section  
 23 107, are reduced by the following amounts for the  
 24 purposes designated:

25	1. Administration division, in subsection 1:	
26	.....	\$ 26,418
27	2. Materials management division, in subsection 3:	
28	.....	\$ 667
29	3. Property management division, in subsection 4:	
30	.....	\$ 206,622
31	4. Printing and mail division, in subsection 5:	
32	.....	\$ 664
33	5. Records management division, in subsection 6:	
34	.....	\$ 38,033
35	6. Information services division, in subsection 7:	
36	.....	\$ 207,167

Department of Revenue and Finance

38 Sec. 210. The appropriations from the general fund  
 39 of the state to the department of revenue and finance  
 40 for the fiscal year beginning July 1, 1991, and ending  
 41 June 30, 1992, in 1991 Iowa Acts, chapter 268, section  
 42 114, are reduced by the following amounts for the  
 43 purposes designated:

44	1. Audit and compliance, in subsection 1:	
45	.....	\$ 573,385
46	2. Financial management, in subsection 2:	
47	.....	\$ 80,735
48	3. Information and management systems, in	
49	subsection 3:	
50	.....	\$ 25,280

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1	4. Tecnnical services, in subsection 5:		
2	.....	\$	31,381
3	Department of Natural Resources		
4	Sec. 211. The appropriations from the general fund		
5	of the state to the department of natural resources		
6	for the fiscal year beginning July 1, 1991, and ending		
7	June 30, 1992, in 1991 Iowa Acts, chapter 268, section		
8	207, are reduced by the following amounts for the		
9	purposes designated:		
10	1. Coordination and information division, in		
11	subsection 2:		
12	.....	\$	24,342
13	2. Administrative services division, in subsection		
14	3:		
15	.....	\$	71,957
16	3. Parks and preserves division, in subsection 4:		
17	.....	\$	176,890
18	4. Forests and forestry division, in subsection 5:		
19	.....	\$	86,729
20	5. Energy and geological resources division, in		
21	subsection 6:		
22	.....	\$	38,004
23	6. Environmental protection division, in		
24	subsection 7:		
25	.....	\$	35,743
26	7. For the green thumb program, in subsection 11:		
27	.....	\$	30,858
28	Civil Rights Commission		
29	Sec. 212. The appropriation from the general fund		
30	of the state to the Iowa state civil rights commission		
31	for the fiscal year beginning July 1, 1991, and ending		
32	June 30, 1992, in 1991 Iowa Acts, chapter 268, section		
33	301, is reduced by the following amount for the		
34	purposes designated:		
35	For salaries, support, maintenance, and		
36	miscellaneous purposes:		
37	.....	\$	41,786
38	Department of Human Rights		
39	Sec. 213. The appropriations from the general fund		
40	of the state to the department of human rights for the		
41	fiscal year beginning July 1, 1991, and ending June		
42	30, 1992, in 1991 Iowa Acts, chapter 268, section 302,		
43	are reduced by the following amounts for the purposes		
44	designated:		
45	1. Central administration division, in subsection		
46	1:		
47	.....	\$	19,964
48	2. Persons with disabilities division, in		
49	subsection 3:		
50	.....	\$	9,213

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1	3. Deaf services division, in subsection 5:		
2	.....	\$	21,156
3	4. Criminal and juvenile justice planning		
4	division, in subsection 7:		
5	.....	\$	13,518
6	Department for the Blind		
7	Sec. 214. The appropriation from the general fund		
8	of the state to the department for the blind for the		
9	fiscal year beginning July 1, 1991, and ending June		
10	30, 1992, in 1991 Iowa Acts, chapter 268, section 303,		
11	is reduced by the following amount for the purposes		
12	designated:		
13	For salaries, support, maintenance, and		
14	miscellaneous purposes:		
15	.....	\$	21,377
16	Department of Elder Affairs		
17	Sec. 215. The appropriation from the general fund		
18	of the state to the department of elder affairs for		
19	the fiscal year beginning July 1, 1991, and ending		
20	June 30, 1992, in 1991 Iowa Acts, chapter 268, section		
21	304, is reduced by the following amount for the		
22	purposes designated:		
23	For salaries, support, maintenance, and		
24	miscellaneous purposes, in subsection 1:		
25	.....	\$	22,273
26	Department of Public Health		
27	Sec. 216. The appropriations from the general fund		
28	of the state to the Iowa department of public health		
29	for the fiscal year beginning July 1, 1991, and ending		
30	June 30, 1992, in 1991 Iowa Acts, chapter 268, section		
31	305, are reduced by the following amounts for the		
32	purposes designated:		
33	1. Central administration division, in subsection		
34	1:		
35	.....	\$	74,030
36	2. Health planning division, in subsection 2,		
37	paragraph "a":		
38	.....	\$	22,408
39	3. a. Disease prevention division, in subsection		
40	3, paragraph "a":		
41	.....	\$	75,223
42	b. Disease prevention division, in subsection 3,		
43	paragraph "b":		
44	.....	\$	26,287
45	4. State board of medical examiners, in subsection		
46	6:		
47	.....	\$	15,884
48	5. Substance abuse division, in subsection 10,		
49	paragraph "a":		
50	.....	\$	66,745

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Page 9

1 6. Family and community health division, in  
 2 subsection 11, paragraph "a":  
 3 ..... \$ 76,934

4 Department of Employment Services  
 5 Sec. 217. The appropriations from the general fund  
 6 of the state to the department of employment services  
 7 for the fiscal year beginning July 1, 1991, and ending  
 8 June 30, 1992, in 1991 Iowa Acts, chapter 268, section  
 9 403, are reduced by the following amounts for the  
 10 purposes designated:

11 1. Division of labor services, in subsection 1:  
 12 ..... \$ 34,392

13 2. Division of industrial services, in subsection  
 14 2:  
 15 ..... \$ 88,458

16 Department of Inspections and Appeals  
 17 Sec. 218. The appropriations from the general fund  
 18 of the state to the department of inspections and  
 19 appeals for the fiscal year beginning July 1, 1991,  
 20 and ending June 30, 1992, in 1991 Iowa Acts, chapter  
 21 268, division IV, are reduced by the following amounts  
 22 for the purposes designated:

23 1. Finance and services division, in section 406,  
 24 subsection 1:  
 25 ..... \$ 20,461

26 2. Audits division, in section 406, subsection 2:  
 27 ..... \$ 174,091

28 3. Appeals and fair hearings division, in section  
 29 406, subsection 3:  
 30 ..... \$ 15,941

31 4. Health facilities division, in section 406,  
 32 subsection 5:  
 33 ..... \$ 49,713

34 5. Inspections division, in section 406,  
 35 subsection 6:  
 36 ..... \$ 86,726

37 6. Racing and gaming commission, in section 424:  
 38 ..... \$ 38,000

39 Department of Commerce  
 40 Sec. 219. The appropriations from the general fund  
 41 of the state to the department of commerce for the  
 42 fiscal year beginning July 1, 1991, and ending June  
 43 30, 1992, in 1991 Iowa Acts, chapter 268, division IV,  
 44 are reduced by the following amounts for the purposes  
 45 designated:

46 1. Professional licensing and regulation division,  
 47 in section 416:  
 48 ..... \$ 16,115

49 2. Administrative services division, in section  
 50 417:

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Page 10

1	.....	\$	63,099
2	3. Alcoholic beverages division, in section 418:		
3	.....	\$	89,522
4	4. Banking division, in section 419:		
5	.....	\$	95,129
6	5. Credit union division, in section 420:		
7	.....	\$	33,535
8	6. Insurance division, in section 421:		
9	.....	\$	141,143
10	7. Utilities division, in section 423:		
11	.....	\$	159,269

Law Enforcement Academy

13 Sec. 220. The appropriation from the general fund  
14 of the state to the Iowa law enforcement academy for  
15 the fiscal year beginning July 1, 1991, and ending  
16 June 30, 1992, in 1991 Iowa Acts, chapter 268, section  
17 501, is reduced by the following amount for the  
18 purposes designated:

19	For salaries, support, maintenance, and		
20	miscellaneous purposes, including jailer training and		
21	technical assistance:		
22	.....	\$	45,710

Department of Public Defense

24 Sec. 221. The appropriations from the general fund  
25 of the state to the department of public defense for  
26 the fiscal year beginning July 1, 1991, and ending  
27 June 30, 1992, in 1991 Iowa Acts, chapter 268, section  
28 502, are reduced by the following amounts for the  
29 purposes designated:

30	1. Military division, in subsection 1:		
31	.....	\$	46,506
32	2. Disaster services division, in subsection 2:		
33	.....	\$	39,612
34	3. Veterans affairs division, in subsection 3:		
35	.....	\$	4,616

Department of Public Safety

37 Sec. 222. The appropriations from the general fund  
38 of the state to the department of public safety for  
39 the fiscal year beginning July 1, 1991, and ending  
40 June 30, 1992, in 1991 Iowa Acts, chapter 268, section  
41 503, are reduced by the following amounts for the  
42 purposes designated:

43	1. Administrative functions, including the medical		
44	examiner's office and criminal justice information		
45	system, and the missing person program, in subsection		
46	1:		
47	.....	\$	106,741
48	2. Division of criminal investigation and bureau		
49	of identification, in subsection 3:		
50	.....	\$	360,023

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Page 11

1 3. Division of narcotics for contribution to the  
 2 peace officers' retirement, accident, and disability  
 3 system and federal fund matching requirements, in  
 4 subsection 4, paragraph "a":  
 5 ..... \$ 56,553  
 6 4. Fire marshal's office, in subsection 5:  
 7 ..... \$ 46,900  
 8 5. Capitol security division, in subsection 6:  
 9 ..... \$ 72,531

10 Department of Transportation

11 Sec. 223. The appropriation from the general fund  
 12 of the state to the state department of transportation  
 13 for the fiscal year beginning July 1, 1991, and ending  
 14 June 30, 1992, in 1991 Iowa Acts, chapter 268, section  
 15 508, is reduced by the following amount for the  
 16 purposes designated:

17 Aeronautics and public transit for salaries,  
 18 support, maintenance, and miscellaneous purposes, in  
 19 subsection 3:  
 20 ..... \$ 17,611

21 Department of Education -- Educational Excellence

22 Sec. 224. The appropriation from the general fund  
 23 of the state to the department of education for the  
 24 fiscal year beginning July 1, 1991, and ending June  
 25 30, 1992, in section 294A.25, subsection 1, is reduced  
 26 by the following amount for the purpose designated:

27 Educational excellence program:  
 28 ..... \$ 3,497  
 29 3.25 Percent Reduction

30 Sec. 225. EFFECT OF APPROPRIATION REDUCTIONS. The  
 31 reductions in appropriations for the fiscal year  
 32 beginning July 1, 1991, and ending June 30, 1992, made  
 33 in sections 201 through 224 of this Act are in  
 34 addition to the three and one-quarter percent  
 35 reduction made in those appropriations pursuant to  
 36 section 101 of this Act.

37 "SUPPLEMENTALS".

38 2. Page 7, line 12, by inserting after the word  
 39 "reduction" the following: "made in section 101 of  
 40 this Act or".

41 3. By renumbering as necessary.

By DALE L. TIEDEN	ALLEN BORLAUG
JACK RIFE	H. KAY HEDGE
JIM LIND	HARRY G. SLIFE
MAGGIE TINSMAN	MARY E. KRAMER
RICHARD VANDE HOEF	DERRYL MCLAREN
MARK R. HAGERLA	LINN FUHRMAN
JOHN W. JENSEN	JACK W. HESTER
JAMES B. KERSTEN	WILMER RENSINK

S-5042 FILED FEBRUARY 11, 1992  
 DIVISION A-LOST, DIVISION B-LOST

(p. 280) (p. 281)

*Motion to reconsider (p. 283)  
 "placed" o/c 2/13 (p. 324)*

SENATE FILE 2116

S-5055

Amend the amendment, S-5053 to Senate File 2116 as follows:

1. Page 2, line 40, by striking the word and figure "subsection 1." and inserting the following: "subsection 1."

6. School districts receiving an additional reduction in the amount of state school foundation aid under chapter 257, as a result of the reduction in subsection 1, shall not raise the lost state aid by a cash reserve levy under section 259.13 to replace the state school foundation aid reduction in subsection 1."

By LARRY MURPHY  
JOHN P. KIBBIE  
LEONARD L. BOSWELL  
BEVERLY A. HANNON  
EUGENE S. FRAISE

SERI E. PRICE  
EMIL J. HUSAR  
WILLIAM W. CRELEMAN  
DONALD W. COYLE

S-5055 FILED FEBRUARY 13, 1992

*Lester (p. 320)*

SENATE FILE 2116

S-5056

Amend the amendment, S-5053, to Senate File 2116 as follows:

1. Page 2, line 40, by striking the word and figure "subsection 1." and inserting the following: "subsection 1."

6. The reduction, as a result of subsection 1, in state aid to school districts appropriated under section 257.16 shall be applied on a per pupil basis to each school district so that the same dollar amount in state aid per pupil is reduced."

By LARRY MURPHY

S-5056 FILED FEBRUARY 13, 1992

ADOPTED *(p. 321)*

SENATE FILE 2116

S-5057

Amend the amendment, S-5053, to Senate File 2116 as follows:

1. Page 2, by striking lines 8 and 9.

By JIM LIND  
MAGGIE TINSMAN  
PAUL D. PATE  
LINN FUHRMAN  
MARK R. HAGERLA  
ALLEN BORLAUG  
HARRY G. SLIFE  
H. KAY HEDGE

SHELDON RITTNER  
JACK W. HESTER  
JOHN W. JENSEN  
RAY TAYLOR  
RICHARD VANDE HOEF  
MARY E. KRAMER  
DALE L. TIEDEN

S-5057 FILED FEBRUARY 13, 1992

WITHDRAWN *(p. 319)*

SENATE FILE 2116

S-5047

- 1 Amend Senate File 2116 as follows:  
2 1. Page 5, by striking lines 5 through 21.  
By MICHAEL W. CONNOLLY

S-5047 FILED FEBRUARY 11, 1992  
WITHDRAWN (p. 281)

SENATE FILE 2116

S-5048

- 1 Amend Senate File 2116 as follows:  
2 1. Page 5, by striking lines 5 through 21.  
By MICHAEL W. CONNOLLY MAGGIE TINSMAN  
ELAINE SZYMONIAK AL STURGEON  
RALPH ROSENBERG

S-5048 FILED FEBRUARY 11, 1992  
DEFERRED Adopted 2/13 (p. 324)

SENATE FILE 2116

S-5052

- 1 Amend Senate File 2116 as follows:  
2 1. Page 6, by inserting before line 14 the  
3 following:  
4 "Sec. \_\_\_\_\_. Notwithstanding section 8.39, it is the  
5 intent of the general assembly that if funds are  
6 unavailable to implement the purposes of the  
7 appropriations made in this Act, the executive branch  
8 of government may make interdepartmental or  
9 intradepartmental transfers of excess moneys or  
10 potential reversions within the same department or  
11 another state department in order to implement such  
12 purposes."

By LEONARD L. BOSWELL

S-5052 FILED FEBRUARY 13, 1992  
ADOPTED (p. 324)

SENATE FILE 2116

S-5054

- 1 Amend Senate File 2116 as follows:  
2 1. Page 4, by inserting after line 18 the  
3 following:  
4 "Department of public safety  
5 Sec. \_\_\_\_\_. DIVISION OF HIGHWAY SAFETY AND UNIFORMED  
6 FORCE. The department of public safety, department of  
7 personnel, and the department of management shall make  
8 every reasonable effort to fill the entire complement  
9 of positions authorized for the division of highway  
10 safety and uniformed force under the appropriation  
11 made to the division from the road use tax fund in  
12 1991 Iowa Acts, chapter 268, section 504, subsection  
13 1, as soon after the effective date of this Act as  
14 practicable."  
15 2. By renumbering as necessary.

By JOE WELSH  
JAMES B. KERSTEN  
WALLY E. HORN

S-5054 FILED FEBRUARY 13, 1992  
ADOPTED (p. 325)

SENATE FILE 2116

S-5053

1 Amend Senate File 2116 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "3.25 PERCENT

5 Section 101. REDUCTIONS OF FISCAL YEAR 1991-1992  
6 APPROPRIATIONS.

7 1. Moneys appropriated from the general fund of  
8 the state for the fiscal year beginning July 1, 1991,  
9 by the Seventy-fourth General Assembly, 1991 Session,  
10 and standing limited and unlimited appropriations from  
11 the general fund of the state for the fiscal year  
12 beginning July 1, 1991, are reduced by three and one-  
13 quarter percent. However, moneys appropriated from  
14 the general fund of the state for the fiscal year  
15 beginning July 1, 1991, shall not be reduced, except  
16 as provided in section 102, if the appropriation is  
17 any of the following:

18 a. Made by the Seventy-fourth General Assembly,  
19 1992 Session.

20 b. Made pursuant to section 2.12.

21 c. Made to the judicial branch of the government.

22 2. The three and one-quarter percent reduction in  
23 appropriations under subsection 1 shall be carried out  
24 uniformly and proportionately in the manner specified  
25 in section 8.31. The reduction of moneys appropriated  
26 and available for the fiscal year beginning July 1,  
27 1991, shall not, because of both executive action  
28 prior to the effective date of this section and  
29 pursuant to subsection 1, exceed more than three and  
30 one-quarter percent.

31 3. Moneys which become available as a result of  
32 the three and one-quarter percent reduction under  
33 subsection 1 and funds available from allotments which  
34 are modified because of the execution of the authority  
35 under section 8.31 as contained in executive order  
36 number 42 shall revert to the general fund of the  
37 state on the effective date of this section or on the  
38 effective date of the allotment, whichever is later.

39 .46 PERCENT

40 Sec. 102. ADDITIONAL REDUCTIONS OF FISCAL YEAR  
41 1991-1992 APPROPRIATIONS.

42 1. In addition to the reduction pursuant to  
43 section 101 of this Act, moneys appropriated from the  
44 general fund of the state for the fiscal year  
45 beginning July 1, 1991, by the Seventy-fourth General  
46 Assembly, 1991 Session, and standing limited and  
47 unlimited appropriations from the general fund of the  
48 state for the fiscal year beginning July 1, 1991, are  
49 reduced by forty-six hundredths of one percent.

50 However, moneys appropriated from the general fund of

S-5053

1 the state for the fiscal year beginning July 1, 1991,  
2 shall not be reduced if the appropriation is any of  
3 the following:

4 a. Made to the department of human services for  
5 entitlement programs as delineated in subsection 4, or  
6 to the department of corrections as specified in  
7 subsection 5.

8 b. Made pursuant to section 2.12.

9 c. Made to the judicial branch of the government.

10 2. The forty-six hundredths of one percent  
11 reduction in appropriations under subsection 1 shall  
12 be carried out uniformly and proportionately in the  
13 manner specified in section 8.31, except as provided  
14 in subsections 4 and 5.

15 3. Moneys which become available as a result of  
16 the forty-six hundredths of one percent reduction  
17 under subsection 1 shall revert to the general fund of  
18 the state on the effective date of this section.

19 4. The reduction percentage in subsection 1 shall  
20 not be applied to reduce the appropriations to the  
21 department of human services for allotments for  
22 services to which an individual is statutorily  
23 entitled, including, but not limited to, aid to  
24 dependent children under chapter 239, including the  
25 payment standard, transitional child day care  
26 assistance in including provider reimbursements,  
27 medical assistance under chapter 249A including the  
28 medically needy program and other optional services  
29 and eligibility groups, residential care facilities  
30 reimbursements, services and reimbursements provided  
31 under the enhanced services program under medical  
32 assistance, court-ordered services provided to  
33 juveniles pursuant to section 232.141, foster care and  
34 foster care service payments including currently  
35 eligible individuals, and in-home health related care.

36 5. Appropriations made to the department of  
37 corrections in 1991 Iowa Acts, chapter 267, section  
38 405, subsections 5 and 6 and in section 3 of this Act  
39 for annual payments relating to prison expansion shall  
40 not be reduced under subsection 1."

B 41 2. Page 5, by striking lines 5 through 21.

A 42 3. Page 7, line 12, by inserting after the word  
43 "reduction" the following: "made in section 101 of  
44 this Act".

45 4. Page 7, line 14, by inserting after the word  
46 "Act." the following: "However, these supplemental  
47 appropriations shall be subject to reduction under  
48 section 102 of this Act to the extent not otherwise  
49 exempt under that section."

50 5. Page 7, by striking lines 17 and 18 and

1 inserting the following: "1992."

2 6. Page 7, line 19, by striking the words and  
3 figures "repealed July 1, 1992."

By RICHARD J. VARN  
LEONARD L. BOSWELL  
MICHAEL W. CONNOLLY

S-5041

Amend Senate File 2116 as follows:

Page 17 of 20 beginning after line 4 and

following:

DEPARTMENT OF ECONOMIC DEVELOPMENT

301, subsection 7, paragraph c, unnumbered paragraph 3, is amended to read as follows:
As a condition, limitation, and qualification of the appropriation under this subsection, \$405,000 shall be allocated to the rural enterprise fund, and \$140,000 shall be allocated to rural community leadership. Notwithstanding section 8.33, moneys collected or committed to grants under section 267 remain unexpended at the end of the fiscal year, shall not revert but shall be available for expenditure for purposes of the contract during succeeding fiscal years.

301, subsection 2, paragraph c, is amended to read as follows:

c. Federal procurement office
for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

Table with 2 columns: Position, Salary. Includes 'Federal procurement office' at \$100,000 and 'Miscellaneous' at \$100,000.

Notwithstanding section 8.33, moneys remaining unencumbered or uncollected on June 30, 1992, shall not revert and shall be available for expenditure during the fiscal year beginning July 1, 1992, for the same purposes.

301, subsection 6, paragraph d, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys obligated or committed to grants under contract that remain unexpended at the end of the fiscal year, shall not revert but shall be available for expenditure for purposes of the contract during succeeding fiscal years.

301, subsection 7, is amended to read as follows:

1. Funds received from the federal government in the form of block grants exceed the amount appropriated in sections 17, 17A, 17B, and 2 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.
Section 15.267, Code Supplement 1991, is

page 2

1 amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the restrictions on the use of the revolving fund in this section, the director may use unallocated repayments to the revolving fund to pay for administration of programs under the Cranston-Gonzales National Affordable Housing Act of 1990, Pub. L. No. 101-625.

2. By renumbering as necessary.
BY JIM RIORDAN
LEONARD BOSWELL

## SENATE FILE 2116

S-5043

1 Amend Senate File 2116 as follows:

2 1. Page 2, line 10, by striking the figure  
3 "996,224" and inserting the following: "950,000".

4 2. Page 2, by inserting after line 10 the  
5 following:

6 "Sec. \_\_\_\_ . MEDICAL ASSISTANCE COPAYMENTS. 1991  
7 Iowa Acts, Chapter 267, section 103, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 18. The department shall  
10 implement for the period beginning with the effective  
11 date of this Act and ending June 30, 1992, the maximum  
12 copayments allowed by federal regulations for the  
13 following medical assistance services: for each  
14 laboratory or X-ray procedure provided by an X-ray and  
15 laboratory service provider; for each day of service  
16 for services provided by clinics, ambulatory surgical  
17 centers, community mental health centers, certified  
18 registered nurse anesthetists, rural health clinics,  
19 federally qualified health centers, and outpatient  
20 hospital services; for each day of service for  
21 services provided by home health agencies and  
22 physicians; and for each day of service in an  
23 inpatient hospital. Copayment shall not apply to the  
24 following: children under 21 years of age; pregnant  
25 women; persons residing in nursing facilities,  
26 residential care facilities, or psychiatric  
27 institutions; family planning services; federal  
28 medicare crossover claims; services provided by a  
29 contracting health maintenance organization; and  
30 emergency services as defined by federal regulations.  
31 Rules adopted pursuant to this subsection shall become  
32 effective immediately upon filing unless a later date  
33 is specified in the rules. The rules shall be  
34 published as a notice of intended action.

35 Sec. \_\_\_\_ . RESIDENTIAL CARE FACILITY REIMBURSEMENT  
36 RATES --EMERGENCY RULES. The department of human  
37 services may adopt administrative rules under section  
38 17A.4, subsection 2, and section 17A.5, subsection 2,  
39 paragraph "b", to implement changes in the maximum  
40 reimbursement rate set for residential care facilities  
41 that will allow the department to spend funds  
42 sufficient to meet federal maintenance of effort  
43 requirements and not exceed the amount of funds  
44 appropriated for this purpose in the fiscal year  
45 beginning July 1, 1991."

46 3. Page 3, by striking lines 21 through 27.

47 4. Page 4, by striking lines 1 through 9.

48 5. Page 4, by striking lines 10 through 18.

49 6. Page 7, line 1, by striking the word and  
50 figures ", 7, 8, and 9" and inserting the following:

S-5043

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Page 2

1 "and 8".

2 7. By numbering, renumbering, and correcting  
3 internal references as necessary.

By DALE L. TIEDEN

JACK RIFE

MAGGIE TINSMAN

RICHARD VANDE HOEF

JOHN W. JENSEN

MARY E. KRAMER

ALLEN BORLAUG

H. KAY HEDGE

HARRY G. SMITH

DERRYL McLAREN

JIM LIND

LINN FUHRMAN

JACK W. HESTER

WILMER RENSINK

RAY TAYLOR

S-5043 FILED FEBRUARY 11, 1992

LOST (p. 281)

SENATE FILE 2116

S-5046

1 Amend the amendment, S-5042, to Senate File 2116 as  
2 follows:

3 1. Page 1, by striking lines 37 and 38 and  
4 inserting the following: "effective date of the  
5 allotment, whichever is later."

6 \_\_\_\_\_. Page 1, by inserting before line 1 the  
7 following:

8 "REDUCTIONS".

By DALE L. TIEDEN

S-5046 FILED FEBRUARY 11, 1992

ADOPTED (p. 279)

SENATE FILE 2116

S-5045

1 Amend Senate File 2116 as follows:

2 1. Page 6, by inserting after line 5 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 298.14, unnumbered paragraph 3,  
5 Code 1991, is amended to read as follows:

6 The director of revenue and finance shall draw  
7 warrants in payment of the surtaxes collected in each  
8 school district. Warrants shall be payable-in-two  
9 ~~instalments-to-be-paid-on-approximately drawn so that~~  
10 approximately one-half of the surtaxes collected are  
11 paid by the first day of December and the remaining  
12 one-half are paid by the first day of February  
13 following collection of the taxes and shall be  
14 delivered-to-the-respective-school-districts. In  
15 paying the first one-half of the surtaxes collected,  
16 the director shall make partial payments to the school  
17 districts on or about the fifteenth of August,  
18 September, October, and November."

By RAY TAYLOR

S-5045 FILED FEBRUARY 11, 1992

Loss 2/13 (p. 314)

See Approp., Amend + Do Pass (-p. 243)  
See Ways + Means Amend (5078) - P. 200 (p. 256)

SENATE FILE 2116  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2118)  
(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 13, 1992)

\_\_\_\_\_ - New Language by the Senate  
\* - Language Stricken by the Senate

Passed Senate, Date See Release Passed House, Date 2/20/92 (p. 302)  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 54 Nays 44  
Approved with Stem Veto March 10, 1992 (p. 715)

Senate motion to override veto  
failed 3/13/92 (p. 758)

A BILL FOR

1 An Act relating to the state budget by supplementing certain  
2 appropriations and reducing certain appropriations made for  
3 the fiscal year beginning July 1, 1991, making changes in the  
4 state aid to school corporations, and providing an effective  
5 date.

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

7  
8 Conference Committee appointed 2/26/92  
9 Senators Basswell (Chair), Truelman, Connolly, Ayden, & Hood (p. 485)  
10 Representatives Jackson (Chair), Groninger, Ellis, Helvering, Bennett (p. 352)

11  
12 Passed per Conference Committee Report  
13 Senate 2/2/92 (p. 565) House March 3, 1992 (p. 430)  
14 Aye 27 Nay 22 Aye 53 Nay 45

11  
12  
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16  
17  
18  
19  
20  
21

S.F. 2116

3.25 PERCENT

Section 1. REDUCTIONS OF FISCAL YEAR 1991-1992

APPROPRIATIONS.

1. Moneys appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, by the Seventy-fourth General Assembly, 1991 Session, and standing limited and unlimited appropriations from the general fund of the state for the fiscal year beginning July 1, 1991, are reduced by three and one-quarter percent. However, moneys appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, shall not be reduced, except as provided in section 102, if the appropriation is any of the following:

a. Made by the Seventy-fourth General Assembly, 1992 Session.

b. Made pursuant to section 2.12.

c. Made to the judicial branch of the government.

2. The three and one-quarter percent reduction in appropriations under subsection 1 shall be carried out uniformly and proportionately in the manner specified in section 8.31. The reduction of moneys appropriated and available for the fiscal year beginning July 1, 1991, shall not, because of both executive action prior to the effective date of this section and pursuant to subsection 1, exceed more than three and one-quarter percent.

3. Moneys which become available as a result of the three and one-quarter percent reduction under subsection 1 and funds available from allotments which are modified because of the execution of the authority under section 8.31 as contained in executive order number 42 shall revert to the general fund of the state on the effective date of this section or on the effective date of the allotment, whichever is later.

.46 PERCENT

Sec. 2. ADDITIONAL REDUCTIONS OF FISCAL YEAR 1991-1992

APPROPRIATIONS.

1     1. In addition to the reduction pursuant to section 1 of  
2 this Act, moneys appropriated from the general fund of the  
3 state for the fiscal year beginning July 1, 1991, by the  
4 Seventy-fourth General Assembly, 1991 Session, and standing  
5 limited and unlimited appropriations from the general fund of  
6 the state for the fiscal year beginning July 1, 1991, are  
7 reduced by forty-six hundredths of one percent. However,  
8 moneys appropriated from the general fund of the state for the  
9 fiscal year beginning July 1, 1991, shall not be reduced if  
10 the appropriation is any of the following:

11     a. Made to the department of human services for  
12 entitlement programs as delineated in subsection 4, or to the  
13 department of corrections as specified in subsection 5.

14     b. Made pursuant to section 2.12.

15     c. Made to the judicial branch of the government.

16     2. The forty-six hundredths of one percent reduction in  
17 appropriations under subsection 1 shall be carried out  
18 uniformly and proportionately in the manner specified in  
19 section 8.31, except as provided in subsections 4 and 5.

20     3. Moneys which become available as a result of the forty-  
21 six hundredths of one percent reduction under subsection 1  
22 shall revert to the general fund of the state on the effective  
23 date of this section.

24     4. The reduction percentage in subsection 1 shall not be  
25 applied to reduce the appropriations to the department of  
26 human services for allotments for services to which an  
27 individual is statutorily entitled, including, but not limited  
28 to, aid to dependent children under chapter 239, including the  
29 payment standard, transitional child day care assistance in  
30 including provider reimbursements, medical assistance under  
31 chapter 249A including the medically needy program and other  
32 optional services and eligibility groups, residential care  
33 facilities reimbursements, services and reimbursements  
34 provided under the enhanced services program under medical  
35 assistance, court-ordered services provided to juveniles

1 pursuant to section 232.141, foster care and foster care  
2 service payments including currently eligible individuals, and  
3 in-home health related care.

4 5. Appropriations made to the department of corrections in  
5 1991 Iowa Acts, chapter 267, section 405, subsections 5 and 6  
6 and in section 5 of this Act for annual payments relating to  
7 prison expansion shall not be reduced under subsection 1.

8 6. The reduction, as a result of subsection 1, in state  
9 aid to school districts appropriated under section 257.16  
10 shall be applied on a per pupil basis to each school district  
11 so that the same dollar amount in state aid per pupil is  
12 reduced.

13 Department of Human Services

14 Sec. 3. SUPPLEMENTAL APPROPRIATIONS. There is  
15 appropriated from the general fund of the state to the  
16 department of human services for the fiscal year beginning  
17 July 1, 1991, and ending June 30, 1992, to supplement the  
18 appropriations made in 1991 Iowa Acts, chapter 267, division  
19 I, the following amounts, or so much thereof as is necessary,  
20 to be used for the purposes designated:

- 21 1. Aid to families with dependent children, in section
- 22 101:
- 23 ..... \$ 4,306,161
- 24 2. Emergency assistance to families with
- 25 dependent children to match federal funding for
- 26 homeless prevention programs, in section 102:
- 27 ..... \$ 375,000
- 28 3. Medical assistance, in section 103:
- 29 ..... \$ 19,605,610
- 30 4. Medical contracts, in section 104:
- 31 ..... \$ 295,104
- 32 5. State supplementary assistance, in section 107:
- 33 ..... \$ 1,002,613
- 34 6. Child day care assistance, in section 109:
- 35 ..... \$ 230,883

1       7. Transitional child care assistance, in section 110:  
2 ..... \$       10,508  
3       8. Foster care, in section 114:  
4 ..... \$ 11,525,652  
5       9. Home-based services, in section 116:  
6 ..... \$       287,332  
7       10. Community-based programs, in section 117:  
8 ..... \$       767,036  
9       11. a. State mental health institute at Cherokee, in  
10 section 121, subsection 1:  
11 ..... \$       158,485  
12       b. State mental health institute at Independence, in  
13 section 121, subsection 3:  
14 ..... \$       758,139  
15       Sec. 4. CAPITAL IMPROVEMENTS. There is appropriated from  
16 the general fund of the state to the department of human  
17 services for the fiscal year beginning July 1, 1991, and  
18 ending June 30, 1992, the following amount, or so much thereof  
19 as is necessary, to be used for the purpose designated:  
20       For capital improvements, including items for code  
21 compliance and critical major maintenance:  
22 ..... \$       996,224  
23                                   Department of Corrections  
24       Sec. 5. There is appropriated from the general fund of the  
25 state to the department of corrections for the fiscal year  
26 beginning July 1, 1991, and ending June 30, 1992, to  
27 supplement the appropriations made in 1991 Iowa Acts, chapter  
28 267, section 405, the following amounts, or so much thereof as  
29 is necessary, to be used for the purposes designated:  
30       1. For annual payment relating to prison expansion, in  
31 subsection 5:  
32 ..... \$       20,340  
33       2. For annual payment relating to prison expansion, in  
34 subsection 6:  
35 ..... \$       102,156

1 Interstate Compact on Agricultural Grain Marketing

2 Sec. 6. There is appropriated from the general fund of the  
3 state to the interstate agricultural grain marketing  
4 commission for the fiscal year beginning July 1, 1991, and  
5 ending June 30, 1992, to supplement the appropriation made in  
6 1991 Iowa Acts, chapter 268, section 206, the following  
7 amount, or so much thereof as is necessary, to be used for the  
8 purpose designated:

9 For carrying out the duties of the commission under the  
10 interstate compact as provided in chapter 183:

11 ..... \$ 1,950

12 Department of Inspections and Appeals

13 Sec. 7. There is appropriated from the road use tax fund  
14 to the department of inspections and appeals for the fiscal  
15 year beginning July 1, 1991, and ending June 30, 1992, to  
16 supplement the appropriation made in 1991 Iowa Acts, chapter  
17 268, section 414, the following amount, or so much thereof as  
18 is necessary, to be used for the purposes designated:

19 For salaries, support, maintenance, and miscellaneous  
20 purposes:

21 ..... \$ 100,000

22 Sec. 8. There is appropriated from the general fund of the  
23 state to the racing and gaming commission of the department of  
24 inspections and appeals for the fiscal year beginning July 1,  
25 1991, and ending June 30, 1992, to supplement the  
26 appropriation made in 1991 Iowa Acts, chapter 268, section  
27 425, the following amount, or so much thereof as is necessary,  
28 to be used for the purposes designated:

29 For salaries, support, maintenance, miscellaneous purposes,  
30 and for an increase of 2 full-time equivalent positions:

31 ..... \$ 50,000

32 Department of General Services

33 Sec. 9. There is appropriated from the general fund of the  
34 state to the department of general services for the fiscal  
35 year beginning July 1, 1991, and ending June 30, 1992, the

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

3 For deferred maintenance projects at the capitol complex:  
4 ..... \$ 223,440

5 Sec. 10. There is appropriated from the use tax revenues  
6 credited to the road use tax fund under section 423.24,  
7 subsection 1, paragraph "c", to the department of general  
8 services for the fiscal year beginning July 1, 1991, and  
9 ending June 30, 1992, the following amount, or so much thereof  
10 as is necessary, to be used for the purpose designated:

11 For the removal of the court avenue bridge:  
12 ..... \$ 375,000

13 Department of Commerce

14 Sec. 11. There is appropriated from the general fund of  
15 the state to the alcoholic beverages division of the  
16 department of commerce for the fiscal year beginning July 1,  
17 1991, and ending June 30, 1992, the following amount, or so  
18 much thereof as is necessary, for the purpose designated:

19 For the repair of the roof at the Ankeny liquor warehouse  
20 facility:  
21 ..... \$ 350,000

22 Department of Justice

23 Sec. 12. There is appropriated from the general fund of  
24 the state to the department of justice for the fiscal year  
25 beginning July 1, 1991, and ending June 30, 1992, the  
26 following amount, or so much thereof as is necessary, for the  
27 purpose designated:

28 For expenses relating to the enforcement of odometer fraud  
29 laws:  
30 ..... \$ 130,000

31 Department of public safety

32 Sec. 13. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE.  
33 The department of public safety, department of personnel, and  
34 the department of management shall make every reasonable  
35 effort to fill the entire complement of positions authorized

1 for the division of highway safety and uniformed force under  
2 the appropriation made to the division from the road use tax  
3 fund in 1991 Iowa Acts, chapter 268, section 504, subsection  
4 1, as soon after the effective date of this Act as  
5 practicable.

6 Sec. 14. 1991 Iowa Acts, chapter 260, section 1103,  
7 unnumbered paragraph 2, is amended to read as follows:

8 The transfers under this section shall be made during the  
9 period beginning April 16, 1991, and ending June 30, 1991.

10 However, state general fund cash balances shall be available  
11 from the general fund of the state for cash flow purposes to  
12 enable the timely payment of obligations incurred for purposes  
13 for which moneys in the funds designated in subsections 1  
14 through 4 are to be used for the fiscal years ending June 30,  
15 1992, and June 30, 1993.

16 Sec. 15. 1991 Iowa Acts, chapter 266, section 19, is  
17 amended to read as follows:

18 SEC. 19. There is appropriated from the health insurance  
19 reserve fund to the general fund of the state, on or before  
20 June 30, 1991, the following amount:

21 ..... \$ 6,000,000

22 However, state general fund cash balances shall be available  
23 from the general fund of the state for cash flow purposes to  
24 enable the timely payment of obligations incurred for purposes  
25 of the health insurance reserve fund for the fiscal years  
26 ending June 30, 1992, and June 30, 1993.

27 Department of Economic Development

28 Sec. 16. 1991 Iowa Acts, chapter 267, section 301,  
29 subsection 1, paragraph b, unnumbered paragraph 3, is amended  
30 to read as follows:

31 As a condition, limitation, and qualification of the  
32 appropriation under this subsection, \$425,000 shall be  
33 allocated to the rural enterprise fund, and \$140,000 shall be  
34 allocated for rural community leadership. Notwithstanding  
35 section 8.33, moneys obligated or committed to grantees under

1 contract that remain unexpended at the end of the fiscal year,  
2 shall not revert but shall be available for expenditure for  
3 purposes of the contract during succeeding fiscal years.

4 Sec. 17. 1991 Iowa Acts, chapter 267, section 301,  
5 subsection 2, paragraph c, is amended to read as follows:

6 c. Federal procurement office  
7 For salaries, support, maintenance, miscellaneous purposes,  
8 and for not more than the following full-time equivalent  
9 positions:

10	.....	\$	100,000
11	.....	FTEs	3.00

12 Notwithstanding section 8.33, moneys remaining unexpended  
13 or unobligated on June 30, 1992, shall not revert and shall be  
14 available for expenditure during the fiscal year beginning  
15 July 1, 1992, for the same purposes.

16 Sec. 18. 1991 Iowa Acts, chapter 267, section 301,  
17 subsection 6, paragraph d, is amended by adding the following  
18 new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,  
20 moneys obligated or committed to grantees under contract that  
21 remain unexpended at the end of the fiscal year, shall not  
22 revert but shall be available for expenditure for purposes of  
23 the contract during succeeding fiscal years.

24 Sec. 19. 1991 Iowa Acts, chapter 269, section 17,  
25 subsection 1, is amended to read as follows:

26 1. If funds received from the federal government in the  
27 form of block grants exceed the amounts appropriated in  
28 sections 1, 2, 3, 4, 6, 7, and 9 of this Act, the excess shall  
29 be prorated to the appropriate programs according to the  
30 percentages specified in those sections, except additional  
31 funds shall not be prorated for administrative expenses.

32 Sec. 20. Section 15.287, Code Supplement 1991, is amended  
33 by adding the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. Notwithstanding the restrictions  
35 on the use of the revolving fund in this section, the director

1 may use unallocated repayments to the revolving fund to pay  
2 for administration of programs under the Cranston-Gonzalez  
3 National Affordable Housing Act of 1990, Pub. L. No. 101-625.

\* 4 Sec. 21. Section 257.16, unnumbered paragraph 2, Code  
5 Supplement 1991, is amended to read as follows:

6 All state aids paid under this chapter, unless otherwise  
7 stated, shall be paid in monthly installments beginning on  
8 September 15 of a budget year and ending on or about June 15  
9 of the budget year ~~and the installments shall be as nearly~~  
10 ~~equal as possible as determined by the department of~~  
11 ~~management, taking into consideration the relative budget and~~  
12 ~~cash position of the state resources. However, an amount of~~  
13 ~~state school foundation aid equal to the general allocation of~~  
14 ~~the school district as determined under section 405A.2 and the~~  
15 ~~amount of the tax credit for livestock pursuant to section~~  
16 ~~442.2, subsection 2, as it appeared in the 1987 Code, shall be~~  
17 ~~paid to the school district on July 15 of the subsequent~~  
18 ~~fiscal year, and the appropriation for this amount shall be~~  
19 ~~made for the fiscal year during which the payment is made.~~

20 However, the state aid paid to school districts under section  
21 257.13 shall be paid in monthly installments beginning on  
22 December 15 and ending on June 15 of a budget year.

23 Sec. 22. Notwithstanding the repeal of chapter 442 as of  
24 July 1, 1991, the provision of section 442.26 that requires an  
25 amount of school aid equal to the general allocation to a  
26 school district under section 405A.2 and the amount of tax  
27 credit for livestock to be paid to school districts on July 15  
28 of the subsequent fiscal year remains effective for the school  
29 budget year beginning July 1, 1990, and such amounts shall be  
30 paid to the school districts on July 15, 1991.

31 Sec. 23. Notwithstanding section 8.39, it is the intent of  
32 the general assembly that if funds are unavailable to  
33 implement the purposes of the appropriations made in this Act,  
34 the executive branch of government may make interdepartmental  
35 or intradepartmental transfers of excess moneys or potential

1 reversions within the same department or another state  
2 department in order to implement such purposes.

3 Department of Agriculture and Land Stewardship

4 Sec. 24. APPROPRIATION REDUCTION. The appropriation from  
5 the general fund of the state to the department of agriculture  
6 and land stewardship for the fiscal year beginning July 1,  
7 1991, and ending June 30, 1992, in 1991 Iowa Acts, chapter  
8 268, section 201, is reduced, as a result of the governor's  
9 item veto in section 201, by the following amount for the  
10 purpose designated:

11 Soil conservation division, in subsection 6:

12 ..... \$ 250,000

13 Iowa Communications Network

14 Sec. 25. REQUIRED REVERSION. Notwithstanding the  
15 nonreversion provision in section 18.137, up to \$2,000,000 of  
16 the unobligated and unencumbered moneys remaining in the Iowa  
17 communications network fund of the amount appropriated, as a  
18 result of the governor's item veto of 1991 Iowa Acts, chapter  
19 267, section 507, subsection 17, under section 18.137 to the  
20 fund for the fiscal year beginning July 1, 1991, and ending  
21 June 30, 1992, shall revert to the general fund of the state.

22 Sec. 26. FUNDS DO NOT REVERT. Notwithstanding section  
23 8.33, unobligated and unencumbered moneys remaining on June  
24 30, 1992, from the appropriations made for the fiscal year  
25 beginning July 1, 1991, in sections 2, 7, 8, and 9 shall not  
26 revert to the general fund of the state but shall be available  
27 for expenditure for which appropriated during the fiscal year  
28 beginning July 1, 1992, and any unobligated and unencumbered  
29 moneys remaining on June 30, 1993, from such appropriations  
30 shall revert on August 31, 1993.

31 3.25 Percent Reduction

32 Sec. 27. EFFECT OF APPROPRIATION REDUCTIONS. The moneys  
33 appropriated to supplement the appropriations for the fiscal  
34 year beginning July 1, 1991, and ending June 30, 1992, made in  
35 this Act are not subject to the three and one-quarter percent

1 reduction made in section 1 of this Act pursuant to executive  
2 order number 42 or any other executive action to reduce  
3 appropriations for that fiscal year that was entered before  
4 the effective date of this Act. However, these supplemental  
5 appropriations shall be subject to reduction under section 2  
6 of this Act to the extent not otherwise exempt under that  
7 section.

8     Sec. 28. APPLICABILITY -- REPEAL. Section 21 of this Act  
9 applies to school budget years beginning on or after July 1,  
10 1992. Section 22 of this Act applies retroactively to the  
11 school budget year beginning July 1, 1990.

12     Sec. 29. EFFECTIVE DATE. This Act, being deemed of  
13 immediate importance, takes effect upon enactment.

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SENATE FILE 2116

H-5132

- 1 Amend the Committee amendment, H-5098, to Senate
- 2 File 2116, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 7, line 37, by striking the word
- 5 "residential,".
- 6 2. Page 10, line 2, by striking the words "its
- 7 residents" and inserting the following: "industrial,
- 8 commercial, mining, and agricultural operations
- 9 located within the county or municipality".
- 10 3. Page 10, line 14, by inserting after the word
- 11 "service" the following: "to industrial, commercial,
- 12 mining, and agricultural operations".

By GRONINGA of Cerro Gordo

H-5132 FILED FEBRUARY 20, 1992

ADOPTED (ff-3er)

SENATE FILE 2116

H-5133

- 1 Amend the Committee amendment, H-5098, to Senate
- 2 File 2116, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 10, by inserting after line 41 the
- 5 following:
- 6 "GENERAL ASSEMBLY
- 7 Sec. \_\_\_\_ . Notwithstanding section 2.12, there is
- 8 appropriated, in lieu of the appropriations in section
- 9 2.12, from the general fund of the state to the
- 10 legislative branch of government for the fiscal year
- 11 beginning July 1, 1991, and ending June 30, 1992, the
- 12 following amounts, or so much thereof as is necessary,
- 13 to be used for the purposes designated in section
- 14 2.12:
- 15 1. HOUSE OF REPRESENTATIVES
- 16 ..... \$ 6,180,760
- 17 2. SENATE
- 18 ..... \$ 3,627,205
- 19 3. JOINT EXPENSES OF GENERAL ASSEMBLY
- 20 ..... \$ 465,247
- 21 4. LEGISLATIVE COMPUTER SUPPORT BUREAU
- 22 ..... \$ 1,222,436
- 23 5. LEGISLATIVE FISCAL BUREAU
- 24 ..... \$ 1,222,436
- 25 6. LEGISLATIVE SERVICE BUREAU
- 26 ..... \$ 2,920,575"

By RAFFERTY of Scott  
SPENNER of Henry

H-5133 FILED FEBRUARY 20, 1992

LOST (ff-276)

## SENATE FILE 2116

H-5131

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116, as amended, passed and reprinted by the  
3 Senate, as follows:

4 1. By striking page 4, line 49 through page 5,  
5 line 17.

6 2. Page 5, by inserting after line 49 the  
7 following:

8 "Sec. \_\_\_\_\_. The appropriation from the general fund  
9 of the state to each school district in section 257.16  
10 to pay foundation aid and supplementary aid under  
11 chapter 257 for the school budget year beginning July  
12 1, 1991, and ending June 30, 1992, is reduced by an  
13 amount equal to \$7 million. The reduction in this  
14 section is in addition to any reduction resulting from  
15 executive action pursuant to executive order number  
16 42. The reduction in state aid to school districts  
17 appropriated under section 257.16 shall be applied on  
18 a per pupil basis to each school district so that the  
19 same dollar amount in state aid per pupil is reduced.  
20 Notwithstanding the reduction in state aid pursuant to  
21 this section, special education support services  
22 district cost for a school district for the budget  
23 year shall remain the same as computed pursuant to  
24 section 257.10, subsection 7, and the amount as  
25 calculated for special education support services  
26 shall be paid, in full, as provided in section  
27 257.35."

28 3. Page 6, by striking lines 2 through 5 and  
29 inserting the following: "on or after July 1, 1992.  
30 Section 305 of this division applies".

31 4. By numbering, renumbering and correcting  
32 internal references as necessary.

By HOLVECK of Polk

CARPENTER of Polk

HANSEN of Woodbury

GILL of Woodbury

METCALF of Polk

H-5131 FILED FEBRUARY 20, 1992

LOST (p. 277)

SENATE FILE 2116

H-5130

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 9, line 2, by striking the word  
5 "paragraph" and inserting the following:  
6 "paragraphs".

7 2. Page 9, by inserting after line 16 the follow-  
8 ing:

9 "NEW UNNUMBERED PARAGRAPH. Computer services are  
10 taxable only if the services are used in Iowa. To the  
11 extent that a computer service is used to support a  
12 separate, identifiable segment of a customer's  
13 business, the service is presumed to be used at the  
14 location where that part of the business is conducted.  
15 To the extent the use of a computer service cannot be  
16 attributed to an identifiable segment of a customer's  
17 business, the service is presumed to be used at the  
18 customer's principal place of business."

By METCALF of Polk  
CARPENTER of Polk

H-5130 FILED FEBRUARY 20, 1992  
LOST

## SENATE FILE 2116

H-5128

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 3, by inserting after line 35 the  
5 following:

6 "Sec. \_\_\_\_\_. Notwithstanding section 8.39, it is the  
7 intent of the general assembly that if funds are  
8 unavailable to implement the purposes of the  
9 supplemental appropriations for the 1991-1992 fiscal  
10 year made in this Act, the executive branch of  
11 government may make transfers of unexpended general  
12 fund appropriation balances to the general fund of the  
13 state during the 1991-1992 fiscal year. At least two  
14 weeks before such transfers are made, the executive  
15 branch shall file a report with the appropriate joint  
16 appropriations subcommittee chairpersons, the  
17 chairpersons of appropriations committees, the  
18 executive council, and the legislative fiscal bureau.  
19 This report shall state the amount of each transfer,  
20 identify the agency affected, the effect on that  
21 agency, and the reasons for the transfer."

By GRONINGA of Cerro Gordo

H-5128 FILED FEBRUARY 20, 1992

ADOPTED (p. 276)

## SENATE FILE 2116

H-5129

1 Amend the amendment, H-5098, to Senate File 2116,  
2 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 10, by inserting after line 43, the  
5 following:

6 "DIVISION \_\_\_\_\_

7 GENERAL ASSEMBLY

8 Sec. \_\_\_\_\_. TAX CONSULTANT. The general assembly  
9 finds that the condition of the state treasury is  
10 inadequate to justify retaining a consultant to  
11 conduct a tax study as approved by the legislative  
12 council on February 20, 1992. Based upon this  
13 determination, the legislative council shall not enter  
14 into such a consultant contract and moneys  
15 appropriated pursuant to section 2.12 shall not be  
16 utilized for this purpose."

By BENNETT of Ida

H-5129 FILED FEBRUARY 20, 1992

NOT GERMANE; MOTION TO SUSPEND RULES LOST (p. 276)

## SENATE FILE 2116

H-5123

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116, as amended, passed, and reprinted by the  
3 Senate as follows:

4 1. Page 6, by inserting after line 36 the  
5 following:

6 "Sec. 600. Section 98.6, subsection 1, Code  
7 Supplement 1991, is amended to read as follows.

8 1. There is imposed, and shall be collected and  
9 paid to the department, the following taxes a tax on  
10 all cigarettes used or otherwise disposed of in this  
11 state for any purpose whatsoever:

12 ~~---Class-A:---On-cigarettes-weighing-not-more-than~~  
13 ~~three-pounds-per-thousand, eighteen-mills equal to two~~  
14 ~~and five-hundredths cents on each such cigarette.~~

15 ~~Class-B:---On-cigarettes-weighing-more-than-three~~  
16 ~~pounds-per-thousand, eighteen-mills-on-each-such~~  
17 ~~cigarette.~~

18 Sec. 601. Section 98.43, subsection 1, unnumbered  
19 paragraph 1, Code Supplement 1991, is amended to read  
20 as follows:

21 A tax is imposed upon all tobacco products in this  
22 state and upon any person engaged in business as a  
23 distributor of tobacco products, at the rate of  
24 ~~twenty-two~~ twenty-five percent of the wholesale sales  
25 price of the tobacco products, except little cigars as  
26 defined in section 98.42. Little cigars shall be  
27 subject to the same rate of tax imposed upon  
28 cigarettes in section 98.6, payable at the time and in  
29 the manner provided in section 98.6; and stamps shall  
30 be affixed as provided in division I of this chapter.  
31 The tax on tobacco products, excluding little cigars,  
32 shall be imposed at the time the distributor does any  
33 of the following:

34 Sec. 602. Section 98.43, subsection 2, unnumbered  
35 paragraph 1, Code Supplement 1991, is amended to read  
36 as follows:

37 A tax is imposed upon the use or storage by  
38 consumers of tobacco products in this state, and upon  
39 the consumers, at the rate of ~~twenty-two~~ twenty-five  
40 percent of the cost of the tobacco products."

41 2. Page 8, by striking lines 5 through 9 and  
42 inserting the following: "consultant services;  
43 dance".

44 3. Page 10, line 42, by inserting after the word  
45 "Sections" the following: "600 through 602 and".

46 4. Page 10, line 46, by inserting after the word  
47 "section" the following: "600 through 602 and".

48 5. Page 11, line 1, by inserting after the word  
49 "corporations," the following: "increasing the  
50 cigarette and tobacco products taxes,".

By METCALF of Polk  
CARPENTER of Polk

H-5123 FILED FEBRUARY 20, 1992

A - NOT GERMANE; B - LOST

(10/14) (10/14)

SENATE FILE 2116

H-5126

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 1, line 24, by striking the figure  
5 "19,605,610" and inserting the following:  
6 "20,605,610".

7 2. Page 1, line 28, by striking the figure  
8 "1,002,613" and inserting the following: "1,117,613".

9 3. By striking page 1, line 46 through page 2,  
10 line 4.

11 4. Page 2, by striking lines 5 through 15.

12 5. Page 3, by striking lines 4 through 16 and  
13 inserting the following:

14 "Sec. 107. There is appropriated from the use tax  
15 revenues credited to the road use tax fund under  
16 section 423.24, subsection 1, paragraph "c", to the  
17 department of general services for the fiscal year  
18 beginning July 1, 1991, and ending June 30, 1992, the  
19 following amount, or so much thereof as is necessary,  
20 to be used for the purpose designated:

21 For the removal of the court avenue bridge:  
22 ..... \$ 375,000".

23 6. Page 3, by striking lines 17 through 26.

24 7. Page 3, by inserting before line 27 the  
25 following:

26 "Department of Justice

27 Sec. \_\_\_\_\_. There is appropriated from the general  
28 fund of the state to the department of justice for the  
29 fiscal year beginning July 1, 1991, and ending June  
30 30, 1992, the following amount, or so much thereof as  
31 is necessary, for the purpose designated:

32 For expenses relating to the enforcement of  
33 odometer fraud laws:  
34 ..... \$ 130,000".

35 8. Page 3, lines 30 and 31, by striking the words  
36 and figures "sections 102, 107, and 108" and inserting  
37 the following: "section 107".

38 9. By striking page 4, line 49 through page 5,  
39 line 17 and inserting the following:

40 "Sec. 303. Section 257.13, Code 1991, is amended  
41 by adding after unnumbered paragraph 1, the following  
42 new unnumbered paragraph:

43 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
44 amount computed under the first paragraph, for the  
45 budget year beginning July 1, 1991, each school  
46 district shall receive an amount equal to the product  
47 of the applicable percentage times ninety-nine and  
48 one-half percent of the amount computed under the  
49 first paragraph based upon the following schedule:

50 Percent Increase

H-5126

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	<u>In Enrollment</u>	<u>Applicable Percentage</u>
1		
2	1. Less than .5%	0%
3	2. .5%, but not	
4	more than 1%	25%
5	3. 1%, but not	
6	more than 3%	50%
7	4. More than 3%	75%

10. Page 5, by striking lines 23 through 26 and inserting the following: "year and ending on June 15 of the budget year and the installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative".

11. Page 6, line 2, by striking the words and figure "Sections 302 and" and inserting the following: "Section".

12. Page 6, line 3, by striking the word "apply" and inserting the following: "applies".

13. Page 6, line 4, by striking the word "are" and inserting the following: "is".

14. Page 6, by striking lines 37 through 44.

15. Page 10, by inserting after line 43 the following:

"DIVISION

DEPARTMENT OF PUBLIC SAFETY

Sec. \_\_\_\_ . DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE. The department of public safety, department of personnel, and the department of management shall take every action necessary to fill the entire complement of positions authorized for the division of highway safety and uniformed force under the appropriation made to the division from the road use tax fund in 1991 Iowa Acts, chapter 268, section 504, subsection 1, as soon after the effective date of this Act as possible. In filling the positions, nineteen positions shall be authorized to enter the Iowa law enforcement academy. Those individuals who entered the academy in July 1991 but who were not permitted to remain at the academy due to the action of executive order 42 shall not be required to repeat any part of the application process. In addition, any position which was eliminated solely due to executive action shall be recalled."

By JOCHUM of Dubuque

H-5126 FILED FEBRUARY 20, 1992

A - ADOPTED; B - ADOPTED; C - ADOPTED; D - ADOPTED

(p. 295)

(p. 295)

(p. 297)

(p. 299)

## SENATE FILE 2116

H-5122

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116, as amended, passed, and reprinted by the  
3 Senate as follows:

4 1. Page 6, by inserting after line 36 the  
5 following:

6 "Sec. 600. Section 98.6, subsection 1, Code  
7 Supplement 1991, is amended to read as follows:

8 1. There is imposed, and shall be collected and  
9 paid to the department, ~~the following taxes~~ a tax on  
10 all cigarettes used or otherwise disposed of in this  
11 state for any purpose whatsoever:

12 ~~---Class-A---On-cigarettes-weighing-not-more-than~~  
13 ~~three-pounds-per-thousand, eighteen-mills~~ equal to two  
14 and one-tenth cents on each such cigarette.

15 ~~Class-B---On-cigarettes-weighing-more-than-three~~  
16 ~~pounds-per-thousand, eighteen-mills-on-each-such~~  
17 ~~cigarette.~~

18 Sec. 601. Section 98.43, subsection 1, unnumbered  
19 paragraph 1, Code Supplement 1991, is amended to read  
20 as follows:

21 A tax is imposed upon all tobacco products in this  
22 state and upon any person engaged in business as a  
23 distributor of tobacco products, at the rate of  
24 twenty-two twenty-five and one-half percent of the  
25 wholesale sales price of the tobacco products, except  
26 little cigars as defined in section 98.42. Little  
27 cigars shall be subject to the same rate of tax  
28 imposed upon cigarettes in section 98.6, payable at  
29 the time and in the manner provided in section 98.6;  
30 and stamps shall be affixed as provided in division I  
31 of this chapter. The tax on tobacco products,  
32 excluding little cigars, shall be imposed at the time  
33 the distributor does any of the following:

34 Sec. 602. Section 98.43, subsection 2, unnumbered  
35 paragraph 1, Code Supplement 1991, is amended to read  
36 as follows:

37 A tax is imposed upon the use or storage by  
38 consumers of tobacco products in this state, and upon  
39 the consumers, at the rate of twenty-two twenty-five  
40 and one-half percent of the cost of the tobacco  
41 products."

42 2. Page 8, by striking lines 5 through 9 and  
43 inserting the following: "dance".

44 3. Page 8, line 31, by inserting before the word  
45 "sewing" the following: "sewer services";.

46 4. By striking page 8, line 50 through page 9,  
47 line 16.

48 5. Page 10, line 42, by inserting after the word  
49 "Sections" the following: "600 through 602 and".

50 6. Page 10, line 46, by inserting after the word

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- 1 "sections" the following: "600 through 602 and".
- 2 7. Page 11, line 1, by inserting after the word
- 3 "corporations," the following: "increasing the
- 4 cigarette and tobacco products taxes,".
- 5 8. Page 11, line 3, by striking the words
- 6 "consulting services,".

By METCALF of Polk

H-5122 FILED FEBRUARY 20, 1992

LOST (p. 287)

## SENATE FILE 2116

H-5124

- 1 Amend the Committee amendment, H-5098, to Senate
- 2 File 2116, as amended, passed and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 10, line 43, by inserting after the
- 5 figure "1992." the following: "Sections 403 through
- 6 408 of this division are repealed July 1, 1992."
- 7 2. Page 11, line 1, by striking the words
- 8 "imposing the" and inserting the following: "imposing
- 9 a temporary".

By BENNETT of Ida

H-5124 FILED FEBRUARY 20, 1992

LOST (p. 288)

## SENATE FILE 2116

H-5125

- 1 Amend the amendment, H-5098, to Senate File 2116,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 7, line 10, by inserting after the word
- 5 "rock;" the following: "foundry sand used for daily
- 6 cover at a sanitary landfill;".

By SHOULTZ of Black Hawk

H-5125 FILED FEBRUARY 20, 1992

ADOPTED

*Record of 2/20 (p. 287)*  
*Record of 2/20 (p. 308)*

## SENATE FILE 2116

H-5119

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 1, by inserting after line 4 the fol-  
5 lowing:

6 "DIVISION  
7 EXPENDITURE LIMIT  
8 Sec. \_\_\_\_ . NEW SECTION. 2.110 GENERAL FUND  
9 EXPENDITURE LIMIT.

10 1. For the fiscal year beginning July 1, 1993,  
11 total expenditures from the general fund of the state  
12 during the fiscal year beginning July 1, 1993, shall  
13 not exceed the sum of the latest estimated general  
14 fund revenue for the fiscal year beginning July 1,  
15 1992, plus one-half of the estimated increase in  
16 general fund revenues during the fiscal year beginning  
17 July 1, 1993, and after estimated tax refunds due for  
18 these fiscal years are subtracted, as both estimates  
19 are made by the revenue estimating conference prior to  
20 January 1, 1993.

21 For fiscal years beginning on or after July 1,  
22 1994, total expenditures from the general fund of the  
23 state during a fiscal year shall not exceed the sum of  
24 the latest estimated general fund revenue, after  
25 estimated tax refunds due for that fiscal year are  
26 subtracted, for the previous fiscal year plus one-half  
27 of the estimated increase in general fund revenues,  
28 after estimated tax refunds are subtracted, for the  
29 fiscal year, as both estimates are made by the revenue  
30 estimating conference prior to January 1 of that  
31 previous fiscal year.

32 The limitation provided in this subsection shall  
33 only be exceeded in a fiscal year by passage by a two-  
34 thirds vote of each house and approval by the  
35 governor, of a joint resolution that provides that the  
36 limitation shall not apply for the ensuing fiscal year  
37 only.

38 2. Unless a joint resolution has been passed and  
39 approved which authorizes exceeding the limitation on  
40 general fund expenditures as provided in subsection 1,  
41 before the general assembly shall adjourn the year's  
42 session, the department of management and the  
43 legislative fiscal bureau shall certify that the  
44 expenditure limit in subsection 1 has not been  
45 exceeded. If the department of management and the  
46 legislative fiscal bureau certify that the limitation  
47 has been exceeded, the general assembly shall pass a  
48 bill reducing appropriations made previously in  
49 enacted appropriations bills so that the limitation is  
50 not exceeded.

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1 Sec. \_\_\_\_ . NEW SECTION. 2.111 PROGRAMS --

2 APPROPRIATIONS -- LIMITS.

3 Beginning with the fiscal year beginning July 1,  
4 1993, the general assembly shall not establish new  
5 programs to be administered by a state agency unless  
6 the Act in which the new program is established  
7 contains an appropriation for the administration and  
8 operating costs of the program for the first fiscal  
9 year. In addition, such program shall only begin on  
10 July 1 unless the program is required by the federal  
11 government and it is not possible to begin the program  
12 at the beginning of the fiscal year. In making  
13 appropriations for a fiscal year, the general assembly  
14 shall not make the appropriations contingent upon the  
15 occurrence of some event, including but not limited  
16 to, the passage of a bill by the general assembly,  
17 establishment of a program, or unexpected increase in  
18 state revenues.

19 Sec. \_\_\_\_ . NEW SECTION. 2.112 STANDING

20 APPROPRIATIONS.

21 1. For purposes of this section, "standing  
22 unlimited appropriation" means an appropriation made  
23 from any state fund for more than one fiscal year  
24 where the law making the appropriation does not  
25 specify the exact dollar amount to be appropriated.  
26 "Standing unlimited appropriation" includes, but is  
27 not limited to, an appropriation under phase II in  
28 section 294A.9, phase III in section 294A.14, school  
29 foundation aid under section 257.16, programs for at-  
30 risk children under section 279.51, and transportation  
31 for nonpublic students in section 285.2.

32 2. Notwithstanding the law authorizing a standing  
33 unlimited appropriation for fiscal years beginning on  
34 or after July 1, 1994, allotments of a standing  
35 unlimited appropriation shall not exceed the amount of  
36 the appropriation actually expended for the previous  
37 fiscal year unless the general assembly by a  
38 constitutional majority agrees to increase the  
39 allotments and the governor approves the increase.

40 Sec. \_\_\_\_ . Section 8.6, Code Supplement 1991, is  
41 amended by adding the following new subsections:

42 NEW SUBSECTION. 16. To review the treasurer of  
43 state's report concerning the bonding levels and  
44 activities of the state board of regents and to  
45 monitor the lease-purchase and lease agreements of  
46 state agencies, and the purchases made by state  
47 agencies. An annual report shall be provided to the  
48 general assembly within the first month of the  
49 convening of a regular session which report covers the  
50 fiscal year ending prior to the convening of the

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1 session.

2 NEW SUBSECTION. 17. To analyze the cost to the  
3 state and local governments of federal mandates. The  
4 analysis shall include, in addition to the actual  
5 cost, benefits and matching moneys received by the  
6 state. -

7 Sec. \_\_\_\_\_. Section 8.22, part II, Code 1991, is  
8 amended by adding the following new unnumbered  
9 paragraph:

10 NEW UNNUMBERED PARAGRAPH. For fiscal years  
11 beginning on or after July 1, 1993, the sum of the  
12 governor's recommendations for appropriations from the  
13 general fund of the state plus all standing  
14 appropriations from the general fund of the state for  
15 the ensuing fiscal year shall not exceed the latest  
16 estimated general fund revenue for the year in  
17 progress as adjusted by subtracting the estimated tax  
18 refunds due on that revenue, as made by the revenue  
19 estimating conference prior to January 1 of that year  
20 in progress.

21 Sec. \_\_\_\_\_. Section 8.23, Code Supplement 1991, is  
22 amended to read as follows:

23 8.23 ANNUAL DEPARTMENTAL ESTIMATES.

24 1. a. On or before September 1, prior to each  
25 legislative session, all departments and  
26 establishments of the government shall transmit to the  
27 director, on blanks to be furnished by the director,  
28 estimates of their expenditure requirements, including  
29 every proposed expenditure, for the ensuing fiscal  
30 year, classified so as to distinguish between  
31 expenditures estimated for administration, operation,  
32 and maintenance, and the cost of each project  
33 involving the purchase of land or the making of a  
34 public improvement or capital outlay of a permanent  
35 character, together with supporting data and  
36 explanations as called for by the director. The  
37 budget estimates shall include for those agencies  
38 which pay for energy directly a line item for energy  
39 expenses itemized by type of energy and location. The  
40 For those designated departments and establishments of  
41 the government and for the designated fiscal years as  
42 provided in subsection 2, the estimates of expenditure  
43 requirements shall be based upon ~~seventy-five~~ zero  
44 percent of the funding provided for the current fiscal  
45 year accounted for by program ~~reduced-by-the~~  
46 ~~historical-employee-vacancy-factor-in-form-specified~~  
47 ~~by-the-director~~ and the ~~remainder-of-the~~ estimate of  
48 expenditure requirements prioritized by program. If  
49 the budget for the current year includes a one-time  
50 capital appropriation, it shall not be included in any

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1 budget estimates for the following fiscal year. The  
2 estimates shall be accompanied with performance  
3 measures for evaluating the effectiveness of the  
4 program. If a department or establishment fails to  
5 submit estimates within the time specified, the  
6 governor shall cause estimates to be prepared for that  
7 department or establishment as in the governor's  
8 opinion are reasonable and proper. The director shall  
9 furnish standard budget request forms to each  
10 department or agency of state government.

11 b. On or before November 15 all departments and  
12 establishments of government and the judicial  
13 department shall transmit to the department of  
14 management and the legislative fiscal bureau estimates  
15 of their receipts and expenditure requirements from  
16 federal or other nonstate grants, receipts, and funds  
17 for the ensuing fiscal year. The transmittal shall  
18 include the names of the grantor and the grant or the  
19 source of the funds, the estimated amount of the  
20 funds, and the planned expenditures and use of the  
21 funds. The format of the transmittal shall be  
22 specified by the legislative fiscal bureau. In the  
23 case where federal grants, receipts, or funds are  
24 involved, the transmittal shall also include the  
25 amount of any required state match.

26 2. The following departments and establishments of  
27 the government, beginning with the designated fiscal  
28 year and for every sixth fiscal year thereafter, shall  
29 provide budget estimates under subsection 1 based upon  
30 zero percent of the funding provided for the current  
31 fiscal year and shall provide for each program an  
32 evaluation concerning the program demand, employee  
33 workload, productivity effectiveness, and other  
34 relevant information concerning the program's  
35 performance:

36 a. For the fiscal year beginning July 1, 1993, the  
37 state departments of agriculture and land stewardship,  
38 economic development, education, and human rights, and  
39 the office of auditor of state.

40 b. For the fiscal year beginning July 1, 1994, the  
41 state departments of commerce, elder affairs, human  
42 services, and public health, and the offices of  
43 governor's substance abuse prevention coordinator,  
44 secretary of state, and state-federal relations.

45 c. For the fiscal year beginning July 1, 1995, the  
46 state departments for the blind, inspections and  
47 appeals, public defense, and public safety, campaign  
48 finance disclosure commission, public employment  
49 relations board, and state board of regents.

50 d. For the fiscal year beginning July 1, 1996, the

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1 state departments of general services, justice, and  
2 revenue and finance, the college student aid  
3 commission, the office of governor, and the board of  
4 parole.

5 e. For the fiscal year beginning July 1, 1997, the  
6 state departments of cultural affairs, employment  
7 services, natural resources, and transportation, Iowa  
8 state civil rights commission, and the Iowa law  
9 enforcement academy.

10 f. For the fiscal year beginning July 1, 1998, the  
11 state departments of corrections, management, and  
12 personnel, executive council, judicial department, and  
13 office of treasurer of state.

14 Sec. \_\_\_\_ . NEW SECTION. 17A.4A FISCAL REVIEW.

15 1. If the administrative rules review committee  
16 determines that a proposed rule may cost the state  
17 more than one hundred thousand dollars in a fiscal  
18 year or more than five hundred thousand dollars over a  
19 five-year period, a fiscal note shall be prepared on  
20 that rule. Notwithstanding the provisions of section  
21 17A.4, the effective date of a proposed rule for which  
22 a fiscal note is required shall be delayed and the  
23 procedure under section 17A.8, subsection 9, relating  
24 to the effective date of a rule that has been delayed  
25 shall apply.

26 2. If the proposed rule is approved and adopted,  
27 following the first complete fiscal year after its  
28 adoption, the agency which proposed the rule shall  
29 submit a report of the actual expenses incurred by the  
30 state and agencies and entities which contract with  
31 the state in implementing the rule."

32 2. Page 11, line 1, by inserting after the word  
33 "corporations," the following: "requiring certain  
34 financial practices,".

By HALVORSON of Clayton

H-5119 FILED FEBRUARY 20, 1992

NOT GERMANE; MOTION TO SUSPEND RULES LOST (p. 272)

SENATE FILE 2116

H-5117

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116 as amended, passed, and reprinted by the  
3 Senate as follows:

4 1. Page 4, by inserting after line 19 the  
5 following:

6 "DIVISION  
7 GENERAL ASSEMBLY

8 Sec. \_\_\_\_\_. Notwithstanding section 2.12, there is  
9 appropriated, in lieu of the appropriations in section  
10 2.12, from the general fund of the state to the  
11 legislative branch of government for the fiscal year  
12 beginning July 1, 1991, and ending June 30, 1992, the  
13 following amounts, or so much thereof as is necessary,  
14 to be used for the purposes designated in section  
15 2.12:

16	1. HOUSE OF REPRESENTATIVES	
17	.....	\$ 6,180,760
18	2. SENATE	
19	.....	\$ 3,627,205
20	3. JOINT EXPENSES OF GENERAL ASSEMBLY	
21	.....	\$ 465,247
22	4. OFFICE OF CITIZEN'S AIDE	
23	.....	\$ 540,219
24	5. LEGISLATIVE COMPUTER SUPPORT BUREAU	
25	.....	\$ 1,222,436
26	6. LEGISLATIVE FISCAL BUREAU	
27	.....	\$ 1,222,436
28	7. LEGISLATIVE SERVICE BUREAU	
29	.....	\$ 2,900,575"

By HALVORSON of Clayton IVERSON of Wright  
BENNETT of Ida BARTZ of Worth

H-5117 FILED FEBRUARY 20, 1992

LOST (p. 27)

## SENATE FILE 2116

H-5116

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116 as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 4, by inserting after line 21 the  
5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 2.112 STANDING  
7 APPROPRIATIONS.

8 1. For purposes of this section, "standing  
9 appropriation" means an appropriation made from any  
10 state fund for more than one fiscal year where the law  
11 making the appropriation either specifies or does not  
12 specify the exact dollar amount to be appropriated.  
13 "Standing appropriation" includes, but is not limited  
14 to, an appropriation under phase II in section 294A.9,  
15 phase III in section 294A.14, school foundation aid  
16 under section 257.16, programs for at-risk children  
17 under section 279.51, transportation for nonpublic  
18 students in section 285.2, homestead tax credit in  
19 section 425.1, family farm tax credit in section  
20 425A.1, and agricultural land tax credit in section  
21 426.1.

22 2. Notwithstanding the law authorizing a standing  
23 appropriation for fiscal years beginning on or after  
24 July 1, 1992, a standing appropriation shall not be  
25 made unless the general assembly by a constitutional  
26 majority agrees to the standing appropriation and the  
27 governor approves of it."

By HALVORSON of Clayton  
BENNETT of Ida

H-5116 FILED FEBRUARY 20, 1992

NOT GERMANE (p. 477)

SENATE FILE 2116

H-5106

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 10, by inserting after line 41 the  
5 following:

6 "Sec. \_\_\_\_ . INITIATIVES FOR EFFICIENCY AND USE OF  
7 STATE FUNDS IN STATE GOVERNMENT -- SPAN OF CONTROL AND  
8 LAYERS OF MANAGEMENT, JOB CLASSIFICATION SYSTEM, AND  
9 TOTAL QUALITY MANAGEMENT. It is the intent of the  
10 general assembly to restore the confidence of citizens  
11 of Iowa in the value of their investment in state  
12 government, to improve efficiency, productivity, and  
13 use of state funds in state government, and to instill  
14 in all state employees pride for their work. The  
15 general assembly supports the concept of total quality  
16 management achieved through an incremental long-term  
17 process involving employee teams examining and  
18 improving work procedures, improving systems rather  
19 than placing blame for poor results, using specific  
20 problem-solving tools to analyze work systems, and  
21 making improvements which enhance service to the  
22 citizens of Iowa. In order to accomplish these goals,  
23 the following initiatives shall be performed:

24 1. SPAN OF CONTROL AND LAYERS OF MANAGEMENT. The  
25 department of personnel shall assist each executive  
26 branch agency to reduce the layers of management in  
27 each executive branch agency by at least 50 percent by  
28 July 1, 1993, and to increase the supervisor-to-  
29 employee ratio of each agency by up to 50 percent by  
30 July 1, 1993. The department shall present an interim  
31 report to the general assembly by January 15, 1993,  
32 and a final report by April 1, 1993, regarding the  
33 progress of the department in completing this task and  
34 its outcome. An executive branch agency which cannot  
35 implement the requirements of this subsection shall  
36 present a report to the general assembly by January  
37 15, 1993, indicating the reasons for its inability to  
38 comply.

39 2. JOB CLASSIFICATION SYSTEM. The department of  
40 personnel shall simplify the state's system of job  
41 classification for state employees by reducing the  
42 number of job classifications, providing for a  
43 technical skill-based career path in state employment  
44 which does not depend on an employee gaining  
45 supervisory responsibility to gain advancement, and  
46 providing incentives for state employees to broaden  
47 their knowledge and skill base. The department shall  
48 present an interim report to the general assembly by  
49 January 15, 1993, and a final report by January 15,  
50 1994, regarding the progress of the department in

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1 completing this task and its outcome."

2 2. By renumbering as necessary.

By WISE of Lee

MILLAGE of Scott

PETERSON of Carroll

RENAUD of Polk

SHOULTZ of Black Hawk

H-5106 FILED FEBRUARY 20, 1992

WITHDRAWN

## SENATE FILE 2116

H-5104

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 6, by inserting after line 36 the  
5 following:

6 "Sec. 600. Section 98.6, subsection 1, Code  
7 Supplement 1991, is amended to read as follows:

8 1. There is imposed, and shall be collected and  
9 paid to the department, ~~the following taxes~~ a tax on  
10 all cigarettes used or otherwise disposed of in this  
11 state for any purpose whatsoever:

12 ~~---Class-A:---On-cigarettes-weighing-not-more-than~~  
13 ~~three-pounds-per-thousand,-eighteen-mills~~ equal to two  
14 and three-tenths cents on each such cigarette.

15 ~~Class-B:---On-cigarettes-weighing-more-than-three~~  
16 ~~pounds-per-thousand,-eighteen-mills-on-each-such~~  
17 ~~cigarette.~~

18 Sec. 601. Section 98.43, subsection 1, unnumbered  
19 paragraph 1, Code Supplement 1991, is amended to read  
20 as follows:

21 A tax is imposed upon all tobacco products in this  
22 state and upon any person engaged in business as a  
23 distributor of tobacco products, at the rate of  
24 twenty-two twenty-eight percent of the wholesale sales  
25 price of the tobacco products, except little cigars as  
26 defined in section 98.42. Little cigars shall be  
27 subject to the same rate of tax imposed upon  
28 cigarettes in section 98.6, payable at the time and in  
29 the manner provided in section 98.6; and stamps shall  
30 be affixed as provided in division I of this chapter.  
31 The tax on tobacco products, excluding little cigars,  
32 shall be imposed at the time the distributor does any  
33 of the following:

34 Sec. 602. Section 98.43, subsection 2, unnumbered  
35 paragraph 1, Code Supplement 1991, is amended to read  
36 as follows:

37 A tax is imposed upon the use or storage by  
38 consumers of tobacco products in this state, and upon  
39 the consumers, at the rate of twenty-two twenty-eight  
40 percent of the cost of the tobacco products."

41 2. Page 10, line 42, by inserting after the word  
42 "Sections" the following: "600 through 602 and".

43 3. Page 10, line 46, by inserting after the word  
44 "sections" the following: "600 through 602 and".

45 4. Page 11, line 1, by inserting after the word  
46 "corporations," the following: "increasing the  
47 cigarette and tobacco products taxes,".

By JOCHUM of Dubuque

H-5104 FILED FEBRUARY 20, 1992

NOT GERMANE (X 17)

SENATE FILE 2116

H-5101

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116 as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 10, by inserting after line 43 the  
5 following:

6 "DIVISION  
7 DEPARTMENT OF ECONOMIC DEVELOPMENT

8 Sec. \_\_\_\_ . 1991 Iowa Acts, chapter 267, section  
9 301, subsection 1, paragraph b, unnumbered paragraph  
10 3, is amended to read as follows:

11 As a condition, limitation, and qualification of  
12 the appropriation under this subsection, \$425,000  
13 shall be allocated to the rural enterprise fund, and  
14 \$140,000 shall be allocated for rural community  
15 leadership. Notwithstanding section 8.33, moneys  
16 obligated or committed to grantees under contract that  
17 remain unexpended at the end of the fiscal year, shall  
18 not revert but shall be available for expenditure for  
19 purposes of the contract during succeeding fiscal  
20 years.

21 Sec. \_\_\_\_ . 1991 Iowa Acts, chapter 267, section  
22 301, subsection 2, paragraph c, is amended to read as  
23 follows:

24 c. Federal procurement office

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

28 .....	\$	100,000
29 .....	FTEs	3.00

30 Notwithstanding section 8.33, moneys remaining  
31 unencumbered or unobligated on June 30, 1992, shall  
32 not revert and shall be available for expenditure  
33 during the fiscal year beginning July 1, 1992, for the  
34 same purposes.

35 Sec. \_\_\_\_ . 1991 Iowa Acts, chapter 267, section  
36 301, subsection 6, paragraph d, is amended by adding  
37 the following new unnumbered paragraph:

38 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
39 8.33, moneys obligated or committed to grantees under  
40 contract that remain unexpended at the end of the  
41 fiscal year, shall not revert but shall be available  
42 for expenditure for purposes of the contract during  
43 succeeding fiscal years.

44 Sec. \_\_\_\_ . 1991 Iowa Acts, chapter 269, section 17,  
45 subsection 1, is amended to read as follows:

46 1. If funds received from the federal government  
47 in the form of block grants exceed the amounts  
48 appropriated in sections 1, 2, 3, 4, 6, 7, and 9 of  
49 this Act, the excess shall be prorated to the  
50 appropriate programs according to the percentages

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1 specified in those sections, except additional funds  
2 shall not be prorated for administrative expenses.

3 Sec. \_\_\_\_ . Section 15.287, Code Supplement 1991, is  
4 amended by adding the following new unnumbered  
5 paragraph:

6 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
7 restrictions on the use of the revolving fund in this  
8 section, the director may use unallocated repayments  
9 to the revolving fund to pay for administration of  
10 programs under the Cranston-Gonzalez National  
11 Affordable Housing Act of 1990, Pub. L. No. 101-625."

12 2. By renumbering as necessary.

By WISE of Lee

HALVORSON of Clayton

H-5101 FILED FEBRUARY 20, 1992

ADOPTED (1/21)

## SENATE FILE 2116

H-5112

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 6, by inserting after line 36 the  
5 following:

6 "Sec. 600. Section 98.6, subsection 1, Code  
7 Supplement 1991, is amended to read as follows:

8 1. There is imposed, and shall be collected and  
9 paid to the department, ~~the following taxes~~ a tax on  
10 all cigarettes used or otherwise disposed of in this  
11 state for any purpose whatsoever:

12 ~~---Class-A---On-cigarettes-weighing-not-more-than~~  
13 ~~three-pounds-per-thousand; eighteen-mills equal to two~~  
14 ~~and three-tenths cents on each such cigarette.~~

15 ~~Class-B---On-cigarettes-weighing-more-than-three~~  
16 ~~pounds-per-thousand; eighteen-mills-on-each-such~~  
17 ~~cigarette.~~

18 Sec. 601. Section 98.43, subsection 1, unnumbered  
19 paragraph 1, Code Supplement 1991, is amended to read  
20 as follows:

21 A tax is imposed upon all tobacco products in this  
22 state and upon any person engaged in business as a  
23 distributor of tobacco products, at the rate of  
24 ~~twenty-two~~ twenty-eight percent of the wholesale sales  
25 price of the tobacco products, except little cigars as  
26 defined in section 98.42. Little cigars shall be  
27 subject to the same rate of tax imposed upon  
28 cigarettes in section 98.6, payable at the time and in  
29 the manner provided in section 98.6; and stamps shall  
30 be affixed as provided in division I of this chapter.  
31 The tax on tobacco products, excluding little cigars,  
32 shall be imposed at the time the distributor does any  
33 of the following:

34 Sec. 602. Section 98.43, subsection 2, unnumbered  
35 paragraph 1, Code Supplement 1991, is amended to read  
36 as follows:

37 A tax is imposed upon the use or storage by  
38 consumers of tobacco products in this state, and upon  
39 the consumers, at the rate of ~~twenty-two~~ twenty-eight  
40 percent of the cost of the tobacco products."

41 2. Page 10, line 42, by inserting after the word  
42 "Sections" the following: "600 through 602 and".

43 3. Page 10, line 46, by inserting after the word  
44 "sections" the following: "600 through 602 and".

45 4. Page 11, line 1, by inserting after the word  
46 "corporations," the following: "increasing the  
47 cigarette and tobacco products taxes,".

By OSTERBERG of Linn

DOVERER of Johnson

CARPENTER of Polk

HIBBARD of Madison

H-5112 FILED FEBRUARY 20, 1992

NOT GERMANE (p 212)

## SENATE FILE 2116

H-5113

- 1 Amend the Committee amendment, H-5098, to Senate  
 2 File 2116, as amended, passed, and reprinted by the  
 3 Senate, as follows:  
 4 1. Page 4, line 6, by striking the words and  
 5 figure "up to \$2,000,000 of".  
 6 2. Page 4, line 14, by inserting after the word  
 7 "state" the following: "on the effective date of this  
 8 Act".

By DICKINSON of Jackson

H-5113 FILED FEBRUARY 20, 1992

ADOPTED (p. 274)

## SENATE FILE 2116

H-5114

- 1 Amend the Committee amendment, H-5098, to Senate  
 2 File 2116, as amended, passed, and reprinted by the  
 3 Senate, as follows:  
 4 1. Page 3, by striking lines 13 through 26.  
 5 2. Page 3, lines 30 and 31, by striking the words  
 6 and figures "sections 102, 107, and 108" and inserting  
 7 the following: "section 102".  
 8 3. Page 3, by inserting after line 41 the follow-  
 9 ing:  
 10 "Sec. \_\_\_\_ . TRANSFERS AUTHORIZED. Notwithstanding  
 11 section 8.39, it is the intent of the general assembly  
 12 that if funds are unavailable to implement the  
 13 purposes of the appropriations made in this Act for  
 14 the fiscal year beginning July 1, 1991, and ending  
 15 June 30, 1992, the executive branch of government may  
 16 make transfers of unexpended appropriation balances to  
 17 the general fund of the state."  
 18 4. By striking page 6, line 45 through page 10,  
 19 line 16.  
 20 5. Page 10, by striking lines 42 and 43.  
 21 6. Page 10, lines 46 and 47, by striking the  
 22 words and figures "Except for sections 403 through  
 23 408, this" and inserting the following: "This".  
 24 7. By striking page 10, line 49 through page 11,  
 25 line 4.  
 26 8. By renumbering as necessary.

By BENNETT of Ida

H-5114 FILED FEBRUARY 20, 1992

A - LOST; B - WITHDRAWN (p. 274)

SENATE FILE 2116

E-5098

1 Amend Senate File 2116 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "DIVISION I  
6 SUPPLEMENTALS

7 Department of Human Services

8 Section 101. SUPPLEMENTAL APPROPRIATIONS. There  
9 is appropriated from the general fund of the state to  
10 the department of human services for the fiscal year  
11 beginning July 1, 1991, and ending June 30, 1992, to  
12 supplement the appropriations made in 1991 Iowa Acts,  
13 chapter 267, division I, the following amounts, or so  
14 much thereof as is necessary, to be used for the  
15 purposes designated:

- 16 1. Aid to families with dependent children, in  
17 section 101:  
18 ..... \$ 4,306,161
- 19 2. Emergency assistance to families with dependent  
20 children to match federal funding for homeless  
21 prevention programs in section 102:  
22 ..... \$ 375,000
- 23 3. Medical assistance, in section 103:  
24 ..... \$ 19,605,610
- 25 4. Medical contracts, in section 104:  
26 ..... \$ 295,104
- 27 5. State supplementary assistance, in section 107:  
28 ..... \$ 1,002,613
- 29 6. Child day care assistance, in section 109:  
30 ..... \$ 230,883
- 31 7. Transitional child care assistance, in section  
32 110:  
33 ..... \$ 10,508
- 34 8. Foster care, in section 114:  
35 ..... \$ 11,525,652
- 36 9. Home-based services, in section 116:  
37 ..... \$ 287,332
- 38 10. Community-based programs, in section 117:  
39 ..... \$ 767,036
- 40 11. a. State mental health institute at Cherokee,  
41 in section 121, subsection 1:  
42 ..... \$ 158,485
- 43 b. State mental health institute at Independence,  
44 in section 121, subsection 3:  
45 ..... \$ 758,139

46 Sec. 102. CAPITAL IMPROVEMENTS. There is  
47 appropriated from the general fund of the state to the  
48 department of human services for the fiscal year  
49 beginning July 1, 1991, and ending June 30, 1992, the  
50 following amount, or so much thereof as is necessary,

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1 to be used for the purposes designated:

2 For capital improvements, including items for code  
3 compliance and critical major maintenance:

4 ..... \$ 996,224

5 Sec. 103. RESIDENTIAL CARE FACILITY REIMBURSEMENT

6 RATES -- EMERGENCY RULES. The department of human  
7 services may adopt administrative rules under section  
8 17A.4, subsection 2, and section 17A.5, subsection 2,  
9 paragraph "b", to implement changes in the maximum  
10 reimbursement rate set for residential care facilities  
11 that will allow the department to spend funds  
12 sufficient to meet federal maintenance of effort  
13 requirements and not exceed the amount of funds  
14 appropriated for this purpose in the fiscal year  
15 beginning July 1, 1991.

16 Department of Corrections

17 Sec. 104. There is appropriated from the general  
18 fund of the state to the department of corrections for  
19 the fiscal year beginning July 1, 1991, and ending  
20 June 30, 1992, to supplement the appropriations made  
21 in 1991 Iowa Acts, chapter 267, section 405, the  
22 following amounts, or so much thereof as is necessary,  
23 to be used for the purposes designated:

24 1. For annual payment relating to prison  
25 expansion, in subsection 5:

26 ..... \$ 20,340

27 2. For annual payment relating to prison  
28 expansion, in subsection 6:

29 ..... \$ 102,156

30 Department of Inspections and Appeals

31 Sec. 105. There is appropriated from the road use  
32 tax fund to the department of inspections and appeals  
33 for the fiscal year beginning July 1, 1991, and ending  
34 June 30, 1992, to supplement the appropriation made in  
35 1991 Iowa Acts, chapter 268, section 414, the  
36 following amount, or so much thereof as is necessary,  
37 to be used for the purposes designated:

38 For salaries, support, maintenance, and  
39 miscellaneous purposes:

40 ..... \$ 100,000

41 Sec. 106. There is appropriated from the general  
42 fund of the state to the racing and gaming commission  
43 of the department of inspections and appeals for the  
44 fiscal year beginning July 1, 1991, and ending June  
45 30, 1992, to supplement the appropriation made in 1991  
46 Iowa Acts, chapter 268, section 425, the following  
47 amount, or so much thereof as is necessary, to be used  
48 for the purposes designated:

49 For salaries, support, maintenance, miscellaneous  
50 purposes, and for an increase of 2 full-time

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1	equivalent positions:		
2	.....	\$	50,000

3 Department of General Services  
 4 Sec. 107. There is appropriated from the general  
 5 fund of the state to the department of general  
 6 services for the fiscal year beginning July 1, 1991,  
 7 and ending June 30, 1992, the following amounts, or so  
 8 much thereof as is necessary, for the purposes  
 9 designated:

10	1. For deferred maintenance projects at the		
11	capitol complex:		
12	.....	\$	223,440

13	2. For the removal of the court avenue bridge:		
14	.....	\$	375,000

15	3. For continued restoration work on the capitol:		
16	.....	\$	500,000

17 Department of Commerce  
 18 Sec. 108. There is appropriated from the general  
 19 fund of the state to the alcoholic beverages division  
 20 of the department of commerce for the fiscal year  
 21 beginning July 1, 1991, and ending June 30, 1992, the  
 22 following amount, or so much thereof as is necessary,  
 23 for the purpose designated:

24	For the repair of the roof at the Ankeny liquor		
25	warehouse facility:		
26	.....	\$	350,000

27 Sec. 109. Notwithstanding section 8.33,  
 28 unobligated and unencumbered moneys remaining on June  
 29 30, 1992, from the appropriations made for the fiscal  
 30 year beginning July 1, 1991, in sections 102, 107, and  
 31 108 shall not revert but shall be available for  
 32 expenditure for which appropriated during the fiscal  
 33 year beginning July 1, 1992, and any unobligated and  
 34 unencumbered moneys remaining on June 30, 1993, from  
 35 such appropriations shall revert on August 31, 1993.

36 Sec. 110. EFFECT OF APPROPRIATION REDUCTIONS. The  
 37 moneys appropriated to supplement the appropriations  
 38 for the fiscal year beginning July 1, 1991, and ending  
 39 June 30, 1992, made in this division are not subject  
 40 to the allotment reduction pursuant to executive order  
 41 number 42.

42 DIVISION II  
 43 REDUCTIONS

44 Department of Agriculture and Land Stewardship  
 45 Sec. 201. The appropriation from the general fund  
 46 of the state to the department of agriculture and land  
 47 stewardship for the fiscal year beginning July 1,  
 48 1991, and ending June 30, 1992, in 1991 Iowa Acts,  
 49 chapter 268, section 201, is reduced, as a result of  
 50 the governor's item veto in section 201, by the

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1 following amount for the purpose designated:  
 2 Soil conservation division, in subsection 6:  
 3 ..... \$ 250,000

4 Iowa Communications Network  
 5 Sec. 202. Notwithstanding the nonreversion  
 6 provision in section 18.137, up to \$2,000,000 of the  
 7 unobligated and unencumbered moneys remaining in the  
 8 Iowa communications network fund of the amount  
 9 appropriated, as a result of the governor's item veto  
 10 of 1991 Iowa Acts, chapter 267, section 507,  
 11 subsection 17, under section 18.137 to the fund for  
 12 the fiscal year beginning July 1, 1991, and ending  
 13 June 30, 1992, shall revert to the general fund of the  
 14 state.

15 Sec. 203. EFFECT OF APPROPRIATION REDUCTIONS. The  
 16 reductions in appropriations for the fiscal year  
 17 beginning July 1, 1991, and ending June 30, 1992, made  
 18 in this division are in addition to the allotment  
 19 reduction pursuant to executive order number 42.

20 DIVISION III

21 STATE AID TO EDUCATION

22 Sec. 301. Section 11.6, subsection 1, unnumbered  
 23 paragraph 1, Code Supplement 1991, is amended to read  
 24 as follows:

25 The financial condition and transactions of all  
 26 cities and city offices, counties, county hospitals  
 27 organized under chapters 347 and 347A, memorial  
 28 hospitals organized under chapter 37, entities  
 29 organized under chapter 28E having gross receipts in  
 30 excess of one hundred thousand dollars in a fiscal  
 31 year, merged areas, area education agencies, and all  
 32 school offices in school districts, shall be examined  
 33 at least once each year, except that cities having a  
 34 population of seven hundred or more but less than two  
 35 thousand shall be examined at least once every four  
 36 years, and cities having a population of less than  
 37 seven hundred may be examined as otherwise provided in  
 38 this section. The examination shall cover the fiscal  
 39 year next preceding the year in which the audit is  
 40 conducted. The examination of school offices shall  
 41 include an audit of all school funds, the certified  
 42 annual financial report, and the certified enrollment  
 43 as provided in section 257-~~11~~ 257.6. Examinations of  
 44 community colleges shall include an audit of eligible  
 45 and noneligible contact hours as defined in section  
 46 266A.2. Eligible and noneligible contact hours and  
 47 the certified enrollment shall be certified to the  
 48 department of management.

49 Sec. 302. Section 257.6, subsection 4, unnumbered  
 50 paragraph 2, Code 1991, is amended to read as follows:

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1 However, if a district's actual enrollment for a  
2 budget year is greater than one hundred three percent  
3 of its budget enrollment, the district is eligible for  
4 an advance for increasing enrollment as provided in  
5 section 257.13.

6 Sec. 303. Section 257.13, unnumbered paragraph 1,  
7 Code 1991, is amended to read as follows:

8 If a district's actual enrollment for the budget  
9 year, determined under section 257.6, is greater than  
10 one hundred three percent of its budget enrollment for  
11 the budget year, the district is granted an advance  
12 from the state of an amount equal to its regular  
13 program district cost per pupil for the budget year  
14 multiplied by the difference between the actual  
15 enrollment for the budget year and one hundred three  
16 percent of the budget enrollment for the budget year.  
17 The advance is miscellaneous income.

18 Sec. 304. Section 257.16, unnumbered paragraph 2,  
19 Code Supplement 1991, is amended to read as follows:

20 All state aids paid under this chapter, unless  
21 otherwise stated, shall be paid in monthly  
22 installments beginning on September 15 of a budget  
23 year and ending on or about June 15 of the budget year  
24 ~~and the installments shall be as nearly equal as~~  
25 ~~possible as determined by the department of~~  
26 management, taking into consideration the relative  
27 budget and cash position of the state resources.  
28 However, an amount of state school foundation aid  
29 equal to the general allocation of the school district  
30 as determined under section 405A.2 and the amount of  
31 the tax credit for livestock pursuant to section  
32 442.2, subsection 2, as it appeared in the 1987 Code,  
33 shall be paid to the school district on July 15 of the  
34 subsequent fiscal year, and the appropriation for this  
35 amount shall be made for the fiscal year during which  
36 the payment is made. However, the state aid paid to  
37 school districts under section 257.13 shall be paid in  
38 monthly installments beginning on December 15 and  
39 ending on June 15 of a budget year.

40 Sec. 305. Notwithstanding the repeal of chapter  
41 442 as of July 1, 1991, the provision of section  
42 442.26 that requires an amount of school aid equal to  
43 the general allocation to a school district under  
44 section 405A.2 and the amount of tax credit for  
45 livestock to be paid to school districts on July 15 of  
46 the subsequent fiscal year remains effective for the  
47 school budget year beginning July 1, 1990, and such  
48 amounts shall be paid to the school districts on July  
49 15, 1991.

50 Sec. 306. APPLICABILITY. Sections 301 and 304 of  
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1 this division apply to school budget years beginning  
2 on or after July 1, 1992. Sections 302 and 303 of  
3 this division apply retroactively to the school budget  
4 year beginning July 1, 1991, only and are repealed  
5 July 1, 1992. Section 305 of this division applies  
6 retroactively to the school budget year beginning July  
7 1, 1990.

## 8 DIVISION IV

## 9 TAX AND OTHER CODE CHANGES

10 Sec. 401. Section 93.11, subsection 3, unnumbered  
11 paragraph 1, Code Supplement 1991, is amended to read  
12 as follows:

13 An energy fund disbursement council is established.  
14 The council shall be composed of the governor or the  
15 governor's designee, the director of the department of  
16 management or the director's designee, who shall serve  
17 as the council's chairperson, the administrator of the  
18 division of community action agencies of the  
19 department of human rights, the administrator of the  
20 energy and geological resources division of the  
21 department of natural resources, and a designee of the  
22 director of the department of transportation, who is  
23 knowledgeable in the field of energy conservation.  
24 The council shall include as nonvoting members two  
25 members of the senate appointed by the president of  
26 the senate, after consultation with the majority  
27 leader and the minority leader of the senate, and two  
28 members of the house of representatives appointed by  
29 the speaker of the house. The legislative members  
30 shall be appointed upon the convening and for the  
31 period of each general assembly. Not more than one  
32 member from each house shall be of the same political  
33 party. The council shall be staffed by the energy and  
34 geological resources division of the department of  
35 natural resources. The attorney general shall provide  
36 legal assistance to the council.

37 Sec. 402. NEW SECTION. 226.48 YOUTH FACILITY  
38 FUND.

39 The department may establish a fund in the state  
40 treasury to provide appropriate support services to a  
41 youth facility at the Clarinda mental health  
42 institute. The department may deposit receipts into  
43 this fund, negotiate contracts, and expend receipts to  
44 provide the necessary support services.

45 Sec. 403. Section 422.43, Code Supplement 1991, is  
46 amended by adding the following new subsection:

47 NEW SUBSECTION. 13. a. A tax of four percent is  
48 imposed upon the gross receipts from the sales,  
49 furnishing, or service of solid waste collection and  
50 disposal service.

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1 For purposes of this subsection, "solid waste"  
2 means garbage, refuse, sludge from a water supply  
3 treatment plant or air contaminant treatment facility,  
4 and other discarded waste materials and sludges, in  
5 solid, semisolid, liquid, or contained gaseous form,  
6 resulting from industrial, commercial, mining, and  
7 agricultural operations, and from community  
8 activities, but does not include hazardous waste;  
9 animal waste used as fertilizer; earthen fill,  
10 boulders, rock; sewage sludge; solid or dissolved  
11 material in domestic sewage or other common pollutants  
12 in water resources, such as silt, dissolved or  
13 suspended solids in industrial waste water effluents  
14 or discharges which are point sources subject to  
15 permits under section 402 of the federal Water  
16 Pollution Control Act, dissolved materials in  
17 irrigation return flows; or source, special nuclear,  
18 or by-product material defined by the federal Atomic  
19 Energy Act of 1954.

20 A recycling facility that separates or processes  
21 recyclable materials and that reduces the volume of  
22 the waste by at least eighty-five percent is exempt  
23 from the tax imposed by this subsection if the waste  
24 exempted is collected and disposed of separately from  
25 other solid waste.

26 b. A person who transports mixed municipal solid  
27 waste generated by that person or another person  
28 without compensation shall pay the tax imposed by this  
29 subsection at the collection or disposal facility  
30 based on the disposal charge or tipping fee. However,  
31 the costs of a service or the portion of a service to  
32 collect and manage recyclable materials separated from  
33 mixed municipal solid waste by the waste generator is  
34 exempt from the tax imposed by this subsection. For  
35 purposes of this paragraph, "mixed municipal solid  
36 waste" means garbage, refuse, and other solid waste  
37 from residential, commercial, industrial, and  
38 community activities which is generated and collected  
39 in aggregate, but does not include auto hulks, street  
40 sweepings, ash, construction debris, mining waste,  
41 sludges, tree and agricultural wastes, tires, lead  
42 acid batteries, used oil, and other materials  
43 collected, processed, and disposed of as separate  
44 waste streams.

45 Sec. 404. Section 422.43, subsection 11,  
46 unnumbered paragraph 1, Code Supplement 1991, is  
47 amended to read as follows:

48 The following enumerated services are subject to  
49 the tax imposed on gross taxable services: Alteration  
50 alteration and garment repair; armored car; automobile

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1 repair; battery, tire and allied; investment  
2 counseling; service charges of all financial  
3 institutions; barber and beauty; boat repair; car wash  
4 and wax; carpentry; roof, shingle, and glass repair;  
5 consultant services; computer services, including  
6 software modifications to canned programs, software  
7 custom program materials and professional services,  
8 information storage and retrieval, data processing,  
9 and mainframe access and processing fees; dance  
10 schools and dance studios; dating services; dry  
11 cleaning, pressing, dyeing, and laundering; electrical  
12 and electronic repair and installation; rental of  
13 tangible personal property, except mobile homes which  
14 are tangible personal property; excavating and  
15 grading; farm implement repair of all kinds; flying  
16 service; furniture, rug, upholstery repair and  
17 cleaning; fur storage and repair; golf and country  
18 clubs and all commercial recreation; house and  
19 building moving; household appliance, television, and  
20 radio repair; jewelry and watch repair; limousine  
21 service, including driver; machine operator; machine  
22 repair of all kinds; motor repair; motorcycle,  
23 scooter, and bicycle repair; oilers and lubricators;  
24 office and business machine repair; painting,  
25 papering, and interior decorating; parking facilities;  
26 pipe fitting and plumbing; wood preparation; licensed  
27 executive search agencies; private employment  
28 agencies, excluding services for placing a person in  
29 employment where the principal place of employment of  
30 that person is to be located outside of the state;  
31 sewing and stitching; shoe repair and shoeshine; sig.  
32 construction and installation; storage of food and  
33 household goods, mini-storage, and warehousing of raw  
34 agricultural products; swimming pool cleaning and  
35 maintenance; tax return preparation; taxidermy  
36 services; telephone answering service; test  
37 laboratories, except tests on humans or animals;  
38 termite, bug, roach, and pest eradicators; tin and  
39 sheet metal repair; turkish baths, massage, and  
40 reducing salons; weighing; welding; well drilling;  
41 wrapping, packing, and packaging of merchandise other  
42 than processed meat, fish, fowl and vegetables;  
43 wrecking service; wrecker and towing; pay television;  
44 campgrounds; carpet and upholstery cleaning; gun and  
45 camera repair; janitorial and building maintenance or  
46 cleaning; lawn care, landscaping and tree trimming and  
47 removal; pet grooming; reflexology; security and  
48 detective services; tanning beds or salons; and water  
49 conditioning and softening.

50 Sec. 405. Section 422.43, subsection 11, Code

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1 Supplement 1991, is amended by adding the following  
2 new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. For purposes of this  
4 subsection, "consultant services" means services  
5 provided, except as otherwise stated in this  
6 paragraph, by a person who purports to give expert or  
7 professional advice on any subject including, but not  
8 limited to, advice on audiovisual, business, computer  
9 and data processing, insurance, management, marketing,  
10 security, and weather and meteorology. "Consultant  
11 services" does not mean services provided by a person  
12 licensed, registered, or certified by boards listed in  
13 section 258A.1, or licensed under chapter 80A, 152A,  
14 154C, 522, or 602, article 10, if the services  
15 provided come within the purview of such person's  
16 license, registration, or certification.

17 Sec. 406. Section 422.45, subsection 2, Code  
18 Supplement 1991, is amended to read as follows:

19 2. The gross receipts from the sales, furnishing,  
20 or service of transportation service except the rental  
21 of recreational vehicles or recreational boats, and  
22 except the rental of motor vehicles subject to  
23 registration which are registered for a gross weight  
24 of thirteen tons or less for a period of sixty days or  
25 less, and except the rental of aircraft for a period  
26 of sixty days or less.

27 Sec. 407. Section 422.45, subsection 5, unnumbered  
28 paragraph 1, Code Supplement 1991, is amended to read  
29 as follows:

30 The gross receipts from services rendered,  
31 furnished, or performed and of all sales of goods,  
32 wares, or merchandise used for public purposes to a  
33 tax-certifying or tax-levying body of the state or a  
34 governmental subdivision of the state, including  
35 regional transit systems, as defined in section  
36 601J.1, the state board of regents, department of  
37 human services, state department of transportation,  
38 any municipally owned solid waste facility which sells  
39 all or part of its processed waste as fuel to a  
40 municipally owned public utility, and all divisions,  
41 boards, commissions, agencies, or instrumentalities of  
42 state, federal, county, or municipal government which  
43 have no earnings going to the benefit of an equity  
44 investor or stockholder, except sales of goods, wares,  
45 or merchandise or from services rendered, furnished,  
46 or performed and used by or in connection with the  
47 operation of any municipally owned public utility  
48 engaged in selling gas, electricity, heat, or pay  
49 television service to the general public and except  
50 the sales, furnishing, or service of solid waste

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1 collection and disposal service to a county or  
2 municipality on behalf of its residents.

3 Sec. 408. Section 422.45, subsection 20, Code  
4 Supplement 1991, is amended to read as follows:

5 20. The gross receipts from sales or services  
6 rendered, furnished, or performed by a county or city  
7 This exemption does not apply to the tax specifically  
8 imposed under section 422.43 on the gross receipts  
9 from the sales, furnishing, or service of gas,  
10 electricity, water, heat, pay television service, and  
11 communication service to the public by a municipal  
12 corporation in its proprietary capacity, does not  
13 apply to the sales, furnishing, or service of solid  
14 waste collection and disposal service, and does not  
15 apply to fees paid to cities and counties for the  
16 privilege of participating in any athletic sports.

17 Sec. 409. 1991 Iowa Acts, chapter 260, section  
18 1103, unnumbered paragraph 2, is amended to read as  
19 follows:

20 The transfers under this section shall be made  
21 during the period beginning April 16, 1991, and ending  
22 June 30, 1991. However, state general fund cash  
23 balances shall be available from the general fund of  
24 the state for cash flow purposes to enable the timely  
25 payment of obligations incurred for purposes for which  
26 moneys in the funds designated in subsections 1  
27 through 4 are to be used for the fiscal years ending  
28 June 30, 1992, and June 30, 1993.

29 Sec. 410. 1991 Iowa Acts, chapter 266, section 19,  
30 is amended to read as follows:

31 SEC. 19. There is appropriated from the health  
32 insurance reserve fund to the general fund of the  
33 state, on or before June 30, 1991, the following  
34 amount:

35 ..... \$ 6,000,000

36 However, state general fund cash balances shall be  
37 available from the general fund of the state for cash  
38 flow purposes to enable the timely payment of  
39 obligations incurred for purposes of the health  
40 insurance reserve fund for the fiscal years ending  
41 June 30, 1992, and June 30, 1993.

42 Sec. 411. EFFECTIVE DATE. Sections 403 through  
43 408 of this division take effect April 1, 1992.

44 DIVISION V

45 EFFECTIVE DATE

46 Sec. 501. Except for sections 403 through 408,  
47 this Act, being deemed of immediate importance, takes  
48 effect upon enactment."

49 2. Title page, by striking lines 4 and 5 and  
50 inserting the following: "state aid to school

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- 1 corporations, imposing the sales, services, and use
- 2 tax on solid waste collection and disposal services,
- 3 consulting services, and additional services, and
- 4 providing effective and applicability dates."

By COMMITTEE ON WAYS AND MEANS  
GRONINGA of Cerro Gordo,  
Chairperson

H-5098 FILED FEBRUARY 20, 1992

ADOPTED *as amended by 5101, 5102, 5113,  
5125, 5126, 5128 (p. 301)*

### SENATE FILE 2116

H-5099

- 1 Amend the Committee amendment, H-5098, to Senate
- 2 File 2116, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 6, by inserting after line 9 the fol-
- 5 lowing:
- 6 "Sec. \_\_\_\_ . Section 18.3, subsection 5, Code 1991,
- 7 is amended by striking the subsection."
- 8 2. Page 6, by inserting after line 44 the fol-
- 9 lowing:
- 10 "Sec. \_\_\_\_ . Section 303.79, subsection 11, Code
- 11 Supplement 1991, is amended by striking the
- 12 subsection."
- 13 3. Page 10, by inserting after line 41 the fol-
- 14 lowing:
- 15 "Sec. \_\_\_\_ . REPEAL.
- 16 1. Sections 18.132 through 18.136, Code 1991, are
- 17 repealed.
- 18 2. Section 18.137, Code Supplement 1991, is
- 19 repealed.
- 20 3. 1990 Iowa Acts, chapter 1272, section 21, is
- 21 repealed.
- 22 Sec. \_\_\_\_ . DISPOSITION OF MONEYS. Moneys remaining
- 23 in the state communications network fund on the
- 24 effective date of this Act shall be transferred to the
- 25 general fund of the state."
- 26 4. Page 11, line 1, by inserting after the word
- 27 "corporations," the following: "abolishing the state
- 28 communications network,".

By MILLAGE of Scott

H-5099 FILED FEBRUARY 20, 1992

NOT GERMANE; MOTION TO SUSPEND RULES LOST

### SENATE FILE 2116

H-5102

- 1 Amend the amendment, H-5098, to Senate File 2116,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 8, by striking line 35 and inserting the
- 5 following: "maintenance; taxidermy".

By KNAPP of Dubuque

H-5102 FILED FEBRUARY 20, 1992

ADOPTED (p. 289)

SENATE FILE 2116

H-5109

1 Amend the Committee amendment, H-5098, to Senate  
2 File 2116 as amended, passed, and reprinted by the  
3 Senate, as follows:  
4 1. Page 6, by inserting after line 7 the  
5 following:  
6 "Sec. \_\_\_\_ . CASH RESERVE LEVY. School districts  
7 receiving a reduction in the amount of state school  
8 foundation aid under chapter 257, as a result of the  
9 reductions in this division, shall not raise the lost  
10 state aid by a cash reserve levy under section 298.10  
11 to replace the state school foundation aid reduction  
12 in this division."

By HALVORSON of Clayton

H-5109 FILED FEBRUARY 20, 1992

LOST (p. 270)

SENATE FILE 2116

H-5110

1 Amend the amendment, H-5098, to Senate File 2116,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. By striking page 6, line 45, through page 7,  
5 line 44.  
6 2. By striking page 9, line 27, through page 10,  
7 line 16.  
8 3. Page 11, by striking line 2 and inserting the  
9 following: "tax on".

By JESSE of Jasper  
BROWN of Lucas

H-5110 FILED FEBRUARY 20, 1992

ADOPTED; RECONSIDERED; WITHDRAWN (p. 301)  
(p. 287)

SENATE FILE 2116

H-5111

1 Amend the amendment, H-5098, to Senate File 2116,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 5, line 23, by striking the words "or  
5 about".

By JESSE of Jasper  
BROWN of Lucas

BRAMMER of Linn  
BEATTY of Warren

GRUHN of Dickinson

H-5111 FILED FEBRUARY 20, 1992

WITHDRAWN

SENATE FILE 2116

H-5091

1 Amend the Committee amendment, H-5085, to Senate  
2 File 2116, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 6, by inserting after line 9 the fol-  
5 lowing:

6 "Sec. \_\_\_\_ . NEW SECTION. 8.58 STATE GENERAL FUND  
7 EXPENDITURE LIMITATION.

8 1. For purposes of this section:

9 a. "Base year" means the fiscal year in which  
10 budgets for state departments and agencies for the  
11 following fiscal year are submitted to the department  
12 of management.

13 b. "Budget year" means the fiscal year for which  
14 budgets are submitted to the department of management  
15 in the base year.

16 c. "Growth factor for the budget year" means the  
17 lesser of the following:

18 (1) The estimated percentage of growth in general  
19 fund receipts from the base year to the budget year as  
20 made in December of the base year by the revenue  
21 estimating conference.

22 (2) The annual percentage change in the implicit  
23 price deflator, increased to the next highest  
24 percentage point, for the fiscal year preceding the  
25 base year.

26 If the percentage is less than zero under  
27 subparagraph (1) or (2) the growth factor equals zero.

28 d. "Implicit price deflator" means the implicit  
29 price deflator for the gross national product computed  
30 by the bureau of economic analysis of the United  
31 States department of commerce.

32 2. A state general fund expenditure limitation is  
33 created for each budget year beginning on or after  
34 July 1, 1993, calculated as provided in this section.

35 3. The state general fund expenditure limitation  
36 for a budget year equals the product of the following  
37 two paragraphs:

38 a. The sum of state general fund appropriations  
39 made during the base year for the budget year,  
40 adjusted for any governor's across-the-board  
41 reductions, plus estimated standing limited and  
42 unlimited state general fund appropriations for the  
43 budget year.

44 b. The sum of one hundred percent plus the growth  
45 factor for the budget year.

46 4. The state general fund expenditure limitation  
47 provided for in this section shall be used by the  
48 governor in the preparation of the budget under  
49 section 8.22 and by the general assembly in the budget  
50 process.

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1 5. The governor shall submit to the general  
2 assembly and the general assembly shall pass a budget  
3 which does not exceed the state general fund  
4 expenditure limitation.

5 6. The governor may propose and the general  
6 assembly may make supplemental appropriations for a  
7 budget year beginning on or after July 1, 1993, in an  
8 amount, after adjustment for reductions in  
9 appropriations to be made for that budget year, equal  
10 to no more than the monetary excess, if any, of  
11 estimated state general fund receipts for that budget  
12 year as made in March of that budget year by the  
13 revenue estimating conference over the growth factor  
14 for that budget year."

15 2. Page 7, by inserting after line 29 the fol-  
16 lowing:

17 "Sec. 50. Section 422.43, subsections 1, 2, 4, 5,  
18 6, 7, and 10, Code Supplement 1991, are amended to  
19 read as follows:

20 1. There is imposed a tax of five percent for the  
21 period beginning April 1, 1992, and ending December  
22 31, 1992, and four percent beginning January 1, 1993,  
23 upon the gross receipts from all sales of tangible  
24 personal property, consisting of goods, wares, or  
25 merchandise, except as otherwise provided in this  
26 division, sold at retail in the state to consumers or  
27 users; a like rate of tax upon the gross receipts from  
28 the sales, furnishing, or service of gas, electricity,  
29 water, heat, pay television service, and communication  
30 service, including the gross receipts from such sales  
31 by any municipal corporation or joint water utility  
32 furnishing gas, electricity, water, heat, pay  
33 television service, and communication service to the  
34 public in its proprietary capacity, except as  
35 otherwise provided in this division, when sold at  
36 retail in the state to consumers or users; a like rate  
37 of tax upon the gross receipts from all sales of  
38 tickets or admissions to places of amusement, fairs,  
39 and athletic events except those of elementary and  
40 secondary educational institutions; and a like rate of  
41 tax upon that part of private club membership fees or  
42 charges paid for the privilege of participating in any  
43 athletic sports provided club members.

44 2. There is imposed a tax of five percent for the  
45 period beginning April 1, 1992, and ending December  
46 31, 1992, and four percent beginning January 1, 1993,  
47 upon the gross receipts derived from the operation of  
48 all forms of amusement devices and games of skill,  
49 games of chance, raffles, and bingo games as defined  
50 in chapter 99B, operated or conducted within the this

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state of Iowa, the tax to be collected from the operator in the same manner as is provided for the collection of taxes upon the gross receipts of tickets or admission as provided in this section. The tax shall also be imposed upon the gross receipts derived from the sale of lottery tickets or shares pursuant to chapter 99E. The tax on the lottery tickets or shares shall be included in the sales price and distributed to the general fund as provided in section 99E.10.

4. There is imposed a ~~like-rate-of~~ tax of five percent for the period beginning April 1, 1992, and ending December 31, 1992, and four percent beginning January 1, 1993, upon the gross receipts from the sales of engraving, photography, retouching, printing, and binding services. For the purpose of this division, the sales of engraving, photography, retouching, printing, and binding services are sales of tangible property.

5. There is imposed a ~~like-rate-of~~ tax of five percent for the period beginning April 1, 1992, and ending December 31, 1992, and four percent beginning January 1, 1993, upon the gross receipts from the sales of vulcanizing, recapping, and retreading services. For the purpose of this division, the sales of vulcanizing, recapping, and retreading services are sales of tangible property.

6. There is imposed a tax of five percent for the period beginning April 1, 1992, and ending December 31, 1992, and four percent beginning January 1, 1993, upon the gross receipts from the sales of optional service or warranty contracts which provide for the furnishing of labor and materials and require the furnishing of any taxable service enumerated under this section. The gross receipts are subject to tax even if some of the services furnished are not enumerated under this section. For the purpose of this division, the sale of an optional service or warranty contract is a sale of tangible personal property. Additional sales, services, or use taxes shall not be levied on services, parts, or labor provided under optional service or warranty contracts which are subject to tax under this section.

7. ~~A-like-rate-of-tax~~ There is imposed a tax of five percent for the period beginning April 1, 1992, and ending December 31, 1992, and four percent beginning January 1, 1993, upon the gross receipts from the renting of rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, mobile home which is tangible personal property, or tourist court, or in any place where

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1 sleeping accommodations are furnished to transient  
2 guests for rent, whether with or without meals.  
3 "Renting" and "rent" include any kind of direct or  
4 indirect charge for such rooms, apartments, or  
5 sleeping quarters, or their use. For the purposes of  
6 this division, such renting is regarded as a sale of  
7 tangible personal property at retail. However, this  
8 tax does not apply to the gross receipts from the  
9 renting of a room, apartment, or sleeping quarters  
10 while rented by the same person for a period of more  
11 than thirty-one consecutive days.

12 10. There is imposed a tax of five percent for the  
13 period beginning April 1, 1992, and ending December  
14 31, 1992, and four percent beginning January 1, 1993,  
15 upon the gross receipts from the rendering,  
16 furnishing, or performing of services as defined in  
17 section 422.42.

18 Sec. 51. Section 422.43, subsection 12, unnumbered  
19 paragraph 1, Code Supplement 1991, is amended to read  
20 as follows:

21 A tax of five percent for the period beginning  
22 April 1, 1992, and ending December 31, 1992, and four  
23 percent beginning January 1, 1993, is imposed upon the  
24 gross receipts from all sales of tangible personal  
25 property, consisting of goods, wares, or merchandise,  
26 except as otherwise provided in this division, sold at  
27 retail in the state to consumers or users within the  
28 state by retailers that meet any of the following  
29 criteria:"

30 3. Page 7, line 32, by striking the words "four  
31 percent" and inserting the following: "five percent  
32 for the period beginning April 1, 1992, and ending  
33 December 31, 1992, and four percent beginning January  
34 1, 1993,".

35 4. Page 10, by inserting after line 32 the  
36 following:

37 "Sec. 52. Section 422.47, subsection 2, Code 1991,  
38 is amended to read as follows:

39 2. Construction contractors may make application  
40 to the department for a refund of the additional one  
41 percent tax paid under this division or the additional  
42 one percent tax paid under chapter 423 by reason of  
43 the increase in the tax from ~~three to four~~ to five  
44 percent for taxes paid on goods, wares, or merchandise  
45 under the following conditions:

46 a. The goods, wares, or merchandise are  
47 incorporated into an improvement to real estate in  
48 fulfillment of a written contract fully executed prior  
49 to ~~March 17, 1983~~ April 1, 1992. The refund shall not  
50 apply to equipment transferred in fulfillment of a

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1 mixed construction contract.

2 b. The contractor has paid to the department or to  
3 a retailer the full four five percent tax.

4 c. The claim is filed on forms provided by the  
5 department and is filed within one year of the date  
6 the tax is paid.

7 A contractor who makes an erroneous application for  
8 refund shall be liable for payment of the excess  
9 refund paid plus interest at the rate in effect under  
10 section 421.7. In addition, a contractor who  
11 willfully makes a false application for refund is  
12 guilty of a simple misdemeanor and is liable for a  
13 penalty equal to fifty percent of the excess refund  
14 claimed. Excess refunds, penalties, and interest due  
15 under this subsection may be enforced and collected in  
16 the same manner as the tax imposed by this division.

17 Sec. 53. Section 423.2, Code 1991, is amended to  
18 read as follows:

19 423.2 IMPOSITION OF TAX.

20 An excise tax is imposed on the use in this state  
21 of tangible personal property purchased for use in  
22 this state, at the rate of five percent for the period  
23 beginning April 1, 1992, and ending December 31, 1992,  
24 and four percent beginning January 1, 1993, of the  
25 purchase price of the property. The excise tax is  
26 imposed upon every person using the property within  
27 this state until the tax has been paid directly to the  
28 county treasurer or the state department of

29 transportation, to a retailer, or to the department.  
30 An excise tax is imposed on the use in this state of  
31 services enumerated in section 422.43 at the rate of  
32 five percent for the period beginning April 1, 1992,  
33 and ending December 31, 1992, and four percent  
34 beginning January 1, 1993. This tax is applicable  
35 where services are rendered, furnished, or performed  
36 in this state or where the product or result of the  
37 service is used in this state. This tax is imposed on  
38 every person using the services or the product of the  
39 services in this state until the user has paid the tax  
40 either to an Iowa use tax permit holder or to the  
41 department.

42 Sec. 54. APPLICABILITY. This section applies in  
43 regard to the temporary increase in the state sales,  
44 services, and use taxes from four to five percent.  
45 The use tax rate of five percent applies to motor  
46 vehicles subject to registration which are registered  
47 on or after April 1, 1992, and before January 1, 1993.  
48 The five percent use tax rate applies to the use of  
49 property when the first taxable use in this state  
50 occurs on or after April 1, 1992, and before January

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1 1, 1993. The five percent rate applies to the gross  
2 receipts from the sale, furnishing, or service of gas,  
3 electricity, water, heat, pay television service, and  
4 communication service if the date of billing the  
5 customer is on or after April 1, 1992, and before  
6 January 1, 1993. In the case of a service contract  
7 entered into prior to April 1, 1992, which contract  
8 calls for periodic payments, the five percent rate  
9 applies to those payments made or due on or after  
10 April 1, 1992, and before January 1, 1993. This  
11 periodic payment applies, but is not limited to,  
12 tickets or admissions, private club membership fees,  
13 sources of amusement, equipment rental, dry cleaning,  
14 reducing salons, dance schools, and all other services  
15 subject to tax, except the aforementioned utility  
16 services which are subject to a special transitional  
17 rule. Unlike periodic payments under service  
18 contracts, installment sales of goods, wares, and  
19 merchandise are subject to the full amount of sales or  
20 use tax when the sales contract is entered into or the  
21 property is first used in Iowa."

22 5. Page 11, line 9, by inserting after the figure  
23 "410" the following: "and sections 50 through 54".

24 6. Page 11, line 14, by inserting after the  
25 figure "410" the following: "and sections 50 through  
26 54".

27 7. Page 11, line 17, by inserting after the word  
28 "corporations," the following: "establishing a state  
29 general fund expenditure limitation, and temporarily  
30 increasing the state sales, services, and use taxes,".

By BRAMMER of Linn

H-5091 FILED FEBRUARY 19, 1992

*Clara A. G. [unclear]*

## SENATE FILE 2116

H-5083

1 Amend Senate File 2116 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 31 the  
4 following:

5 "Sec. \_\_\_\_ . Section 8.22A, unnumbered paragraph 7,  
6 Code 1991, is amended to read as follows:

7 By December 15, ~~1986~~ 1992 and each succeeding year  
8 the conference shall agree to a revenue estimate for  
9 the existing fiscal year and for the fiscal year  
10 beginning the following July 1. ~~That the estimate for~~  
11 the existing fiscal year shall be used by the governor  
12 in the preparation of the budget message under section  
13 8.22 and by the legislature in the budget process."

14 2. Page 11, by inserting after line 7 the  
15 following:

16 "Sec. \_\_\_\_ . APPROPRIATIONS.

17 1. There is appropriated from the general fund of  
18 the state to each department and establishment, as  
19 defined in section 8.2, of the executive branch, to  
20 each unit within the judicial branch, to each unit  
21 within the legislative branch, and for standing  
22 limited and unlimited appropriations, from the general  
23 fund of the state for the fiscal year beginning July  
24 1, 1992, and ending June 30, 1993, the amount  
25 appropriated to that department, establishment, or  
26 unit, or for that standing limited or unlimited  
27 appropriation from the general fund of the state for  
28 the fiscal year beginning July 1, 1991, as reduced by  
29 any item vetoes of the governor and by the execution  
30 of the governor's executive order number 42, to be  
31 used for the purposes for which the moneys were  
32 appropriated for the fiscal year beginning July 1,  
33 1991.

34 2. Notwithstanding subsection 1, a state  
35 department or establishment of the executive branch,  
36 unit within the judicial branch, or unit within the  
37 legislative branch may apply to the state appeal board  
38 for an increase in its appropriation for the fiscal  
39 year beginning July 1, 1992, if there is an  
40 outstanding need for such increase because of any of  
41 the following reasons:

- 42 a. Risk of losing federal funds.
- 43 b. Natural disaster or other emergency.
- 44 c. Inability to fully fund entitlement programs or  
45 health and retirement benefits.
- 46 d. Settling contracts already negotiated.

47 The appeal board may approve or modify and approve  
48 the request for an increase in appropriations. There  
49 is appropriated from the general fund of the state for  
50 the fiscal year beginning July 1, 1992, an amount

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1 sufficient to fund any approved or modified and  
2 approved request for an increase in appropriation  
3 under this subsection.

4 3. Notwithstanding subsection 1, there is  
5 appropriated from the appropriate state fund, as  
6 designated in 1991 Iowa Acts, chapter 266, to the  
7 salary adjustment fund for the fiscal year beginning  
8 July 1, 1992, amounts sufficient to fund any salary  
9 increases, pay adjustments, expense reimbursements and  
10 related benefits resulting from any favorable decree  
11 for the plaintiffs in the case of AFSCME/Iowa Council  
12 61 et al. v. State of Iowa et al. if a final decree is  
13 issued during the fiscal year beginning July 1, 1992.

14 Sec. \_\_\_\_\_. PROPERTY TAX LIMITATION. If a program  
15 or service is required by law to be provided by a  
16 city, county, or school corporation, and the state  
17 provides any financial assistance to the city, county,  
18 or school corporation for that program or service, the  
19 amount of property tax revenues the city, county, or  
20 school corporation may spend for that program or  
21 service for the fiscal year beginning July 1, 1992,  
22 shall not exceed the amount of property tax revenues  
23 spent by the city, county, or school corporation  
24 during the fiscal year beginning July 1, 1991.

25 If as a result of the property tax limitation in  
26 this section, a city, county, or school corporation is  
27 unable to fully fund the mandated program or service,  
28 no fines, penalties, reductions in financial  
29 assistance, or other sanctions shall be imposed on the  
30 city, county, or school corporation.

31 Sec. \_\_\_\_\_. For the fiscal year beginning July 1,  
32 1992, the mental health, mental retardation, and  
33 developmental disabilities services expenditures of  
34 each county is frozen at the amount that county  
35 expended for those services in the fiscal year  
36 beginning July 1, 1991.

37 Sec. \_\_\_\_\_. Upon the effective date of this Act,  
38 contract negotiations between teachers,  
39 administrators, and other employees and a school  
40 corporation shall cease for the budget year beginning  
41 July 1, 1992. If such contracts have been entered  
42 into, those contracts shall be honored. Any such  
43 contract negotiations for budget years beginning on or  
44 after July 1, 1993, shall not take into consideration  
45 the halting of contract negotiations required under  
46 this section."

47 3. Title page, line 4, by inserting after the  
48 word "corporations," the following: "limiting the  
49 appropriation of state general fund moneys for the  
50 fiscal year beginning July 1, 1992, and limiting the

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1 amount that may be spent by local governments for  
 2 mandated programs and services receiving state  
 3 financial assistance for the fiscal year beginning  
 4 July 1, 1992, and halting contract negotiations by  
 5 school corporations, and providing that future state  
 6 general fund budgets be based upon previous year's  
 7 revenues."

By SVOBODA of Tama  
 MERTZ of Kossuth  
 BRANDSTAD of Winnebago

H-5083 FILED FEBRUARY 18, 1992

*Placed on 2/20 (p. 361)*

SENATE FILE 2116

H-5080

1 Amend Senate File 2116, as amended, passed, and re-  
 2 printed by the Senate, as follows:

3 1. Page 9, by inserting after line 3 the fol-  
 4 lowing:

5 "Sec. \_\_\_\_ . Section 18.3, subsection 5, Code 1991,  
 6 is amended by striking the subsection."

7 2. Page 9, by inserting after line 22 the fol-  
 8 lowing:

9 "Sec. \_\_\_\_ . Section 303.79, subsection 11, Code  
 10 Supplement 1991, is amended by striking the  
 11 subsection."

12 3. Page 11, by inserting after line 7 the fol-  
 13 lowing:

14 "Sec. \_\_\_\_ . REPEAL.

15 1. Sections 18.132 through 18.136, Code 1991, are  
 16 repealed.

17 2. Section 18.137, Code Supplement 1991, is  
 18 repealed.

19 3. 1990 Iowa Acts, chapter 1272, section 21, is  
 20 repealed.

21 Sec. \_\_\_\_ . DISPOSITION OF MONEYS. Moneys remaining  
 22 in the state communications network fund on the  
 23 effective date of this Act shall be transferred to the  
 24 general fund of the state."

25 4. Title page, line 4, by inserting after the  
 26 word "corporations," the following: "abolishing the  
 27 state communications network,".

By MILLAGE of Scott

H-5080 FILED FEBRUARY 18, 1992

*Placed on 2/20 (p. 361)*

SENATE FILE 2116

H-5082

1 Amend Senate File 2116, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 2, by striking line 15.

4 2. By renumbering as necessary.

By SVOBODA of Tama

H-5082 FILED FEBRUARY 18, 1992

*Placed on 2/20 (p. 361)*

## SENATE FILE 2116

H-5084

1 Amend Senate File 2116, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 8, by inserting after line 31 the fol-  
4 lowing:

5 "Sec. \_\_\_\_ . NEW SECTION. 8.58 STATE GENERAL FUND  
6 EXPENDITURE LIMITATION.

7 1. For purposes of this section:

8 a. "Base year" means the fiscal year in which  
9 budgets for state departments and agencies for the  
10 following fiscal year are submitted to the department  
11 of management.

12 b. "Budget year" means the fiscal year for which  
13 budgets are submitted to the department of management  
14 in the base year.

15 c. "Growth factor for the budget year" means the  
16 lesser of the following:

17 (1) The estimated percentage of growth in general  
18 fund receipts from the base year to the budget year as  
19 made in December of the base year by the revenue  
20 estimating conference.

21 (2) The annual percentage change in the implicit  
22 price deflator, increased to the next highest  
23 percentage point, for the fiscal year preceding the  
24 base year.

25 If the percentage is less than zero under  
26 subparagraph (1) or (2) the growth factor equals zero.

27 d. "Implicit price deflator" means the implicit  
28 price deflator for the gross national product computed  
29 by the bureau of economic analysis of the United  
30 States department of commerce.

31 2. A state general fund expenditure limitation is  
32 created for each budget year beginning on or after  
33 July 1, 1993, calculated as provided in this section.

34 3. The state general fund expenditure limitation  
35 for a budget year equals the product of the following  
36 two paragraphs:

37 a. The sum of state general fund appropriations  
38 made during the base year for the budget year,  
39 adjusted for any governor's across-the-board  
40 reductions, plus estimated standing limited and  
41 unlimited state general fund appropriations for the  
42 budget year.

43 b. The sum of one hundred percent plus the growth  
44 factor for the budget year.

45 4. The state general fund expenditure limitation  
46 provided for in this section shall be used by the  
47 governor in the preparation of the budget under  
48 section 8.22 and by the general assembly in the budget  
49 process.

50 5. The governor shall submit to the general

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1 assembly and the general assembly shall pass a budget  
2 which does not exceed the state general fund  
3 expenditure limitation.

4 6. The governor may propose and the general  
5 assembly may make supplemental appropriations for a  
6 budget year beginning on or after July 1, 1993, in an  
7 amount, after adjustment for reductions in  
8 appropriations to be made for that budget year, equal  
9 to no more than the monetary excess, if any, of  
10 estimated state general fund receipts for that budget  
11 year as made in March of that budget year by the  
12 revenue estimating conference over the growth factor  
13 for that budget year."

14 2. Page 9, by inserting after line 22 the fol-  
15 lowing:

16 "Sec. 50. Section 422.43, subsections 1, 2, 4, 5,  
17 6, 7, and 10, Code Supplement 1991, are amended to  
18 read as follows:

19 1. There is imposed a tax of five percent for the  
20 period beginning April 1, 1992, and ending December  
21 31, 1992, and four percent beginning January 1, 1993,  
22 upon the gross receipts from all sales of tangible  
23 personal property, consisting of goods, wares, or  
24 merchandise, except as otherwise provided in this  
25 division, sold at retail in the state to consumers or  
26 users; a like rate of tax upon the gross receipts from  
27 the sales, furnishing, or service of gas, electricity,  
28 water, heat, pay television service, and communication  
29 service, including the gross receipts from such sales  
30 by any municipal corporation or joint water utility  
31 furnishing gas, electricity, water, heat, pay  
32 television service, and communication service to the  
33 public in its proprietary capacity, except as  
34 otherwise provided in this division, when sold at  
35 retail in the state to consumers or users; a like rate  
36 of tax upon the gross receipts from all sales of  
37 tickets or admissions to places of amusement, fairs,  
38 and athletic events except those of elementary and  
39 secondary educational institutions; and a like rate of  
40 tax upon that part of private club membership fees or  
41 charges paid for the privilege of participating in any  
42 athletic sports provided club members.

43 2. There is imposed a tax of five percent for the  
44 period beginning April 1, 1992, and ending December  
45 31, 1992, and four percent beginning January 1, 1993,  
46 upon the gross receipts derived from the operation of  
47 all forms of amusement devices and games of skill,  
48 games of chance, raffles, and bingo games as defined  
49 in chapter 99B, operated or conducted within the this  
50 state of Iowa, the tax to be collected from the

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1 operator in the same manner as ~~is~~ provided for the  
2 collection of taxes upon the gross receipts of tickets  
3 or admission as provided in this section. The tax  
4 shall also be imposed upon the gross receipts derived  
5 from the sale of lottery tickets or shares pursuant to  
6 chapter 99E. The tax on the lottery tickets or shares  
7 shall be included in the sales price and distributed  
8 to the general fund as provided in section 99E.10.

9 4. There is imposed a ~~like-rate-of~~ tax of five  
10 percent for the period beginning April 1, 1992, and  
11 ending December 31, 1992, and four percent beginning  
12 January 1, 1993, upon the gross receipts from the  
13 sales of engraving, photography, retouching, printing,  
14 and binding services. For the purpose of this  
15 division, the sales of engraving, photography,  
16 retouching, printing, and binding services are sales  
17 of tangible property.

18 5. There is imposed a ~~like-rate-of~~ tax of five  
19 percent for the period beginning April 1, 1992, and  
20 ending December 31, 1992, and four percent beginning  
21 January 1, 1993, upon the gross receipts from the  
22 sales of vulcanizing, recapping, and retreading  
23 services. For the purpose of this division, the sales  
24 of vulcanizing, recapping, and retreading services are  
25 sales of tangible property.

26 6. There is imposed a tax of five percent for the  
27 period beginning April 1, 1992, and ending December  
28 31, 1992, and four percent beginning January 1, 1993,  
29 upon the gross receipts from the sales of optional  
30 service or warranty contracts which provide for the  
31 furnishing of labor and materials and require the  
32 furnishing of any taxable service enumerated under  
33 this section. The gross receipts are subject to tax  
34 even if some of the services furnished are not  
35 enumerated under this section. For the purpose of  
36 this division, the sale of an optional service or  
37 warranty contract is a sale of tangible personal  
38 property. Additional sales, services, or use tax  
39 taxes shall not be levied on services, parts, or labor  
40 provided under optional service or warranty contracts  
41 which are subject to tax under this section.

42 7. ~~A-like-rate-of-tax~~ There is imposed a tax of  
43 five percent for the period beginning April 1, 1992,  
44 and ending December 31, 1992, and four percent  
45 beginning January 1, 1993, upon the gross receipts  
46 from the renting of rooms, apartments, or sleeping  
47 quarters in a hotel, motel, inn, public lodging house,  
48 rooming house, mobile home which is tangible personal  
49 property, or tourist court, or in any place where  
50 sleeping accommodations are furnished to transient

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1 guests for rent, whether with or without meals.  
2 "Renting" and "rent" include any kind of direct or  
3 indirect charge for such rooms, apartments, or  
4 sleeping quarters, or their use. For the purposes of  
5 this division, such renting is regarded as a sale of  
6 tangible personal property at retail. However, this  
7 tax does not apply to the gross receipts from the  
8 renting of a room, apartment, or sleeping quarters  
9 while rented by the same person for a period of more  
10 than thirty-one consecutive days.

11 10. There is imposed a tax of five percent for the  
12 period beginning April 1, 1992, and ending December  
13 31, 1992, and four percent beginning January 1, 1993,  
14 upon the gross receipts from the rendering,  
15 furnishing, or performing of services as defined in  
16 section 422.42.

17 Sec. 51. Section 422.43, subsection 12, unnumbered  
18 paragraph 1, Code Supplement 1991, is amended to read  
19 as follows:

20 A tax of five percent for the period beginning  
21 April 1, 1992, and ending December 31, 1992, and four  
22 percent beginning January 1, 1993, is imposed upon the  
23 gross receipts from all sales of tangible personal  
24 property, consisting of goods, wares, or merchandise,  
25 except as otherwise provided in this division, sold at  
26 retail in the state to consumers or users within the  
27 state by retailers that meet any of the following  
28 criteria:

29 Sec. 52. Section 422.47, subsection 2, Code 1991,  
30 is amended to read as follows:

31 2. Construction contractors may make application  
32 to the department for a refund of the additional one  
33 percent tax paid under this division or the additional  
34 one percent tax paid under chapter 423 by reason of  
35 the increase in the tax from ~~three~~ to four to five  
36 percent for taxes paid on goods, wares, or merchandise  
37 under the following conditions:

38 a. The goods, wares, or merchandise are  
39 incorporated into an improvement to real estate in  
40 fulfillment of a written contract fully executed prior  
41 to ~~March 17, 1983~~ April 1, 1992. The refund shall not  
42 apply to equipment transferred in fulfillment of a  
43 mixed construction contract.

44 b. The contractor has paid to the department or to  
45 a retailer the full ~~four~~ five percent tax.

46 c. The claim is filed on forms provided by the  
47 department and is filed within one year of the date  
48 the tax is paid.

49 A contractor who makes an erroneous application for  
50 refund shall be liable for payment of the excess

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1 refund paid plus interest at the rate in effect under  
2 section 421.7. In addition, a contractor who  
3 willfully makes a false application for refund is  
4 guilty of a simple misdemeanor and is liable for a  
5 penalty equal to fifty percent of the excess refund  
6 claimed. Excess refunds, penalties, and interest due  
7 under this subsection may be enforced and collected in  
8 the same manner as the tax imposed by this division.

9 Sec. 53. Section 423.2, Code 1991, is amended to  
10 read as follows:

11 423.2 IMPOSITION OF TAX.

12 An excise tax is imposed on the use in this state  
13 of tangible personal property purchased for use in  
14 this state, at the rate of five percent for the period  
15 beginning April 1, 1992, and ending December 31, 1992,  
16 and four percent beginning January 1, 1993, of the  
17 purchase price of the property. The excise tax is  
18 imposed upon every person using the property within  
19 this state until the tax has been paid directly to the  
20 county treasurer or the state department of  
21 transportation, to a retailer, or to the department.  
22 An excise tax is imposed on the use in this state of  
23 services enumerated in section 422.43 at the rate of  
24 five percent for the period beginning April 1, 1992,  
25 and ending December 31, 1992, and four percent  
26 beginning January 1, 1993. This tax is applicable  
27 where services are rendered, furnished, or performed  
28 in this state or where the product or result of the  
29 service is used in this state. This tax is imposed on  
30 every person using the services or the product of the  
31 services in this state until the user has paid the tax  
32 either to an Iowa use tax permit holder or to the  
33 department.

34 Sec. 54. APPLICABILITY. This section applies in  
35 regard to the temporary increase in the state sales,  
36 services, and use taxes from four to five percent.  
37 The use tax rate of five percent applies to motor  
38 vehicles subject to registration which are registered  
39 on or after April 1, 1992, and before January 1, 1993.  
40 The five percent use tax rate applies to the use of  
41 property when the first taxable use in this state  
42 occurs on or after April 1, 1992, and before January  
43 1, 1993. The five percent rate applies to the gross  
44 receipts from the sale, furnishing, or service of gas,  
45 electricity, water, heat, pay television service, and  
46 communication service if the date of billing the  
47 customer is on or after April 1, 1992, and before  
48 January 1, 1993. In the case of a service contract  
49 entered into prior to April 1, 1992, which contract  
50 calls for periodic payments, the five percent rate

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1 applies to those payments made or due on or after  
2 April 1, 1992, and before January 1, 1993. This  
3 periodic payment applies, but is not limited to,  
4 tickets or admissions, private club membership fees,  
5 sources of amusement, equipment rental, dry cleaning,  
6 reducing salons, dance schools, and all other services  
7 subject to tax, except the aforementioned utility  
8 services which are subject to a special transitional  
9 rule. Unlike periodic payments under service  
10 contracts, installment sales of goods, wares, and  
11 merchandise are subject to the full amount of sales or  
12 use tax when the sales contract is entered into or the  
13 property is first used in Iowa."

14 3. Page 11, line 12, by striking the words "DATE.  
15 This" and inserting the following: "DATES. Except  
16 for sections 50 through 54, this".

17 4. Page 11, line 13, by inserting after the word  
18 "enactment." the following: "Sections 50 through 54  
19 of this Act take effect April 1, 1992."

20 5. Title page, line 4, by inserting after the  
21 word "corporations," the following: "establishing a  
22 state general fund expenditure limitation, and  
23 temporarily increasing the state sales, services, and  
24 use taxes,".

By BRAMMER of Linn

H-5084 FILED FEBRUARY 18, 1992

*Placed o/s 2/20 (p. 301)*

SENATE FILE 2116

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1 Amend Senate File 2116 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "DIVISION I  
6 SUPPLEMENTALS

7 Department of Human Services

8 Section 101. SUPPLEMENTAL APPROPRIATIONS. There  
9 is appropriated from the general fund of the state to  
10 the department of human services for the fiscal year  
11 beginning July 1, 1991, and ending June 30, 1992, to  
12 supplement the appropriations made in 1991 Iowa Acts,  
13 chapter 267, division I, the following amounts, or so  
14 much thereof as is necessary, to be used for the  
15 purposes designated:

- 16 1. Aid to families with dependent children, in  
17 section 101:  
18 ..... \$ 4,306,161
- 19 2. Emergency assistance to families with dependent  
20 children to match federal funding for homeless  
21 prevention programs in section 102:  
22 ..... \$ 375,000
- 23 3. Medical assistance, in section 103:  
24 ..... \$ 19,605,610
- 25 4. Medical contracts, in section 104:  
26 ..... \$ 295,104
- 27 5. State supplementary assistance, in section 107:  
28 ..... \$ 1,002,613
- 29 6. Child day care assistance, in section 109:  
30 ..... \$ 230,883
- 31 7. Transitional child care assistance, in section  
32 110:  
33 ..... \$ 10,508
- 34 8. Foster care, in section 114:  
35 ..... \$ 11,525,652
- 36 9. Home-based services, in section 116:  
37 ..... \$ 287,332
- 38 10. Community-based programs, in section 117:  
39 ..... \$ 767,036
- 40 11. a. State mental health institute at Cherokee,  
41 in section 121, subsection 1:  
42 ..... \$ 158,485
- 43 b. State mental health institute at Independence,  
44 in section 121, subsection 3:  
45 ..... \$ 758,139

46 Sec. 102. CAPITAL IMPROVEMENTS. There is  
47 appropriated from the general fund of the state to the  
48 department of human services for the fiscal year  
49 beginning July 1, 1991, and ending June 30, 1992, the  
50 following amount, or so much thereof as is necessary,

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1 to be used for the purposes designated:

2 For capital improvements, including items for code  
3 compliance and critical major maintenance:

4 ..... \$ 996,224

5 Sec. 103. RESIDENTIAL CARE FACILITY REIMBURSEMENT

6 RATES -- EMERGENCY RULES. The department of human  
7 services may adopt administrative rules under section  
8 17A.4, subsection 2, and section 17A.5, subsection 2,  
9 paragraph "b", to implement changes in the maximum  
10 reimbursement rate set for residential care facilities  
11 that will allow the department to spend funds  
12 sufficient to meet federal maintenance of effort  
13 requirements and not exceed the amount of funds  
14 appropriated for this purpose in the fiscal year  
15 beginning July 1, 1991.

16 Department of Corrections

17 Sec. 104. There is appropriated from the general  
18 fund of the state to the department of corrections for  
19 the fiscal year beginning July 1, 1991, and ending  
20 June 30, 1992, to supplement the appropriations made  
21 in 1991 Iowa Acts, chapter 267, section 405, the  
22 following amounts, or so much thereof as is necessary,  
23 to be used for the purposes designated:

24 1. For annual payment relating to prison

25 expansion, in subsection 5:

26 ..... \$ 20,340

27 2. For annual payment relating to prison

28 expansion, in subsection 6:

29 ..... \$ 102,156

30 Department of Inspections and Appeals

31 Sec. 105. There is appropriated from the road use  
32 tax fund to the department of inspections and appeals  
33 for the fiscal year beginning July 1, 1991, and ending  
34 June 30, 1992, to supplement the appropriation made in  
35 1991 Iowa Acts, chapter 268, section 414, the  
36 following amount, or so much thereof as is necessary,  
37 to be used for the purposes designated:

38 For salaries, support, maintenance, and  
39 miscellaneous purposes:

40 ..... \$ 100,000

41 Sec. 106. There is appropriated from the general  
42 fund of the state to the racing and gaming commission  
43 of the department of inspections and appeals for the  
44 fiscal year beginning July 1, 1991, and ending June  
45 30, 1992, to supplement the appropriation made in 1991  
46 Iowa Acts, chapter 268, section 425, the following  
47 amount, or so much thereof as is necessary, to be used  
48 for the purposes designated:

49 For salaries, support, maintenance, miscellaneous  
50 purposes, and for an increase of 2 full-time

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1	equivalent positions:		
2	.....	\$	50,000

3 Department of General Services  
 4 Sec. 107. There is appropriated from the general  
 5 fund of the state to the department of general  
 6 services for the fiscal year beginning July 1, 1991,  
 7 and ending June 30, 1992, the following amounts, or so  
 8 much thereof as is necessary, for the purposes  
 9 designated:

10	1. For deferred maintenance projects at the		
11	capitol complex:		
12	.....	\$	223,440

13	2. For the removal of the court avenue bridge:		
14	.....	\$	375,000

15	3. For continued restoration work on the capitol:		
16	.....	\$	500,000

17 Department of Commerce  
 18 Sec. 108. There is appropriated from the general  
 19 fund of the state to the alcoholic beverages division  
 20 of the department of commerce for the fiscal year  
 21 beginning July 1, 1991, and ending June 30, 1992, the  
 22 following amount, or so much thereof as is necessary,  
 23 for the purpose designated:

24	For the repair of the roof at the Ankeny liquor		
25	warehouse facility:		
26	.....	\$	350,000

27 Sec. 109. Notwithstanding section 8.33,  
 28 unobligated and unencumbered moneys remaining on June  
 29 30, 1992, from the appropriations made for the fiscal  
 30 year beginning July 1, 1991, in sections 102, 107, and  
 31 108 shall not revert but shall be available for  
 32 expenditure for which appropriated during the fiscal  
 33 year beginning July 1, 1992, and any unobligated and  
 34 unencumbered moneys remaining on June 30, 1993, from  
 35 such appropriations shall revert on August 31, 1993.

36 Sec. 110. EFFECT OF APPROPRIATION REDUCTIONS. The  
 37 moneys appropriated to supplement the appropriations  
 38 for the fiscal year beginning July 1, 1991, and ending  
 39 June 30, 1992, made in this division are not subject  
 40 to the allotment reduction pursuant to executive order  
 41 number 42.

42 DIVISION II  
 43 REDUCTIONS

44 Department of Agriculture and Land Stewardship  
 45 Sec. 201. The appropriation from the general fund  
 46 of the state to the department of agriculture and land  
 47 stewardship for the fiscal year beginning July 1,  
 48 1991, and ending June 30, 1992, in 1991 Iowa Acts,  
 49 chapter 268, section 201, is reduced, as a result of  
 50 the governor's item veto in section 201, by the

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1 following amount for the purpose designated:  
 2 Soil conservation division, in subsection 6:  
 3 ..... \$ 250,000

4 Iowa Communications Network  
 5 Sec. 202. Notwithstanding the nonreversion  
 6 provision in section 18.137, up to \$2,000,000 of the  
 7 unobligated and unencumbered moneys remaining in the  
 8 Iowa communications network fund of the amount  
 9 appropriated, as a result of the governor's item veto  
 10 of 1991 Iowa Acts, chapter 267, section 507,  
 11 subsection 17, under section 18.137 to the fund for  
 12 the fiscal year beginning July 1, 1991, and ending  
 13 June 30, 1992, shall revert to the general fund of the  
 14 state.

15 Sec. 203. EFFECT OF APPROPRIATION REDUCTIONS. The  
 16 reductions in appropriations for the fiscal year  
 17 beginning July 1, 1991, and ending June 30, 1992, made  
 18 in this division are in addition to the allotment  
 19 reduction pursuant to executive order number 42.

20 DIVISION III

21 STATE AID TO EDUCATION

22 Sec. 301. Section 11.6, subsection 1, unnumbered  
 23 paragraph 1, Code Supplement 1991, is amended to read  
 24 as follows:

25 The financial condition and transactions of all  
 26 cities and city offices, counties, county hospitals  
 27 organized under chapters 347 and 347A, memorial  
 28 hospitals organized under chapter 37, entities  
 29 organized under chapter 28E having gross receipts in  
 30 excess of one hundred thousand dollars in a fiscal  
 31 year, merged areas, area education agencies, and all  
 32 school offices in school districts, shall be examined  
 33 at least once each year, except that cities having a  
 34 population of seven hundred or more but less than two  
 35 thousand shall be examined at least once every four  
 36 years, and cities having a population of less than  
 37 seven hundred may be examined as otherwise provided in  
 38 this section. The examination shall cover the fiscal  
 39 year next preceding the year in which the audit is  
 40 conducted. The examination of school offices shall  
 41 include an audit of all school funds, the certified  
 42 annual financial report, and the certified enrollment  
 43 as provided in section ~~257.11~~ 257.6. Examinations of  
 44 community colleges shall include an audit of eligible  
 45 and noneligible contact hours as defined in section  
 46 286A.2. Eligible and noneligible contact hours and  
 47 the certified enrollment shall be certified to the  
 48 department of management.

49 Sec. 302. Section 257.6, subsection 4, unnumbered  
 50 paragraph 2, Code 1991, is amended to read as follows:

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1 However, if a district's actual enrollment for a  
2 budget year is greater than one hundred three percent  
3 of its budget enrollment, the district is eligible for  
4 an advance for increasing enrollment as provided in  
5 section 257.13.

6 Sec. 303. Section 257.13, unnumbered paragraph 1,  
7 Code 1991, is amended to read as follows:

8 If a district's actual enrollment for the budget  
9 year, determined under section 257.6, is greater than  
10 one hundred three percent of its budget enrollment for  
11 the budget year, the district is granted an advance  
12 from the state of an amount equal to its regular  
13 program district cost per pupil for the budget year  
14 multiplied by the difference between the actual  
15 enrollment for the budget year and one hundred three  
16 percent of the budget enrollment for the budget year.  
17 The advance is miscellaneous income.

18 Sec. 304. Section 257.16, unnumbered paragraph 2,  
19 Code Supplement 1991, is amended to read as follows:

20 All state aids paid under this chapter, unless  
21 otherwise stated, shall be paid in monthly  
22 installments beginning on September 15 of a budget  
23 year and ending on or about June 15 of the budget year  
24 ~~and the installments shall be as nearly equal as~~  
25 ~~possible as determined by the department of~~  
26 management, taking into consideration the relative  
27 budget and cash position of the state resources.  
28 However, an amount of state school foundation aid  
29 equal to the general allocation of the school district  
30 as determined under section 405A.2 and the amount of  
31 the tax credit for livestock pursuant to section  
32 442.2, subsection 2, as it appeared in the 1987 Code,  
33 shall be paid to the school district on July 15 of the  
34 subsequent fiscal year, and the appropriation for this  
35 amount shall be made for the fiscal year during which  
36 the payment is made. However, the state aid paid to  
37 school districts under section 257.13 shall be paid in  
38 monthly installments beginning on December 15 and  
39 ending on June 15 of a budget year.

40 Sec. 305. Notwithstanding the repeal of chapter  
41 442 as of July 1, 1991, the provision of section  
42 442.26 that requires an amount of school aid equal to  
43 the general allocation to a school district under  
44 section 405A.2 and the amount of tax credit for  
45 livestock to be paid to school districts on July 15 of  
46 the subsequent fiscal year remains effective for the  
47 school budget year beginning July 1, 1990, and such  
48 amounts shall be paid to the school districts on July  
49 15, 1991.

50 Sec. 306. APPLICABILITY. Sections 301 and 304 of

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1 this division apply to school budget years beginning  
2 on or after July 1, 1992. Sections 302 and 303 of  
3 this division apply retroactively to the school budget  
4 year beginning July 1, 1991, only and are repealed  
5 July 1, 1992. Section 305 of this division applies  
6 retroactively to the school budget year beginning July  
7 1, 1990.

## DIVISION IV

## TAX AND OTHER CODE CHANGES

8  
9  
10 Sec. 401. Section 93.11, subsection 3, unnumbered  
11 paragraph 1, Code Supplement 1991, is amended to read  
12 as follows:

13 An energy fund disbursement council is established.  
14 The council shall be composed of the governor or the  
15 governor's designee, the director of the department of  
16 management or the director's designee, who shall serve  
17 as the council's chairperson, the administrator of the  
18 division of community action agencies of the  
19 department of human rights, the administrator of the  
20 energy and geological resources division of the  
21 department of natural resources, and a designee of the  
22 director of the department of transportation, who is  
23 knowledgeable in the field of energy conservation.  
24 The council shall include as nonvoting members two  
25 members of the senate appointed by the president of  
26 the senate, after consultation with the majority  
27 leader and the minority leader of the senate, and two  
28 members of the house of representatives appointed by  
29 the speaker of the house. The legislative members  
30 shall be appointed upon the convening and for the  
31 period of each general assembly. Not more than one  
32 member from each house shall be of the same political  
33 party. The council shall be staffed by the energy and  
34 geological resources division of the department of  
35 natural resources. The attorney general shall provide  
36 legal assistance to the council.

37 Sec. 402. Section 98.6, subsection 1, Code  
38 Supplement 1991, is amended to read as follows:

39 1. There is imposed, and shall be collected and  
40 paid to the department, ~~the following taxes~~ a tax on  
41 all cigarettes used or otherwise disposed of in this  
42 state for any purpose whatsoever:

43 ~~---Class-A---On-cigarettes-weighing-not-more-than~~  
44 ~~three-pounds-per-thousand,-eighteen-mills~~ equal to two  
45 ~~and three-tenths cents on each such cigarette.~~

46 ~~Class-B---On-cigarettes-weighing-more-than-three~~  
47 ~~pounds-per-thousand,-eighteen-mills-on-each-such~~  
48 ~~cigarette.~~

49 Sec. 403. Section 98.43, subsection 1, unnumbered  
50 paragraph 1, Code Supplement 1991, is amended to read

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1 as follows:

2 A tax is imposed upon all tobacco products in this  
3 state and upon any person engaged in business as a  
4 distributor of tobacco products, at the rate of  
5 ~~twenty-two~~ twenty-eight percent of the wholesale sales  
6 price of the tobacco products, except little cigars as  
7 defined in section 98.42. Little cigars shall be  
8 subject to the same rate of tax imposed upon  
9 cigarettes in section 98.6, payable at the time and in  
10 the manner provided in section 98.6; and stamps shall  
11 be affixed as provided in division I of this chapter.  
12 The tax on tobacco products, excluding little cigars,  
13 shall be imposed at the time the distributor does any  
14 of the following:

15 Sec. 404. Section 98.43, subsection 2, unnumbered  
16 paragraph 1, Code Supplement 1991, is amended to read  
17 as follows:

18 A tax is imposed upon the use or storage by  
19 consumers of tobacco products in this state, and upon  
20 the consumers, at the rate of ~~twenty-two~~ twenty-eight  
21 percent of the cost of the tobacco products.

22 Sec. 405. NEW SECTION. 226.48 YOUTH FACILITY  
23 FUND.

24 The department may establish a fund in the state  
25 treasury to provide appropriate support services to a  
26 youth facility at the Clarinda mental health  
27 institute. The department may deposit receipts into  
28 this fund, negotiate contracts, and expend receipts to  
29 provide the necessary support services.

30 Sec. 406. Section 422.43, Code Supplement 1991, is  
31 amended by adding the following new subsection:

32 NEW SUBSECTION. 13. a. A tax of four percent is  
33 imposed upon the gross receipts from the sales,  
34 furnishing, or service of solid waste collection and  
35 disposal service.

36 For purposes of this subsection, "solid waste"  
37 means garbage, refuse, sludge from a water supply  
38 treatment plant or air contaminant treatment facility,  
39 and other discarded waste materials and sludges, in  
40 solid, semisolid, liquid, or contained gaseous form,  
41 resulting from industrial, commercial, mining, and  
42 agricultural operations, and from community  
43 activities, but does not include hazardous waste;  
44 animal waste used as fertilizer; earthen fill,  
45 boulders, rock; sewage sludge; solid or dissolved  
46 material in domestic sewage or other common pollutants  
47 in water resources, such as silt, dissolved or  
48 suspended solids in industrial waste water effluents  
49 or discharges which are point sources subject to  
50 permits under section 402 of the federal Water

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1 Pollution Control Act, dissolved materials in  
2 irrigation return flows; or source, special nuclear,  
3 or by-product material defined by the federal Atomic  
4 Energy Act of 1954.

5 A recycling facility that separates or processes  
6 recyclable materials and that reduces the volume of  
7 the waste by at least eighty-five percent is exempt  
8 from the tax imposed by this subsection if the waste  
9 exempted is collected and disposed of separately from  
10 other solid waste.

11 b. A person who transports mixed municipal solid  
12 waste generated by that person or another person  
13 without compensation shall pay the tax imposed by this  
14 subsection at the collection or disposal facility  
15 based on the disposal charge or tipping fee. However,  
16 the costs of a service or the portion of a service to  
17 collect and manage recyclable materials separated from  
18 mixed municipal solid waste by the waste generator is  
19 exempt from the tax imposed by this subsection. For  
20 purposes of this paragraph, "mixed municipal solid  
21 waste" means garbage, refuse, and other solid waste  
22 from residential, commercial, industrial, and  
23 community activities which is generated and collected  
24 in aggregate, but does not include auto hulks, street  
25 sweepings, ash, construction debris, mining waste,  
26 sludges, tree and agricultural wastes, tires, lead  
27 acid batteries, used oil, and other materials  
28 collected, processed, and disposed of as separate  
29 waste streams.

30 Sec. 407. Section 422.43, subsection 11,  
31 unnumbered paragraph 1, Code Supplement 1991, is  
32 amended to read as follows:

33 The following enumerated services are subject to  
34 the tax imposed on gross taxable services: Alteration  
35 and garment repair; armored car; automobile repair;  
36 battery, tire and allied; investment counseling;  
37 service charges of all financial institutions; barber  
38 and beauty; boat repair; car wash and wax; carpentry;  
39 roof, shingle, and glass repair; consultant services;  
40 dance schools and dance studios; dry cleaning,  
41 pressing, dyeing, and laundering; electrical and  
42 electronic repair and installation; rental of tangible  
43 personal property, except mobile homes which are  
44 tangible personal property; excavating and grading;  
45 farm implement repair of all kinds; flying service;  
46 furniture, rug, upholstery repair and cleaning; fur  
47 storage and repair; golf and country clubs and all  
48 commercial recreation; house and building moving;  
49 household appliance, television, and radio repair;  
50 jewelry and watch repair; machine operator; machine

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1 repair of all kinds; motor repair; motorcycle,  
2 scooter, and bicycle repair; oilers and lubricators;  
3 office and business machine repair; painting,  
4 papering, and interior decorating; parking facilities;  
5 pipe fitting and plumbing; wood preparation; licensed  
6 executive search agencies; private employment  
7 agencies, excluding services for placing a person in  
8 employment where the principal place of employment of  
9 that person is to be located outside of the state;  
10 sewing and stitching; shoe repair and shoeshine;  
11 storage warehousing of raw agricultural products;  
12 telephone answering service; test laboratories, except  
13 tests on humans or animals; termite, bug, roach, and  
14 pest eradicators; tin and sheet metal repair; turkish  
15 baths, massage, and reducing salons; weighing;  
16 welding; well drilling; wrapping, packing, and  
17 packaging of merchandise other than processed meat,  
18 fish, fowl and vegetables; wrecking service; wrecker  
19 and towing; pay television; campgrounds; carpet and  
20 upholstery cleaning; gun and camera repair; janitorial  
21 and building maintenance or cleaning; lawn care,  
22 landscaping and tree trimming and removal; pet  
23 grooming; reflexology; security and detective  
24 services; tanning beds or salons; and water  
25 conditioning and softening.

26 Sec. 408. Section 422.43, subsection 11, Code  
27 Supplement 1991, is amended by adding the following  
28 new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. For purposes of this  
30 subsection, "consultant services" means services  
31 provided, except as otherwise stated in this  
32 paragraph, by a person who purports to give expert or  
33 professional advice on any subject including, but not  
34 limited to, advice on audiovisual, business, computer  
35 and data processing, insurance, management, marketing,  
36 security, and weather and meteorology. "Consultant  
37 services" does not mean services provided by a person  
38 licensed, registered, or certified by boards listed in  
39 section 258A.1, or licensed under chapter 80A, 152A,  
40 154C, 522, or 602, article 10, if the services  
41 provided come within the purview of such person's  
42 license, registration, or certification.

43 Sec. 409. Section 422.45, subsection 5, unnumbered  
44 paragraph 1, Code Supplement 1991, is amended to read  
45 as follows:

46 The gross receipts from services rendered,  
47 furnished, or performed and of all sales of goods,  
48 wares, or merchandise used for public purposes to a  
49 tax-certifying or tax-levying body of the state or a  
50 governmental subdivision of the state, including

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1 regional transit systems, as defined in section  
2 601J.1, the state board of regents, department of  
3 human services, state department of transportation,  
4 any municipally owned solid waste facility which sells  
5 all or part of its processed waste as fuel to a  
6 municipally owned public utility, and all divisions,  
7 boards, commissions, agencies, or instrumentalities of  
8 state, federal, county, or municipal government which  
9 have no earnings going to the benefit of an equity  
10 investor or stockholder, except sales of goods, wares,  
11 or merchandise or from services rendered, furnished,  
12 or performed and used by or in connection with the  
13 operation of any municipally owned public utility  
14 engaged in selling gas, electricity, heat, or pay  
15 television service to the general public and except  
16 the sales, furnishing, or service of solid waste  
17 collection and disposal service to a county or  
18 municipality on behalf of its residents.

19 Sec. 410. Section 422.45, subsection 20, Code  
20 Supplement 1991, is amended to read as follows:

21 20. The gross receipts from sales or services  
22 rendered, furnished, or performed by a county or city.  
23 This exemption does not apply to the tax specifically  
24 imposed under section 422.43 on the gross receipts  
25 from the sales, furnishing, or service of gas,  
26 electricity, water, heat, pay television service, and  
27 communication service to the public by a municipal  
28 corporation in its proprietary capacity, does not  
29 apply to the sales, furnishing, or service of solid  
30 waste collection and disposal service, and does not  
31 apply to fees paid to cities and counties for the  
32 privilege of participating in any athletic sports.

33 Sec. 411. 1991 Iowa Acts, chapter 260, section  
34 1103, unnumbered paragraph 2, is amended to read as  
35 follows:

36 The transfers under this section shall be made  
37 during the period beginning April 16, 1991, and ending  
38 June 30, 1991. However, state general fund cash  
39 balances shall be available from the general fund of  
40 the state for cash flow purposes to enable the timely  
41 payment of obligations incurred for purposes for which  
42 moneys in the funds designated in subsections 1  
43 through 4 are to be used for the fiscal years ending  
44 June 30, 1992, and June 30, 1993.

45 Sec. 412. 1991 Iowa Acts, chapter 266, section 19,  
46 is amended to read as follows:

47 SEC. 19. There is appropriated from the health  
48 insurance reserve fund to the general fund of the  
49 state, on or before June 30, 1991, the following  
50 amount:

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1 ..... 5 6,100,000  
 2 However, state general fund cash balances shall be  
 3 available from the general fund of the state for cash  
 4 flow purposes to enable the timely payment of  
 5 obligations incurred for purposes of the Health  
 6 Insurance reserve fund for the fiscal years ending  
 7 June 30, 1992, and June 30, 1993.

8 Sec. 413. EFFECTIVE DATE. Sections 402 through  
 9 404 and 406 through 410 of this division take effect  
 10 April 1, 1992.

11 DIVISION V  
 12 EFFECTIVE DATE

13 Sec. 501. Except for sections 402 through 404, and  
 14 406 through 410, this Act, being deemed of immediate  
 15 importance, takes effect upon enactment."

16 2. Title page, by striking lines 4 and 5 and  
 17 inserting the following: "school corporations,  
 18 increasing the cigarette and tobacco products tax, and  
 19 imposing the sales, services, and use tax on solid  
 20 waste collection and disposal services and consulting  
 21 services, and providing effective and applicability  
 22 dates."

By COMMITTEE ON APPROPRIATIONS  
 JOCKUM of Dubuque, Chairperson

H-5085 FILED FEBRUARY 18, 1992

*Placed in 2/20 (p. 501) L-5088*

SENATE FILE 2116  
FISCAL NOTE

A fiscal note for H-5098 to Senate File 2116 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

H-5098 to SF 2116 expands the sales tax to the following services: garbage collection; consultant services; computer services, including software modifications to canned programs, software custom program materials and professional services, information storage and retrieval, data-processing and mainframe access and processing fees; dating services; limousine service including driver; sign construction and installation; storage of food and household goods, and mini-storage; swimming pool cleaning and maintenance; tax return preparation; taxidermy services; and short-term aircraft rental.

Fiscal Impact:

There was no information available to estimate the additional revenues that will result from taxing short-term aircraft rentals, limousine services, swimming pool cleaning and maintenance, taxidermy services; household good storage and mini-storage; and dating services.

Estimates that could be provided are shown below.

	FY 1992 Estimates =====	FY 1993 Estimates =====
Computer services:	\$ 3,668,750	\$14,675,000
Garbage collection:	2,000,000	8,000,000
Consultant services:	880,500	3,522,000
Tax return preparation:	120,375	431,340
Sign construction & installation:	93,920	23,480
	=====	=====
Totals:	\$ 6,693,065	\$26,722,260
	=====	=====

Sources: 1987 Census of Service Industries for the U.S. and Iowa  
Department of Revenue and Finance  
Minnesota Department of Revenue

(LSB 6022sv.2, JKH)

FILED FEBRUARY 20, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2116  
FISCAL NOTE

A fiscal note for S-5087 to S.F. 2116 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

S-5087 to S.F. 2116 expands the sales tax to the following services: commercial garbage collection; consultant services; computer services, including software modifications to canned programs, software custom program materials and professional services, information storage and retrieval, data-processing and mainframe access and processing fees; dating services; limousine service including driver; sign construction and installation; storage of food and household goods, and mini-storage; swimming pool cleaning and maintenance; taxidermy services; and short-term aircraft rental.

Fiscal Impact:

There was no information available to estimate the additional revenues that will result from taxing short-term aircraft rentals, limousine services, swimming pool cleaning and maintenance, taxidermy services; household good storage and mini-storage; and dating services.

Estimates that could be provided are shown below.

	FY 1992 Estimates =====	FY 1993 Estimates =====
Computer services:	\$ 3,668,750	\$14,675,000
Commercial Garbage collection:	1,100,000	4,400,000
Consultant services:	880,500	3,522,000
Sign construction & installation:	23,480	93,920
	=====	=====
Totals:	\$ 5,672,730	\$22,690,920
	=====	=====

Sources: 1987 Census of Service Industries for the U.S. and Iowa  
Department of Revenue and Finance  
Minnesota Department of Revenue

(LSB 6022sv.4, JKH)

FILED FEBRUARY 24, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2116

S-5058

1 Amend Senate File 2116 as follows:  
2 1. Page 1, line 11, by striking the figure  
3 "4,306,161" and inserting the following: "3,606,161".  
4 2. Page 1, by striking lines 16 and 17.  
5 3. Page 6, by inserting before line 14 the  
6 following:  
7 "Sec. \_\_\_\_\_. Notwithstanding section 8.39, the  
8 department of management with the approval of the  
9 governor may make necessary transfers from surplus  
10 appropriations resulting from reductions in force to  
11 any appropriation in this Act that is insufficient to  
12 pay the legal obligations of that appropriation."  
By DALE L. TIEDEN  
JIM LIND

S-5058 FILED FEBRUARY 13, 1992  
LOST (p. 323)

SENATE FILE 2116

S-5059

1 Amend the amendment, S-5053, to Senate File 2116 as  
2 follows:  
3 1. Page 2, by striking line 8.  
By JIM LIND

S-5059 FILED FEBRUARY 13, 1992  
WITHDRAWN (p. 319)

SENATE FILE 2116

S-5060

1 Amend the amendment, S-5058, to Senate File 2116 as  
2 follows:  
3 1. Page 1, line 3, by striking the figure  
4 "3,606,161" and inserting the following: "2,606,161".  
5 2. Page 1, by striking line 4 and inserting the  
6 following:  
7 "\_\_\_\_\_. Page 1, line 17, by striking the figure  
8 "19,605,610" and inserting the following:  
9 "1,605,610".  
By DALE L. TIEDEN

S-5060 FILED FEBRUARY 13, 1992  
ADOPTED (p. 322)

SENATE FILE 2116

S-5061

1 Amend the amendment, S-5053, to Senate File 2116 as  
2 follows:  
3 1. Page 2, by striking line 9.  
By RICHARD VANDE HOEF  
RAY TAYLOR

S-5061 FILED FEBRUARY 13, 1992  
LOST (p. 321)



HOUSE AMENDMENT TO  
SENATE FILE 2116

S-5087

1 Amend Senate File 2116 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "DIVISION I  
6 SUPPLEMENTALS

7 Department of Human Services

8 Section 101. SUPPLEMENTAL APPROPRIATIONS. There  
9 is appropriated from the general fund of the state to  
10 the department of human services for the fiscal year  
11 beginning July 1, 1991, and ending June 30, 1992, to  
12 supplement the appropriations made in 1991 Iowa Acts,  
13 chapter 267, division I, the following amounts, or so  
14 much thereof as is necessary, to be used for the  
15 purposes designated:

16 1. Aid to families with dependent children, in  
17 section 101:

18 ..... \$ 4,306,161

19 2. Emergency assistance to families with dependent  
20 children to match federal funding for homeless  
21 prevention programs in section 102:

22 ..... \$ 375,000

23 3. Medical assistance, in section 103:

24 ..... \$ 20,605,610

25 4. Medical contracts, in section 104:

26 ..... \$ 295,104

27 5. State supplementary assistance, in section 107:

28 ..... \$ 1,117,613

29 6. Child day care assistance, in section 109:

30 ..... \$ 230,883

31 7. Transitional child care assistance, in section  
32 110:

33 ..... \$ 10,508

34 8. Foster care, in section 114:

35 ..... \$ 11,525,652

36 9. Home-based services, in section 116:

37 ..... \$ 287,332

38 10. Community-based programs, in section 117:

39 ..... \$ 767,036

40 11. a. State mental health institute at Cherokee,  
41 in section 121, subsection 1:

42 ..... \$ 158,485

43 b. State mental health institute at Independence,  
44 in section 121, subsection 3:

45 ..... \$ 758,139

46 Department of Corrections

47 Sec. 102. There is appropriated from the general  
48 fund of the state to the department of corrections for  
49 the fiscal year beginning July 1, 1991, and ending  
50 June 30, 1992, to supplement the appropriations made

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1 in 1991 Iowa Acts, chapter 257, section 405, and  
2 following amounts, or so much thereof as is necessary.  
3 to be used for the purposes designated:

4 1. For annual payment relating to prison  
5 expansion, in subsection 5:  
6 ..... \$ 20,340

7 2. For annual payment relating to prison  
8 expansion, in subsection 6:  
9 ..... \$ 102,156

10 Department of Inspections and Appeals

11 Sec. 103. There is appropriated from the road use  
12 tax fund to the department of inspections and appeals  
13 for the fiscal year beginning July 1, 1991, and ending  
14 June 30, 1992, to supplement the appropriation made in  
15 1991 Iowa Acts, chapter 268, section 414, the  
16 following amount, or so much thereof as is necessary,  
17 to be used for the purposes designated:

18 For salaries, support, maintenance, and  
19 miscellaneous purposes:  
20 ..... \$ 100,000

21 Sec. 104. There is appropriated from the general  
22 fund of the state to the racing and gaming commission  
23 of the department of inspections and appeals for the  
24 fiscal year beginning July 1, 1991, and ending June  
25 30, 1992, to supplement the appropriation made in 1991  
26 Iowa Acts, chapter 268, section 425, the following  
27 amount, or so much thereof as is necessary, to be used  
28 for the purposes designated:

29 For salaries, support, maintenance, miscellaneous  
30 purposes, and for an increase of 2 full-time  
31 equivalent positions:  
32 ..... \$ 50,000

33 Department of General Services

34 Sec. 105. There is appropriated from the use tax  
35 revenues credited to the road use tax fund under  
36 section 423.24, subsection 1, paragraph "c", to the  
37 department of general services for the fiscal year  
38 beginning July 1, 1991, and ending June 30, 1992, the  
39 following amount, or so much thereof as is necessary,  
40 to be used for the purpose designated:

41 For the removal of the court avenue bridge:  
42 ..... \$ 375,000

43 Department of Justice

44 Sec. 106. There is appropriated from the general  
45 fund of the state to the department of justice for the  
46 fiscal year beginning July 1, 1991, and ending June  
47 30, 1992, the following amount, or so much thereof as  
48 is necessary, for the purpose designated:

49 For expenses relating to the enforcement of  
50 odometer fraud laws:

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1 ..... \$ 130,000  
 2 Sec. 107. Notwithstanding section 8.33,  
 3 unobligated and unencumbered moneys remaining on June  
 4 30, 1992, from the appropriations made for the fiscal  
 5 year beginning July 1, 1991, in section 105 shall not  
 6 revert but shall be available for expenditure for  
 7 which appropriated during the fiscal year beginning  
 8 July 1, 1992, and any unobligated and unencumbered  
 9 moneys remaining on June 30, 1993, from such  
 10 appropriations shall revert on August 31, 1993.

11 Sec. 108. Notwithstanding section 8.39, it is the  
 12 intent of the general assembly that if funds are  
 13 unavailable to implement the purposes of the  
 14 supplemental appropriations for the 1991-1992 fiscal  
 15 year made in this Act, the executive branch of  
 16 government may make transfers of unexpended general  
 17 fund appropriation balances to the general fund of the  
 18 state during the 1991-1992 fiscal year. At least two  
 19 weeks before such transfers are made, the executive  
 20 branch shall file a report with the appropriate joint  
 21 appropriations subcommittee chairpersons, the  
 22 chairpersons of appropriations committees, the  
 23 executive council, and the legislative fiscal bureau.  
 24 This report shall state the amount of each transfer,  
 25 identify the agency affected, the effect on that  
 26 agency, and the reasons for the transfer.

27 Sec. 109. EFFECT OF APPROPRIATION REDUCTIONS. The  
 28 moneys appropriated to supplement the appropriations  
 29 for the fiscal year beginning July 1, 1991, and ending  
 30 June 30, 1992, made in this division are not subject  
 31 to the allotment reduction pursuant to executive order  
 32 number 42.

33 DIVISION II  
 34 REDUCTIONS

35 Department of Agriculture and Land Stewardship  
 36 Sec. 201. The appropriation from the general fund  
 37 of the state to the department of agriculture and land  
 38 stewardship for the fiscal year beginning July 1,  
 39 1991, and ending June 30, 1992, in 1991 Iowa Acts,  
 40 chapter 268, section 201, is reduced, as a result of  
 41 the governor's item veto in section 201, by the  
 42 following amount for the purpose designated:

43 Soil conservation division, in subsection 6:  
 44 ..... \$ 250,000  
 45 Iowa Communications Network

46 Sec. 202. Notwithstanding the nonreversion  
 47 provision in section 18.137, the unobligated and  
 48 unencumbered moneys remaining in the Iowa  
 49 communications network fund of the amount  
 50 appropriated, as a result of the governor's item veto

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1 of 1991 Iowa Acts, chapter 267, section 507,  
2 subsection 17, under section 18.137 to the fund for  
3 the fiscal year beginning July 1, 1991, and ending  
4 June 30, 1992, shall revert to the general fund of the  
5 state on the effective date of this Act.

6 Sec. 203. EFFECT OF APPROPRIATION REDUCTIONS. The  
7 reductions in appropriations for the fiscal year  
8 beginning July 1, 1991, and ending June 30, 1992, made  
9 in this division are in addition to the allotment  
10 reduction pursuant to executive order number 42.

11 DIVISION III

12 STATE AID TO EDUCATION

13 Sec. 301. Section 11.6, subsection 1, unnumbered  
14 paragraph 1, Code Supplement 1991, is amended to read  
15 as follows:

16 The financial condition and transactions of all  
17 cities and city offices, counties, county hospitals  
18 organized under chapters 347 and 347A, memorial  
19 hospitals organized under chapter 37, entities  
20 organized under chapter 28E having gross receipts in  
21 excess of one hundred thousand dollars in a fiscal  
22 year, merged areas, area education agencies, and all  
23 school offices in school districts, shall be examined  
24 at least once each year, except that cities having a  
25 population of seven hundred or more but less than two  
26 thousand shall be examined at least once every four  
27 years, and cities having a population of less than  
28 seven hundred may be examined as otherwise provided in  
29 this section. The examination shall cover the fiscal  
30 year next preceding the year in which the audit is  
31 conducted. The examination of school offices shall  
32 include an audit of all school funds, the certified  
33 annual financial report, and the certified enrollment  
34 as provided in section ~~257.11~~ 257.6. Examinations of  
35 community colleges shall include an audit of eligible  
36 and noneligible contact hours as defined in section  
37 286A.2. Eligible and noneligible contact hours and  
38 the certified enrollment shall be certified to the  
39 department of management.

40 Sec. 302. Section 257.13, Code 1991, is amended by  
41 adding after unnumbered paragraph 1, the following new  
42 unnumbered paragraph:

43 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
44 amount computed under the first paragraph, for the  
45 budget year beginning July 1, 1991, each school  
46 district shall receive an amount equal to the product  
47 of the applicable percentage times ninety-nine and  
48 one-half percent of the amount computed under the  
49 first paragraph based upon the following schedule:

50 Percent Increase

	in Enrollment	<u>Applicable Percentage</u>
1		
2	1. Less than .5%	0%
3	2. .5%, but not	
4	more than 1%	25%
5	3. 1%, but not	
6	more than 3%	50%
7	4. More than 3%	75%

8 Sec. 303. Section 257.16, unnumbered paragraph 2,  
 9 Code Supplement 1991, is amended to read as follows:

10 All state aids paid under this chapter, unless  
 11 otherwise stated, shall be paid in monthly  
 12 installments beginning on September 15 of a budget  
 13 year and ending on June 15 of the budget year and the  
 14 installments shall be as nearly equal as possible as  
 15 determined by the department of management, taking  
 16 into consideration the relative budget and cash  
 17 position of the state resources. However, an amount  
 18 of state school foundation aid equal to the general  
 19 allocation of the school district as determined under  
 20 section 405A.2 and the amount of the tax credit for  
 21 livestock pursuant to section 442.2, subsection 2, as  
 22 it appeared in the 1987 Code, shall be paid to the  
 23 school district on July 15 of the subsequent fiscal  
 24 year, and the appropriation for this amount shall be  
 25 made for the fiscal year during which the payment is  
 26 made. However, the state aid paid to school districts  
 27 under section 257.13 shall be paid in monthly  
 28 installments beginning on December 15 and ending on  
 29 June 15 of a budget year.

30 Sec. 304. Notwithstanding the repeal of chapter  
 31 442 as of July 1, 1991, the provision of section  
 32 442.26 that requires an amount of school aid equal to  
 33 the general allocation to a school district under  
 34 section 405A.2 and the amount of tax credit for  
 35 livestock to be paid to school districts on July 15 of  
 36 the subsequent fiscal year remains effective for the  
 37 school budget year beginning July 1, 1990, and such  
 38 amounts shall be paid to the school districts on July  
 39 15, 1991.

40 Sec. 305. **APPLICABILITY.** Sections 301 and 303 of  
 41 this division apply to school budget years beginning  
 42 on or after July 1, 1992. Section 302 of this  
 43 division applies retroactively to the school budget  
 44 year beginning July 1, 1991, only and is repealed July  
 45 1, 1992. Section 304 of this division applies  
 46 retroactively to the school budget year beginning July  
 47 1, 1990.

48 **DIVISION IV**

49 **TAX AND OTHER CODE CHANGES**

50 Sec. 401. Section 93.11, subsection 3, unnumbered

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1 paragraph 1, Code Supplement 1991, is amended to read  
2 as follows:

3 An energy fund disbursement council is established.  
4 The council shall be composed of the governor or the  
5 governor's designee, the director of the department of  
6 management or the director's designee, who shall serve  
7 as the council's chairperson, the administrator of the  
8 division of community action agencies of the  
9 department of human rights, the administrator of the  
10 energy and geological resources division of the  
11 department of natural resources, and a designee of the  
12 director of the department of transportation, who is  
13 knowledgeable in the field of energy conservation.  
14 The council shall include as nonvoting members two  
15 members of the senate appointed by the president of  
16 the senate, after consultation with the majority  
17 leader and the minority leader of the senate, and two  
18 members of the house of representatives appointed by  
19 the speaker of the house. The legislative members  
20 shall be appointed upon the convening and for the  
21 period of each general assembly. Not more than one  
22 member from each house shall be of the same political  
23 party. The council shall be staffed by the energy and  
24 geological resources division of the department of  
25 natural resources. The attorney general shall provide  
26 legal assistance to the council.

27 Sec. 402. Section 422.43, Code Supplement 1991, is  
28 amended by adding the following new subsection:

29 NEW SUBSECTION. 13. a. A tax of four percent is  
30 imposed upon the gross receipts from the sales,  
31 furnishing, or service of solid waste collection and  
32 disposal service.

33 For purposes of this subsection, "solid waste"  
34 means garbage, refuse, sludge from a water supply  
35 treatment plant or air contaminant treatment facility,  
36 and other discarded waste materials and sludges, in  
37 solid, semisolid, liquid, or contained gaseous form,  
38 resulting from industrial, commercial, mining, and  
39 agricultural operations, and from community  
40 activities, but does not include hazardous waste;  
41 animal waste used as fertilizer; earthen fill,  
42 boulders, rock; foundry sand used for daily cover at a  
43 sanitary landfill; sewage sludge; solid or dissolved  
44 material in domestic sewage or other common pollutants  
45 in water resources, such as silt, dissolved or  
46 suspended solids in industrial waste water effluents  
47 or discharges which are point sources subject to  
48 permits under section 402 of the federal Water  
49 Pollution Control Act, dissolved materials in  
50 irrigation return flows; or source, special nuclear,

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1 or by-product material defined by the federal Atomic  
2 Energy Act of 1954.

3 A recycling facility that separates or processes  
4 recyclable materials and that reduces the volume of  
5 the waste by at least eighty-five percent is exempt  
6 from the tax imposed by this subsection if the waste  
7 exempted is collected and disposed of separately from  
8 other solid waste.

9 b. A person who transports mixed municipal solid  
10 waste generated by that person or another person  
11 without compensation shall pay the tax imposed by this  
12 subsection at the collection or disposal facility  
13 based on the disposal charge or tipping fee. However,  
14 the costs of a service or the portion of a service to  
15 collect and manage recyclable materials separated from  
16 mixed municipal solid waste by the waste generator is  
17 exempt from the tax imposed by this subsection. For  
18 purposes of this paragraph, "mixed municipal solid  
19 waste" means garbage, refuse, and other solid waste  
20 from commercial, industrial, and community activities  
21 which is generated and collected in aggregate, but  
22 does not include auto hulks, street sweepings, ash,  
23 construction debris, mining waste, sludges, tree and  
24 agricultural wastes, tires, lead acid batteries, used  
25 oil, and other materials collected, processed, and  
26 disposed of as separate waste streams.

27 Sec. 403. Section 422.43, subsection 11,  
28 unnumbered paragraph 1, Code Supplement 1991, is  
29 amended to read as follows:

30 The following enumerated services are subject to  
31 the tax imposed on gross taxable services: ~~Alteration~~  
32 alteration and garment repair; armored car; automobile  
33 repair; battery, tire and allied; investment  
34 counseling; service charges of all financial  
35 institutions; barber and beauty; boat repair; car wash  
36 and wax; carpentry; roof, shingle, and glass repair;  
37 consultant services; computer services, including  
38 software modifications to canned programs, software  
39 custom program materials and professional services,  
40 information storage and retrieval, data processing,  
41 and mainframe access and processing fees; dance  
42 schools and dance studios; dating services; dry  
43 cleaning, pressing, dyeing, and laundering; electrical  
44 and electronic repair and installation; rental of  
45 tangible personal property, except mobile homes which  
46 are tangible personal property; excavating and  
47 grading; farm implement repair of all kinds; flying  
48 service; furniture, rug, upholstery repair and  
49 cleaning; fur storage and repair; golf and country  
50 clubs and all commercial recreation; house and

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1 building moving; household appliance, television, and  
2 radio repair; jewelry and watch repair; limousine  
3 service, including driver; machine operator; machine  
4 repair of all kinds; motor repair; motorcycle,  
5 scooter, and bicycle repair; oils and lubricators;  
6 office and business machine repair; painting,  
7 papering, and interior decorating; parking facilities;  
8 pipe fitting and plumbing; wood preparation; licensed  
9 executive search agencies; private employment  
10 agencies, excluding services for placing a person in  
11 employment where the principal place of employment of  
12 that person is to be located outside of the state;  
13 sewing and stitching; shoe repair and shoeshine; sign  
14 construction and installation; storage of food and  
15 household goods, mini-storage, and warehousing of raw  
16 agricultural products; swimming pool cleaning and  
17 maintenance; taxidermy services; telephone answering  
18 service; test laboratories, except tests on humans or  
19 animals; termite, bug, roach, and pest eradicators;  
20 tin and sheet metal repair; turkish baths, massage,  
21 and reducing salons; weighing; welding; well drilling;  
22 wrapping, packing, and packaging of merchandise other  
23 than processed meat, fish, fowl and vegetables;  
24 wrecking service; wrecker and towing; pay television;  
25 campgrounds; carpet and upholstery cleaning; gun and  
26 camera repair; janitorial and building maintenance or  
27 cleaning; lawn care, landscaping and tree trimming and  
28 removal; pet grooming; reflexology; security and  
29 detective services; tanning beds or salons; and water  
30 conditioning and softening.

31 Sec. 404. Section 422.43, subsection 11, Code  
32 Supplement 1991, is amended by adding the following  
33 new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. For purposes of this  
35 subsection, "consultant services" means services  
36 provided, except as otherwise stated in this  
37 paragraph, by a person who purports to give expert or  
38 professional advice on any subject including, but not  
39 limited to, advice on audiovisual, business, computer  
40 and data processing, insurance, management, marketing,  
41 security, and weather and meteorology. "Consultant  
42 services" does not mean services provided by a person  
43 licensed, registered, or certified by boards listed in  
44 section 258A.1, or licensed under chapter 80A, 152A,  
45 154C, 522, or 602, article 10, if the services  
46 provided come within the purview of such person's  
47 license, registration, or certification.

48 Sec. 405. Section 422.45, subsection 2, Code  
49 Supplement 1991, is amended to read as follows:

50 2. The gross receipts from the sales, furnishing,

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1 or service of transportation service except the rental  
2 of recreational vehicles or recreational boats, and  
3 except the rental of motor vehicles subject to  
4 registration which are registered for a gross weight  
5 of thirteen tons or less for a period of sixty days or  
6 less, and except the rental of aircraft for a period  
7 of sixty days or less.

8 Sec. 406. Section 422.45, subsection 5, unnumbered  
9 paragraph 1, Code Supplement 1991, is amended to read  
10 as follows:

11 The gross receipts from services rendered,  
12 furnished, or performed and of all sales of goods,  
13 wares, or merchandise used for public purposes to a  
14 tax-certifying or tax-levying body of the state or a  
15 governmental subdivision of the state, including  
16 regional transit systems, as defined in section  
17 601J.1, the state board of regents, department of  
18 human services, state department of transportation,  
19 any municipally owned solid waste facility which sells  
20 all or part of its processed waste as fuel to a  
21 municipally owned public utility, and all divisions,  
22 boards, commissions, agencies, or instrumentalities of  
23 state, federal, county, or municipal government which  
24 have no earnings going to the benefit of an equity  
25 investor or stockholder, except sales of goods, wares,  
26 or merchandise or from services rendered, furnished,  
27 or performed and used by or in connection with the  
28 operation of any municipally owned public utility  
29 engaged in selling gas, electricity, heat, or pay  
30 television service to the general public and except  
31 the sales, furnishing, or service of solid waste  
32 collection and disposal service to a county or  
33 municipality on behalf of industrial, commercial,  
34 mining, and agricultural operations located within the  
35 county or municipality.

36 Sec. 407. Section 422.45, subsection 20, Code  
37 Supplement 1991, is amended to read as follows:

38 20. The gross receipts from sales or services  
39 rendered, furnished, or performed by a county or city.  
40 This exemption does not apply to the tax specifically  
41 imposed under section 422.43 on the gross receipts  
42 from the sales, furnishing, or service of gas,  
43 electricity, water, heat, pay television service, and  
44 communication service to the public by a municipal  
45 corporation in its proprietary capacity, does not  
46 apply to the sales, furnishing, or service of solid  
47 waste collection and disposal service to industrial,  
48 commercial, mining, and agricultural operations, and  
49 does not apply to fees paid to cities and counties for  
50 the privilege of participating in any athletic sports.

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1 Sec. 408. 1991 Iowa Acts, chapter 260, section  
2 1103, unnumbered paragraph 2, is amended to read as  
3 follows:

4 The transfers under this section shall be made  
5 during the period beginning April 16, 1991, and ending  
6 June 30, 1991. However, state general fund cash  
7 balances shall be available from the general fund of  
8 the state for cash flow purposes to enable the timely  
9 payment of obligations incurred for purposes for which  
10 moneys in the funds designated in subsections 1  
11 through 4 are to be used for the fiscal years ending  
12 June 30, 1992, and June 30, 1993.

13 Sec. 409. 1991 Iowa Acts, chapter 266, section 19,  
14 is amended to read as follows:

15 SEC. 19. There is appropriated from the health  
16 insurance reserve fund to the general fund of the  
17 state, on or before June 30, 1991, the following  
18 amount:

19 ..... \$ 6,000,000

20 However, state general fund cash balances shall be  
21 available from the general fund of the state for cash  
22 flow purposes to enable the timely payment of  
23 obligations incurred for purposes of the health  
24 insurance reserve fund for the fiscal years ending  
25 June 30, 1992, and June 30, 1993.

26 Sec. 410. EFFECTIVE DATE. Sections 402 through  
27 407 of this division take effect April 1, 1992.

28 DIVISION V

29 DEPARTMENT OF PUBLIC SAFETY

30 Sec. 501. DIVISION OF HIGHWAY SAFETY AND UNIFORMED  
31 FORCE. The department of public safety, department of  
32 personnel, and the department of management shall take  
33 every action necessary to fill the entire complement  
34 of positions authorized for the division of highway  
35 safety and uniformed force under the appropriation  
36 made to the division from the road use tax fund in  
37 1991 Iowa Acts, chapter 268, section 504, subsection  
38 1, as soon after the effective date of this Act as  
39 possible. In filling the positions, nineteen  
40 positions shall be authorized to enter the Iowa law  
41 enforcement academy. Those individuals who entered  
42 the academy in July 1991 but who were not permitted to  
43 remain at the academy due to the action of executive  
44 order 42 shall not be required to repeat any part of  
45 the application process. In addition, any position  
46 which was eliminated solely due to executive action  
47 shall be recalled.

48 DIVISION VI

49 DEPARTMENT OF ECONOMIC DEVELOPMENT

50 Sec. 601. 1991 Iowa Acts, chapter 267, section

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1 301, subsection 1, paragraph b, unnumbered paragraph  
2 3, is amended to read as follows:

3 As a condition, limitation, and qualification of  
4 the appropriation under this subsection, \$425,000  
5 shall be allocated to the rural enterprise fund, and  
6 \$140,000 shall be allocated for rural community  
7 leadership. Notwithstanding section 8.33, moneys  
8 obligated or committed to grantees under contract that  
9 remain unexpended at the end of the fiscal year, shall  
10 not revert but shall be available for expenditure for  
11 purposes of the contract during succeeding fiscal  
12 years.

13 Sec. 602. 1991 Iowa Acts, chapter 267, section  
14 301, subsection 2, paragraph c, is amended to read as  
15 follows:

16 c. Federal procurement office

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

20 .....	\$	100,000
21 .....	FTEs	3.00

22 Notwithstanding section 8.33, moneys remaining  
23 unencumbered or unobligated on June 30, 1992, shall  
24 not revert and shall be available for expenditure  
25 during the fiscal year beginning July 1, 1992, for the  
26 same purposes.

27 Sec. 603. 1991 Iowa Acts, chapter 267, section  
28 301, subsection 6, paragraph d, is amended by adding  
29 the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
31 8.33, moneys obligated or committed to grantees under  
32 contract that remain unexpended at the end of the  
33 fiscal year, shall not revert but shall be available  
34 for expenditure for purposes of the contract during  
35 succeeding fiscal years.

36 Sec. 604. 1991 Iowa Acts, chapter 269, section 17,  
37 subsection 1, is amended to read as follows:

38 1. If funds received from the federal government  
39 in the form of block grants exceed the amounts  
40 appropriated in sections 1, 2, 3, 4, 6, 7, and 9 of  
41 this Act, the excess shall be prorated to the  
42 appropriate programs according to the percentages  
43 specified in those sections, except additional funds  
44 shall not be prorated for administrative expenses.

45 Sec. 605. Section 15.287, Code Supplement 1991, is  
46 amended by adding the following new unnumbered  
47 paragraph:

48 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
49 restrictions on the use of the revolving fund in this  
50 section, the director may use unallocated repayments

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1 to the revolving fund to pay for administration of  
2 programs under the Cranston-Gonzalez National  
3 Affordable Housing Act of 1990, Pub. L. No. 101-625.

4 DIVISION VII  
5 EFFECTIVE DATE

6 Sec. 701. Except for sections 402 through 407,  
7 this Act, being deemed of immediate importance, takes  
8 effect upon enactment."

9 2. Title page, by striking lines 4 and 5 and  
10 inserting the following: "state aid to school  
11 corporations, imposing the sales, services, and use  
12 tax on solid waste collection and disposal services,  
13 consulting services, and additional services, and  
14 providing effective and applicability dates."

RECEIVED FROM THE HOUSE

S-5087 FILED FEBRUARY 24, 1992

*amendment referred to concurre 425 (p. 474)*

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2116

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2116, a bill for An Act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date, respectfully make the following report:

1. That the House amendment, S-5087, to Senate File 2116, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"ADDITIONAL REDUCTIONS

Sec. 100. ADDITIONAL REDUCTIONS OF FISCAL YEAR 1991-1992 APPROPRIATIONS.

1. After applying the reduction pursuant to executive order number 42, moneys appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, by the Seventy-fourth General Assembly, 1991 Session, and standing limited and unlimited appropriations from the general fund of the state for the fiscal year beginning July 1, 1991, are

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reduced by \$2,600,000. However, moneys appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, shall not be reduced if the appropriation is any of the following:

a. Made to the department of human services for programs as delineated in subsection 4, to the department of corrections as specified in subsection 5, to the office of the state public defender as specified in subsection 6, for property tax replacement or reimbursement as specified in subsection 7, and to school corporations as specified in subsection 8.

b. Made pursuant to section 2.12.

c. Made to the judicial branch of the government.

2. The \$2,600,000 reduction in appropriations in subsection 1 shall be carried out uniformly and proportionately in the manner specified in section 8.31, except as provided in subsections 4 through 8, based upon the appropriated amounts after applying the reduction pursuant to executive order number 42, other reductions in this Act, and other executive branch reductions. Upon implementing the reduction specified in subsection 1, the department of management shall submit a report to the chairpersons and ranking members of the appropriations committees of each house and to the legislative fiscal bureau detailing how the reduction in subsection 1 was implemented.

3. Moneys which become available as a result of the reduction under subsection 1 shall revert to the general fund of the state on the effective date of this section.

4. The appropriation reduction in subsection 1 shall not be applied to reduce the appropriation allotments made in 1991 Iowa Acts, chapter 267, division I and in section 101 of this Act for any of the following department of human services programs: aid to dependent children under chapter 239, including the payment standard, emergency assistance, medical assistance under chapter 249A, including the medically needy program, other optional services and eligibility groups,

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Page 3

enhanced services, and medical contracts, enhanced services and enhanced services county payment, state supplementary assistance, child day care assistance, transitional assistance, JOBS program, state juvenile institutions, foster care, home-based services, community-based programs, block grant supplementation, court-ordered services provided to juveniles, Iowa veterans home, state hospital-schools, state mental health institutes, family support subsidy program, special needs grants, and field operations.

5. Appropriations made to the department of corrections in 1991 Iowa Acts, chapter 267, section 404, subsection 1, for correctional facilities, in 1991 Iowa Acts, chapter 267, section 405, subsections 5 and 6 and in section 102 of this Act for annual payments relating to prison expansion, and in 1991 Iowa Acts, chapter 267, section 406, subsection 1, paragraphs "a" through "i" for the first through the eighth judicial district departments of correctional services shall not be reduced under subsection 1.

6. Appropriations made to the office of the state public defender in 1991 Iowa Acts, chapter 268, section 407, subsection 1, paragraph "b", for indigent court-appointed attorney fees shall not be reduced under subsection 1.

7. Appropriations made in section 405A.8 for personal property tax replacement, section 425.1, for homestead tax credit, section 425.39, for extraordinary property tax credit and reimbursement, and section 426.1 for agricultural land tax credit shall not be reduced under subsection 1.

8. Appropriations made to school corporations in chapter 257 for state aid to school districts and chapter 286A for state aid to area schools shall not be reduced under subsection 1.

9. In implementing the appropriation reduction required in subsection 1, the departments and agencies of state government shall not eliminate employee positions unless each of the following means of achieving the reduction have already been

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implemented in the order specified and are insufficient to achieve the required reduction: deferral or elimination of travel, equipment purchases or nonessential expenses, and furlough of workers earning more than \$40,000 annually. If the preceding means have been implemented and are insufficient to achieve the required reduction so that elimination of employee positions is the only means remaining available, then the elimination of positions shall first apply to middle management staff consistent with the recommendations of the governor's committee on government spending reform."

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

"Interstate Compact on Agricultural Grain Marketing Sec. \_\_\_\_ . There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriation made in 1991 Iowa Acts, chapter 268, section 206, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For carrying out the duties of the commission under the interstate compact as provided in chapter 183:

..... \$ 1,950"

3. Page 3, by inserting after line 10 the following:

"Sec. \_\_\_\_ . NONREVERSION. Notwithstanding section 8.33, unobligated and unencumbered moneys remaining on June 30, 1992, from the appropriation to the prevention of disabilities policy council for the fiscal year beginning July 1, 1991, in 1991 Iowa Acts, chapter 169, section 8, shall not revert to the general fund of the state but shall remain available for the purpose for which appropriated in the succeeding fiscal year."

4. Page 3, line 32, by inserting after the figure "42." the following: "However, these supplemental appropriations shall be subject to reduction under section 100 of this Act to the extent not otherwise exempt under that section."

5. Page 5, line 41, by inserting after the word "apply"

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Page 5

the following: "retroactively".

6. Page 5, line 42, by striking the figure "1992" and inserting the following: "1991".

7. By striking page 5, line 50, through page 6, line 26, and inserting the following:

"Sec. 401. Section 321.109, subsection 1, Code 1991, is amended to read as follows:

1. The annual fee for all motor vehicles including multipurpose vehicles and vehicles designated by manufacturers as station wagons, except motor trucks, motor homes, ~~multipurpose-vehicles~~, ambulances, hearses, motorcycles, and motor bicycles, shall be equal to one percent of the value as fixed by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel. Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to the nonresident's state of residence the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of ten dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to the nonresident's state of residence, the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed; and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer's or importer's certificate or certificate of title, duly assigned as provided in this

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chapter. In this event, the treasurer in the county of purchase shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of ten dollars, issue a certificate of title in the name and address of the nonresident purchaser delivering the same to the person entitled to the title as provided in this chapter.

Sec. 401A. Section 321.124, subsection 3, Code 1991, is amended to read as follows:

3. The annual registration fee for motor homes and multipurpose-vehicles is as follows:

a. For class "A" motor homes with a list price of eighty thousand dollars or more as certified to the department by the manufacturer, four hundred dollars for registration each year through five model years and three hundred dollars for each succeeding registration.

b. For class "A" motor homes with a list price of forty thousand dollars or more but less than eighty thousand dollars as certified to the department by the manufacturer, two hundred dollars for registration each year through five model years and one hundred fifty dollars for each succeeding registration.

c. For class "A" motor homes with a list price of twenty thousand dollars or more but less than forty thousand dollars as certified to the department by the manufacturer, one hundred forty dollars for the first five registrations and one hundred five dollars for each succeeding registration.

d. For class "A" motor homes with a list price of less than twenty thousand dollars as certified to the department by the manufacturer, one hundred twenty dollars for registration each year through five model years and eighty-five dollars for each succeeding registration.

e. For a class "A" motor home which is a passenger-carrying bus which has been registered at least five times as a motor truck and which has been converted, modified or altered to provide temporary living quarters, ninety dollars for registration each year through ten model years and sixty-five

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dollars for each succeeding registration. In computing the number of registrations, the registrations shall be cumulative beginning with the registration of the class "A" motor home as a motor truck prior to its conversion, modification, or alteration to provide temporary living quarters.

f. For class "B" motor homes, ninety dollars for registration each year through five model years and sixty-five dollars for each succeeding registration.

g. For class "C" motor homes, one hundred ten dollars for registration each year through five model years and eighty dollars for each succeeding registration.

~~h. For multipurpose vehicles, seventy-five dollars for registration each year through five model years and fifty-five dollars for each succeeding registration.~~

Sec. 401B. Section 422.42, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 17. "Nonresidential commercial operations" does not include apartment complexes, mobile home parks, or other rental operations where the primary purpose is for human habitation."

8. Page 6, line 38, by inserting before the word "commercial" the following: "nonresidential".

9. Page 7, by striking lines 37 through 41 and inserting the following: "consultant services; dance".

10. Page 8, line 12, by inserting after the word "state;" the following: "sewage services for nonresidential commercial operations;".

11. Page 8, line 14, by striking the words "food and".

12. Page 9, line 30, by inserting after the word "public" the following: "; except the sales, furnishing or providing of sewage services to a county or municipality on behalf of nonresidential commercial operations;".

13. Page 9, line 33, by inserting before the word "commercial" the following: "nonresidential".

14. Page 9, by striking line 48 and inserting the

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following: "nonresidential commercial, mining, and agricultural operations; does not apply to the sales, furnishing, or service of sewage service for nonresidential commercial operations;".

15. Page 10, line 26, by striking the figure "402" and inserting the following: "401".

16. Page 10, by striking lines 30 through 47 and inserting the following:

"Sec. \_\_\_\_ . DIVISION OF HIGHWAY SAFETY, UNIFORMED FORCE, AND RADIO COMMUNICATIONS. The department of public safety, department of personnel, and the department of management shall make every reasonable effort to fill the entire complement of positions authorized for the division of highway safety, uniformed force, and radio communications under the appropriation made to the division as constituted on July 1, 1991, from the road use tax fund in 1991 Iowa Acts, chapter 268, section 504, subsection 1, as soon after the effective date of this Act as practicable.

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

For purposes relating to radio communications, including but not limited to reimbursement of the general fund of the state for expenditures for radio communications made before the effective date of this Act pursuant to 1991 Iowa Acts, chapter 268, section 503, subsection 2, and for not more than the following full-time equivalent positions:

.....	\$	3,039,150
.....	FTEs	79.00

Reimbursement under the appropriation from the road use tax fund to the general fund of the state shall be made for expenditures for radio communications made before the effective

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date of this Act pursuant to 1991 Iowa Acts, chapter 268, section 503, subsection 2. For the fiscal year beginning July 1, 1991, charges pursuant to section 421.17, subsection 33, or any comparable statute, by the department of revenue and finance, department of personnel, or other state agencies, for indirect costs, including but not limited to accounting, workers' compensation, and unemployment compensation, shall not be charged to this appropriation.

Sec. \_\_\_\_\_. Section 80.36, Code 1991, is amended to read as follows:

80.36 MAXIMUM AGE.

The maximum age for a person to be employed as a peace officer in the divisions of highway safety, and uniformed force and radio communications, criminal investigation and bureau of identification, and drug law enforcement, ~~and beer and liquor law enforcement~~ is sixty-five years of age.

Sec. \_\_\_\_\_. Section 97A.1, subsection 6, Code 1991, is amended to read as follows:

6. "Membership service" shall mean service as a peace officer in the division of highway safety, and uniformed force or force, and radio communications, the division of criminal investigation and bureau of identification, or division of drug law enforcement in the department of public safety and arson investigators rendered since last becoming a member, or, where membership is regained as provided in this chapter, all of such service.

Sec. \_\_\_\_\_. Section 97A.3, subsection 1, Code 1991, is amended to read as follows:

1. All members of the division of highway safety, and uniformed force, and radio communications and the division of criminal investigation and bureau of identification in the department of public safety, excepting the members of the clerical force, who are employed by the state of Iowa when this chapter becomes effective, and all persons thereafter employed as members of such divisions in the department of public safety

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or division of drug law enforcement and arson investigators, ~~or qualified members of the division of beer and liquor law enforcement in said department~~ except the members of the clerical force, shall be members of this system. Such members shall not be required to make contributions under any other pension or retirement system of the state of Iowa, anything to the contrary notwithstanding.

Sec. \_\_\_\_\_. Section 97A.4, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

Any member of the system who has been employed continuously prior to the passage of this chapter in the division of highway safety, and uniformed force, and radio communications or the division of criminal investigation and bureau of identification in the department of public safety, or as a member of the Iowa highway safety patrol, or as a peace officer or a member of the uniformed force in any department or division whose functions were transferred to, merged, or consolidated in the department of public safety at the time such department was created, shall receive credit for such service in determining retirement and disability benefits provided for in this chapter. Arson investigators who have contributed to this system prior to July 1, 1978 shall receive credit for such service in determining retirement and disability benefits.

Sec. \_\_\_\_\_. Section 97A.6, subsection 7, paragraph c, Code Supplement 1991, is amended to read as follows:

c. The commissioner of public safety may, subject to approval of the medical board, assign any former member of the division of highway safety, and uniformed force, and radio communications or the division of criminal investigation and bureau of identification or an arson investigator who is retired and drawing a pension for disability under the provisions of this chapter, to the performance of light duties in such division.

Sec. \_\_\_\_\_. 1991 Iowa Acts, chapter 268, section 503, subsection 2, is amended by striking the subsection."

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17. Page 12, line 6, by striking the figure "402" and inserting the following: "401".

18. Page 12, line 13, by inserting after the words "additional services," the following: "and changing the registration fees for multipurpose vehicles,".

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

LEONARD L. BOSWELL, Chairperson  
MIKE CONNOLLY  
WILLIAM W. DIELEMAN

THOMAS JOCHUM, Chairperson  
JOHN GRONINGA  
C. ARTHUR OLLIE

CCS-2116 FILED MARCH 2, 1992

*Senate adopted 5/2 (p. 565)*

*House adopted 3/3 (p. 420)*

SSB 2118

APPROPRIATIONS NOW

SENATE FILE 2116

BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL  
BY CHAIRPERSON BOSWELL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the state budget by supplementing certain  
2 appropriations made for the fiscal year beginning July 1,  
3 1991, making changes in the state aid to school corporations,  
4 and providing an effective date.

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

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1 Department of Human Services

2 Section 1. SUPPLEMENTAL APPROPRIATIONS. There is  
3 appropriated from the general fund of the state to the  
4 department of human services for the fiscal year beginning  
5 July 1, 1991, and ending June 30, 1992, to supplement the  
6 appropriations made in 1991 Iowa Acts, chapter 267, division  
7 I, the following amounts, or so much thereof as is necessary,  
8 to be used for the purposes designated:

- 9 1. Aid to families with dependent children, in section
- 10 101:
- 11 ..... \$ 4,306,161
- 12 2. Medical assistance, in section 103:
- 13 ..... \$ 19,605,610
- 14 3. Medical contracts, in section 104:
- 15 ..... \$ 295,104
- 16 4. State supplementary assistance, in section 107:
- 17 ..... \$ 1,002,613
- 18 5. Child day care assistance, in section 109:
- 19 ..... \$ 230,883
- 20 6. Transitional child care assistance, in section 110:
- 21 ..... \$ 10,508
- 22 7. Foster care, in section 114:
- 23 ..... \$ 11,525,652
- 24 8. Home-based services, in section 116:
- 25 ..... \$ 287,332
- 26 9. Community-based programs, in section 117:
- 27 ..... \$ 767,036
- 28 10. a. State mental health institute at Cherokee, in
- 29 section 121, subsection 1:
- 30 ..... \$ 158,485
- 31 b. State mental health institute at Independence, in
- 32 section 121, subsection 3:
- 33 ..... \$ 758,139

34 Sec. 2. CAPITAL IMPROVEMENTS. There is appropriated from  
35 the general fund of the state to the department of human

1 services for the fiscal year beginning July 1, 1991, and  
2 ending June 30, 1992, the following amount, or so much thereof  
3 as is necessary, to be used for the purpose designated:

4 For capital improvements, including items for code  
5 compliance and critical major maintenance:  
6 ..... \$ 996,224

7 Department of Corrections

8 Sec. 3. There is appropriated from the general fund of the  
9 state to the department of corrections for the fiscal year  
10 beginning July 1, 1991, and ending June 30, 1992, to  
11 supplement the appropriations made in 1991 Iowa Acts, chapter  
12 267, section 405, the following amounts, or so much thereof as  
13 is necessary, to be used for the purposes designated:

14 1. For annual payment relating to prison expansion, in  
15 subsection 5:  
16 ..... \$ 20,340

17 2. For annual payment relating to prison expansion, in  
18 subsection 6:  
19 ..... \$ 102,156

20 Interstate Compact on Agricultural Grain Marketing

21 Sec. 4. There is appropriated from the general fund of the  
22 state to the interstate agricultural grain marketing  
23 commission for the fiscal year beginning July 1, 1991, and  
24 ending June 30, 1992, to supplement the appropriation made in  
25 1991 Iowa Acts, chapter 268, section 206, the following  
26 amount, or so much thereof as is necessary, to be used for the  
27 purpose designated:

28 For carrying out the duties of the commission under the  
29 interstate compact as provided in chapter 183:  
30 ..... \$ 1,950

31 Department of Inspections and Appeals

32 Sec. 5. There is appropriated from the road use tax fund  
33 to the department of inspections and appeals for the fiscal  
34 year beginning July 1, 1991, and ending June 30, 1992, to  
35 supplement the appropriation made in 1991 Iowa Acts, chapter

1 268, section 414, the following amount, or so much thereof as  
2 is necessary, to be used for the purposes designated:

3 For salaries, support, maintenance, and miscellaneous  
4 purposes:

5 ..... \$ 100,000

6 Sec. 6. There is appropriated from the general fund of the  
7 state to the racing and gaming commission of the department of  
8 inspections and appeals for the fiscal year beginning July 1,  
9 1991, and ending June 30, 1992, to supplement the  
10 appropriation made in 1991 Iowa Acts, chapter 268, section  
11 425, the following amount, or so much thereof as is necessary,  
12 to be used for the purposes designated:

13 For salaries, support, maintenance, miscellaneous purposes,  
14 and for an increase of 2 full-time equivalent positions:

15 ..... \$ 50,000

16 Department of General Services

17 Sec. 7. There is appropriated from the general fund of the  
18 state to the department of general services for the fiscal  
19 year beginning July 1, 1991, and ending June 30, 1992, the  
20 following amounts, or so much thereof as is necessary, for the  
21 purposes designated:

22 1. For deferred maintenance projects at the capitol  
23 complex:

24 ..... \$ 223,440

25 2. For the removal of the court avenue bridge:

26 ..... \$ 375,000

27 Department of Commerce

28 Sec. 8. There is appropriated from the general fund of the  
29 state to the alcoholic beverages division of the department of  
30 commerce for the fiscal year beginning July 1, 1991, and  
31 ending June 30, 1992, the following amount, or so much thereof  
32 as is necessary, for the purpose designated:

33 For the repair of the roof at the Ankeny liquor warehouse  
34 facility:

35 ..... \$ 350,000

2118

1 Department of Justice

2 Sec. 9. There is appropriated from the general fund of the  
3 state to the department of justice for the fiscal year  
4 beginning July 1, 1991, and ending June 30, 1992, the  
5 following amount, or so much thereof as is necessary, for the  
6 purpose designated:

7 For expenses relating to the enforcement of odometer fraud  
8 laws:

9 ..... \$ 120,000

10 Sec. 10. 1991 Iowa Acts, chapter 260, section 1103,  
11 unnumbered paragraph 2, is amended to read as follows:

12 The transfers under this section shall be made during the  
13 period beginning April 16, 1991, and ending June 30, 1991.

14 However, state general fund cash balances shall be available  
15 from the general fund of the state for cash flow purposes to  
16 enable the timely payment of obligations incurred for purposes  
17 for which moneys in the funds designated in subsections 1  
18 through 4 are to be used for the fiscal years ending June 30,  
19 1992, and June 30, 1993.

20 Sec. 11. 1991 Iowa Acts, chapter 266, section 19, is  
21 amended to read as follows:

22 SEC. 19. There is appropriated from the health insurance  
23 reserve fund to the general fund of the state, on or before  
24 June 30, 1991, the following amount:

25 ..... \$ 6,000,000

26 However, state general fund cash balances shall be available  
27 from the general fund of the state for cash flow purposes to  
28 enable the timely payment of obligations incurred for purposes  
29 of the health insurance reserve fund for the fiscal years  
30 ending June 30, 1992, and June 30, 1993.

31 Sec. 12. Section 257.6, subsection 4, unnumbered paragraph  
32 2, Code 1991, is amended to read as follows:

33 However, if a district's actual enrollment for a budget  
34 year is greater than one hundred three percent of its budget  
35 enrollment, the district is eligible for an advance for

1 increasing enrollment as provided in section 257.13.

2 Sec. 13. Section 257.13, unnumbered paragraph 1, Code  
3 1991, is amended to read as follows:

4 If a district's actual enrollment for the budget year,  
5 determined under section 257.6, is greater than one hundred  
6 three percent of its budget enrollment for the budget year,  
7 the district is granted an advance from the state of an amount  
8 equal to its regular program district cost per pupil for the  
9 budget year multiplied by the difference between the actual  
10 enrollment for the budget year and one hundred three percent  
11 of the budget enrollment for the budget year. The advance is  
12 miscellaneous income.

13 Sec. 14. Section 257.16, unnumbered paragraph 2, Code  
14 Supplement 1991, is amended to read as follows:

15 All state aids paid under this chapter, unless otherwise  
16 stated, shall be paid in monthly installments beginning on  
17 September 15 of a budget year and ending on or about June 15  
18 of the budget year ~~and the installments shall be as nearly~~  
19 ~~equal as possible as determined by the department of~~  
20 management, taking into consideration the relative budget and  
21 cash position of the state resources. However, an amount of  
22 state school foundation aid equal to the general allocation of  
23 the school district as determined under section 405A.2 and the  
24 amount of the tax credit for livestock pursuant to section  
25 442.2, subsection 2, as it appeared in the 1987 Code, shall be  
26 paid to the school district on July 15 of the subsequent  
27 fiscal year, and the appropriation for this amount shall be  
28 made for the fiscal year during which the payment is made.

29 However, the state aid paid to school districts under section  
30 257.13 shall be paid in monthly installments beginning on  
31 December 15 and ending on June 15 of a budget year.

32 Sec. 15. Notwithstanding the repeal of chapter 442 as of  
33 July 1, 1991, the provision of section 442.26 that requires an  
34 amount of school aid equal to the general allocation to a  
35 school district under section 405A.2 and the amount of tax

1 credit for livestock to be paid to school districts on July 15  
2 of the subsequent fiscal year remains effective for the school  
3 budget year beginning July 1, 1990, and such amounts shall be  
4 paid to the school districts on July 15, 1991.

5 Sec. 16. FUNDS DO NOT REVERT. Notwithstanding section  
6 8.33, unobligated and unencumbered moneys remaining on June  
7 30, 1992, from the appropriations made for the fiscal year  
8 beginning July 1, 1991, in sections 2, 7, and 8 shall not  
9 revert to the general fund of the state but shall be available  
10 for expenditure for which appropriated during the fiscal year  
11 beginning July 1, 1992, and any unobligated and unencumbered  
12 moneys remaining on June 30, 1993, from such appropriations  
13 shall revert on August 31, 1993.

14 3.25 Percent Reduction

15 Sec. 17. EFFECT OF APPROPRIATION REDUCTIONS. The moneys  
16 appropriated to supplement the appropriations for the fiscal  
17 year beginning July 1, 1991, and ending June 30, 1992, made in  
18 this Act are not subject to the three and one-quarter percent  
19 reduction pursuant to executive order number 42 or any other  
20 executive action to reduce appropriations for that fiscal year  
21 that was entered before the effective date of this Act.

22 Sec. 18. APPLICABILITY -- REPEAL. Section 14 of this Act  
23 applies to school budget years beginning on or after July 1,  
24 1992. Sections 12 and 13 of this Act apply retroactively to  
25 the school budget year beginning July 1, 1991, only, and are  
26 repealed July 1, 1992. Section 15 of this Act applies  
27 retroactively to the school budget year beginning July 1,  
28 1990.

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

31 EXPLANATION

32 The bill makes supplemental appropriations for the 1991-  
33 1992 fiscal year which are not subject to the 3.25 percent  
34 governor's across-the-board reduction.

35 Agencies receiving supplemental appropriations in this bill

1 are the department of human services, department of  
2 corrections, department of inspections and appeals, department  
3 of general services, department of commerce, interstate  
4 agricultural grain marketing commission, and department of  
5 justice.

6 Sections 10 and 11 allow the health and life insurance  
7 trust funds from which reserves were transferred to the state  
8 general fund to receive any moneys from the general fund for  
9 cash flow purposes.

10 Sections 12 through 15 and 18 relate to changes in state  
11 school aid to education by limiting advance payments for  
12 increasing enrollment to enrollment increases greater than 103  
13 percent of budget enrollment, by eliminating the requirement  
14 that the 10 school aid installments be equal, and by providing  
15 school districts with state aid equal to the amount of tax  
16 credit for livestock that they would receive under the old  
17 school foundation aid formula.

18 The bill takes effect upon enactment.

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TERRY E. BRANSTAD  
GOVERNOR

## OFFICE OF THE GOVERNOR

STATE CAPITOL  
DES MOINES, IOWA 50319  
515 281-5211

March 10, 1992

MAR 10 92

The Honorable Michael Gronstal  
President of the Senate  
State Capitol Building  
L O C A L

Dear Mr. President:

I hereby transmit Senate File 2116, an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, imposing the sales, services, and use tax on solid waste collection and disposal services, consulting services, and additional services, and changing the registration fees for multipurpose vehicles, and providing effective and applicability dates.

Among other things, this bill provides supplemental funding for the human services entitlement programs. It is only because of the actions I took early in the fiscal year to implement a reduction in force that funds exist to pay for these needs. Despite the shortcomings in this bill, I am approving it because I cannot allow the human service needs of Iowans to go unmet.

I am disappointed in the General Assembly's unwillingness to face the reality of the state's fiscal situation. By spending the state budget down to a zero ending balance, which the General Assembly does in this bill, the state becomes vulnerable to the smallest deviation from projections on either the revenue or expenditure side of the budget. Given a \$3.2 billion budget, a zero ending balance is imprudent.

I am also disappointed that the General Assembly has chosen to reduce spending through an across-the-board reduction. An across-the-board reduction is the least desirable way to cut budgets and should be applied only when no other option is available, as was the situation last July when I ordered the 3.25 percent reduction in all state agency budgets. The General Assembly has had an opportunity since reconvening in January to make decisions to selectively reduce agency budgets and has chosen not to do so.

The Honorable Michael Gronstal  
March 10, 1992  
Page 2

Finally, this bill exacerbates the problems confronting the General Assembly in the fiscal year 1993 budget. Given the inability of the General Assembly in this bill to resist the pressures from special interests and deal with the fiscal year 1992 budget, I am concerned about whether it can make the much tougher decisions that will be necessary for fiscal year 1993. My proposal for revenue from the cigarette tax would have provided a better alternative for both years.

Senate File 2116 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 100, subsection 1, paragraph b, in its entirety. This provision would exempt the legislative branch from the across-the-board reduction provided in the bill. The legislative branch should share in the difficult task of balancing the state budget, and therefore, should not be exempt from the budget reductions.

I am unable to approve the item designated as Section 100, subsection 9, in its entirety. This subsection specifies the means to implement the across-the-board reduction. Decisions such as these are the prerogative of the executive branch which is responsible for implementation.

I am unable to approve the item designated at Section 103, in its entirety. This section would restore the amount of the 3.25 percent reduction to the Interstate Grain marketing Commission. The appropriation for this entity should not be treated any differently than the thousands of other appropriations in the state budget.

I am unable to approve the item designated as Section 107, in its entirety. This section makes a \$130,000 appropriation for the odometer fraud program. Given the current fiscal condition of the state, additional funding for this program cannot be approved.

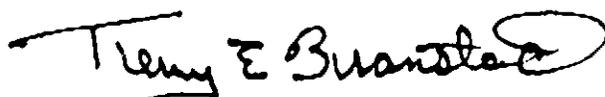
I am unable to approve the designated portion of Section 110. This provision requires a two-week notice prior to the transfer of the reduction in force savings. The provision would unnecessarily delay the implementation of the across-the-board reduction, which applies to the appropriation base only after all other legislative and executive branch reductions have been effectuated. The Department of Management will make a timely report of the transfers to the appropriations committee and subcommittee chairs, and to the Legislative Fiscal Bureau.

The Honorable Michael Gronstal  
March 10, 1992  
Page 3

I am unable to approve the item designated as Section 508, in its entirety. This provision strikes the general fund appropriation for radio communications, with the intent that it be replaced with an appropriation from the Road Use Tax Fund. However, it is necessary to retain the appropriation as a vehicle for receiving the reimbursement, therefore, an item veto of this section is necessary.

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 2116 are hereby approved as of this date.

Sincerely,

A handwritten signature in cursive script that reads "Terry E. Branstad". The signature is written in black ink and is positioned above the printed name and title.

Terry E. Branstad  
Governor

TEB/ps

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

SENATE FILE 2116

AN ACT

RELATING TO THE STATE BUDGET BY SUPPLEMENTING CERTAIN APPROPRIATIONS AND REDUCING CERTAIN APPROPRIATIONS MADE FOR THE FISCAL YEAR BEGINNING JULY 1, 1991, MAKING CHANGES IN THE STATE AID TO SCHOOL CORPORATIONS, IMPOSING THE SALES, SERVICES, AND USE TAX ON SOLID WASTE COLLECTION AND DISPOSAL SERVICES, CONSULTING SERVICES, AND ADDITIONAL SERVICES, AND CHANGING THE REGISTRATION FEES FOR MULTIPURPOSE VEHICLES, AND PROVIDING EFFECTIVE AND APPLICABILITY DATES.

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

DIVISION I

ADDITIONAL REDUCTIONS

Section 100. ADDITIONAL REDUCTIONS OF FISCAL YEAR 1991-1992 APPROPRIATIONS.

1. After applying the reduction pursuant to executive order number 42, moneys appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, by the

Seventy-fourth General Assembly, 1991 Session, and standing limited and unlimited appropriations from the general fund of the state for the fiscal year beginning July 1, 1991, are reduced by \$2,600,000. However, moneys appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, shall not be reduced if the appropriation is any of the following:

a. Made to the department of human services for programs as delineated in subsection 4, to the department of corrections as specified in subsection 5, to the office of the state public defender as specified in subsection 6, for property tax replacement or reimbursement as specified in subsection 7, and to school corporations as specified in subsection 8.

b. Made pursuant to section 2.12.

c. Made to the judicial branch of the government.

2. The \$2,600,000 reduction in appropriations in subsection 1 shall be carried out uniformly and proportionately in the manner specified in section 8.31, except as provided in subsections 4 through 8, based upon the appropriated amounts after applying the reduction pursuant to executive order number 42, other reductions in this Act, and other executive branch reductions. Upon implementing the reduction specified in subsection 1, the department of management shall submit a report to the chairpersons and ranking members of the appropriations committees of each house and to the legislative fiscal bureau detailing how the reduction in subsection 1 was implemented.

3. Moneys which become available as a result of the reduction under subsection 1 shall revert to the general fund of the state on the effective date of this section.

4. The appropriation reduction in subsection 1 shall not be applied to reduce the appropriation allotments made in 1991 Iowa Acts, chapter 267, division I and in section 101 of this Act for any of the following department of human services programs: aid to dependent children under chapter 239, including the payment standard, emergency assistance, medical

assistance under chapter 249A, including the medically needy program, other optional services and eligibility groups, enhanced services, and medical contracts, enhanced services and enhanced services county payment, state supplementary assistance, child day care assistance, transitional assistance, JOBS program, state juvenile institutions, foster care, home-based services, community-based programs, block grant supplementation, court-ordered services provided to juveniles, Iowa veterans home, state hospital-schools, state mental health institutes, family support subsidy program, special needs grants, and field operations.

5. Appropriations made to the department of corrections in 1991 Iowa Acts, chapter 267, section 404, subsection 1, for correctional facilities, in 1991 Iowa Acts, chapter 267, section 405, subsections 5 and 6 and in section 102 of this Act for annual payments relating to prison expansion, and in 1991 Iowa Acts, chapter 267, section 406, subsection 1, paragraphs "a" through "i" for the first through the eighth judicial district departments of correctional services shall not be reduced under subsection 1.

6. Appropriations made to the office of the state public defender in 1991 Iowa Acts, chapter 268, section 407, subsection 1, paragraph "b", for indigent court-appointed attorney fees shall not be reduced under subsection 1.

7. Appropriations made in section 405A.8 for personal property tax replacement, section 425.1, for homestead tax credit, section 425.39, for extraordinary property tax credit and reimbursement, and section 426.1 for agricultural land tax credit shall not be reduced under subsection 1.

8. Appropriations made to school corporations in chapter 257 for state aid to school districts and chapter 286A for state aid to area schools shall not be reduced under subsection 1.

9. In implementing the appropriation reduction required in subsection 1, the departments and agencies of state government shall not eliminate employee positions unless each of the following means of achieving the reduction have already been

implemented in the order specified and are insufficient to achieve the required reduction: deferral or elimination of travel, equipment purchases or nonessential expenses, and furlough of workers earning more than \$40,000 annually. If the preceding means have been implemented and are insufficient to achieve the required reduction so that elimination of employee positions is the only means remaining available, then the elimination of positions shall first apply to middle management staff consistent with the recommendations of the governor's committee on government spending reform.

SUPPLEMENTALS

Department of Human Services

Sec. 101. SUPPLEMENTAL APPROPRIATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriations made in 1991 Iowa Acts, chapter 267, division I, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. Aid to families with dependent children, in section 101:
  - ..... \$ 4,306,161
- 2. Emergency assistance to families with dependent children to match federal funding for homeless prevention programs in section 102:
  - ..... \$ 375,000
- 3. Medical assistance, in section 103:
  - ..... \$ 20,605,610
- 4. Medical contracts, in section 104:
  - ..... \$ 295,104
- 5. State supplementary assistance, in section 107:
  - ..... \$ 1,117,613
- 6. Child day care assistance, in section 109:
  - ..... \$ 230,883
- 7. Transitional child care assistance, in section 110:
  - ..... \$ 10,508
- 8. Foster care, in section 114:

..... \$ 11,525,652  
 9. Home-based services, in section 116:  
 ..... \$ 287,332  
 10. Community-based programs, in section 117:  
 ..... \$ 767,036  
 11. a. State mental health institute at Cherokee, in  
 section 121, subsection 1:  
 ..... \$ 158,485  
 b. State mental health institute at Independence, in  
 section 121, subsection 3:  
 ..... \$ 758,139

Department of Corrections

Sec. 102. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriations made in 1991 Iowa Acts, chapter 267, section 405, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For annual payment relating to prison expansion, in subsection 5:  
 ..... \$ 20,340  
 2. For annual payment relating to prison expansion, in subsection 6:  
 ..... \$ 102,156

Interstate Compact on Agricultural Grain Marketing

Sec. 103. There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriation made in 1991 Iowa Acts, chapter 268, section 206, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For carrying out the duties of the commission under the interstate compact as provided in chapter 183:  
 ..... \$ 1,950

Department of Inspections and Appeals

Sec. 104. There is appropriated from the road use tax fund to the department of inspections and appeals for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriation made in 1991 Iowa Acts, chapter 268, section 414, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:  
 ..... \$ 100,000

Sec. 105. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriation made in 1991 Iowa Acts, chapter 268, section 425, 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 an increase of 2 full-time equivalent positions:  
 ..... \$ 50,000

Department of General Services

Sec. 106. There is appropriated from the use tax revenues credited to the road use tax fund under section 423.24, subsection 1, paragraph "c", to the department of general services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the removal of the court avenue bridge:  
 ..... \$ 375,000

Department of Justice

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

For expenses relating to the enforcement of odometer fraud laws:  
 ..... \$ 130,000

Sec. 108. Notwithstanding section 8.33, unobligated and unencumbered moneys remaining on June 30, 1992, from the appropriations made for the fiscal year beginning July 1, 1991, in section 106 shall not revert but shall be available for expenditure for which appropriated during the fiscal year beginning July 1, 1992, and any unobligated and unencumbered moneys remaining on June 30, 1993, from such appropriations shall revert on August 31, 1993.

Sec. 109. NONREVERSION. Notwithstanding section 8.33, unobligated and unencumbered moneys remaining on June 30, 1992, from the appropriation to the prevention of disabilities policy council for the fiscal year beginning July 1, 1991, in 1991 Iowa Acts, chapter 169, section 8, shall not revert to the general fund of the state but shall remain available for the purpose for which appropriated in the succeeding fiscal year.

Sec. 110. Notwithstanding section 8.39, it is the intent of the general assembly that if funds are unavailable to implement the purposes of the supplemental appropriations for the 1991-1992 fiscal year made in this Act, the executive branch of government may make transfers of unexpended general fund appropriation balances to the general fund of the state during the 1991-1992 fiscal year. At least two weeks before such transfers are made, the executive branch shall file a report with the appropriate joint appropriations subcommittee chairpersons, the chairpersons of appropriations committees, the executive council, and the legislative fiscal bureau. This report shall state the amount of each transfer, identify the agency affected, the effect on that agency, and the reasons for the transfer.

Sec. 111. EFFECT OF APPROPRIATION REDUCTIONS. The moneys appropriated to supplement the appropriations for the fiscal year beginning July 1, 1991, and ending June 30, 1992, made in this division are not subject to the allotment reduction pursuant to executive order number 42. However, these supplemental appropriations shall be subject to reduction under section 100 of this Act to the extent not otherwise exempt under that section.

DIVISION II  
REDUCTIONS

Department of Agriculture and Land Stewardship

Sec. 201. The appropriation from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1991, and ending June 30, 1992, in 1991 Iowa Acts, chapter 268, section 201, is reduced, as a result of the governor's item veto in section 201, by the following amount for the purpose designated:

Soil conservation division, in subsection 6:	
.....	\$ 250,000
Iowa Communications Network	

Sec. 202. Notwithstanding the nonreversion provision in section 18.137, the unobligated and unencumbered moneys remaining in the Iowa communications network fund of the amount appropriated, as a result of the governor's item veto of 1991 Iowa Acts, chapter 267, section 507, subsection 17, under section 18.137 to the fund for the fiscal year beginning July 1, 1991, and ending June 30, 1992, shall revert to the general fund of the state on the effective date of this Act.

Sec. 203. EFFECT OF APPROPRIATION REDUCTIONS. The reductions in appropriations for the fiscal year beginning July 1, 1991, and ending June 30, 1992, made in this division are in addition to the allotment reduction pursuant to executive order number 42.

DIVISION III  
STATE AID TO EDUCATION

Sec. 301. Section 11.6, subsection 1, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

The financial condition and transactions of all cities and city offices, counties, county hospitals organized under chapters 347 and 347A, memorial hospitals organized under chapter 37, entities organized under chapter 28E having gross receipts in excess of one hundred thousand dollars in a fiscal year, merged areas, area education agencies, and all school offices in school districts, shall be examined at least once each year, except that cities having a population of seven

hundred or more but less than two thousand shall be examined at least once every four years, and cities having a population of less than seven hundred may be examined as otherwise provided in this section. The examination shall cover the fiscal year next preceding the year in which the audit is conducted. The examination of school offices shall include an audit of all school funds, the certified annual financial report, and the certified enrollment as provided in section 257.11 257.6. Examinations of community colleges shall include an audit of eligible and noneligible contact hours as defined in section 286A.2. Eligible and noneligible contact hours and the certified enrollment shall be certified to the department of management.

Sec. 302. Section 257.13, Code 1991, is amended by adding after unnumbered paragraph 1, the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the amount computed under the first paragraph, for the budget year beginning July 1, 1991, each school district shall receive an amount equal to the product of the applicable percentage times ninety-nine and one-half percent of the amount computed under the first paragraph based upon the following schedule:

Percent Increase in Enrollment	Applicable Percentage
1. Less than .5%	0%
2. .5%, but not more than 1%	25%
3. 1%, but not more than 3%	50%
4. More than 3%	75%

Sec. 303. Section 257.16, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

All state aids paid under this chapter, unless otherwise stated, shall be paid in monthly installments beginning on September 15 of a budget year and ending on June 15 of the budget year and the installments shall be as nearly equal as possible as determined by the department of management, taking

into consideration the relative budget and cash position of the state resources. However, an amount of state school foundation aid equal to the general allocation of the school district as determined under section 405A.2 and the amount of the tax credit for livestock pursuant to section 442.2, subsection 2, as it appeared in the 1987 Code, shall be paid to the school district on July 15 of the subsequent fiscal year, and the appropriation for this amount shall be made for the fiscal year during which the payment is made. However, the state aid paid to school districts under section 257.13 shall be paid in monthly installments beginning on December 15 and ending on June 15 of a budget year.

Sec. 304. Notwithstanding the repeal of chapter 442 as of July 1, 1991, the provision of section 442.26 that requires an amount of school aid equal to the general allocation to a school district under section 405A.2 and the amount of tax credit for livestock to be paid to school districts on July 15 of the subsequent fiscal year remains effective for the school budget year beginning July 1, 1990, and such amounts shall be paid to the school districts on July 15, 1991.

Sec. 305. APPLICABILITY. Sections 301 and 303 of this division apply retroactively to school budget years beginning on or after July 1, 1991. Section 302 of this division applies retroactively to the school budget year beginning July 1, 1991, only and is repealed July 1, 1992. Section 304 of this division applies retroactively to the school budget year beginning July 1, 1990.

DIVISION IV  
TAX AND OTHER CODE CHANGES

Sec. 401. Section 321.109, subsection 1, Code 1991, is amended to read as follows:

1. The annual fee for all motor vehicles including multipurpose vehicles and vehicles designated by manufacturers as station wagons, except motor trucks, motor homes, ~~multipurpose-vehicles~~, ambulances, hearses, motorcycles, and motor bicycles, shall be equal to one percent of the value as fixed by the department plus forty cents for each one hundred

pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel. Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to the nonresident's state of residence the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of ten dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to the nonresident's state of residence, the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed; and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer's or importer's certificate or certificate of title, duly assigned as provided in this chapter. In this event, the treasurer in the county of purchase shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of ten dollars, issue a certificate of title in the name and address of the nonresident purchaser delivering the same to the person entitled to the title as provided in this chapter.

Sec. 402. Section 321.124, subsection 3, Code 1991, is amended to read as follows:

3. The annual registration fee for motor homes and multipurpose-vehicles is as follows:

a. For class "A" motor homes with a list price of eighty thousand dollars or more as certified to the department by the manufacturer, four hundred dollars for registration each year through five model years and three hundred dollars for each succeeding registration.

b. For class "A" motor homes with a list price of forty thousand dollars or more but less than eighty thousand dollars as certified to the department by the manufacturer, two hundred dollars for registration each year through five model years and one hundred fifty dollars for each succeeding registration.

c. For class "A" motor homes with a list price of twenty thousand dollars or more but less than forty thousand dollars as certified to the department by the manufacturer, one hundred forty dollars for the first five registrations and one hundred five dollars for each succeeding registration.

d. For class "A" motor homes with a list price of less than twenty thousand dollars as certified to the department by the manufacturer, one hundred twenty dollars for registration each year through five model years and eighty-five dollars for each succeeding registration.

e. For a class "A" motor home which is a passenger-carrying bus which has been registered at least five times as a motor truck and which has been converted, modified or altered to provide temporary living quarters, ninety dollars for registration each year through ten model years and sixty-five dollars for each succeeding registration. In computing the number of registrations, the registrations shall be cumulative beginning with the registration of the class "A" motor home as a motor truck prior to its conversion, modification, or alteration to provide temporary living quarters.

f. For class "B" motor homes, ninety dollars for registration each year through five model years and sixty-five dollars for each succeeding registration.

g. For class "C" motor homes, one hundred ten dollars for registration each year through five model years and eighty dollars for each succeeding registration.

~~h.--For multipurpose-vehicles, seventy-five dollars for registration each year through five model years and fifty-five dollars for each succeeding registration.~~

Sec. 403. Section 422.42, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 17. "Nonresidential commercial operations" does not include apartment complexes, mobile home parks, or other rental operations where the primary purpose is for human habitation.

Sec. 404. Section 422.43, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 13. a. A tax of four percent is imposed upon the gross receipts from the sales, furnishing, or service of solid waste collection and disposal service.

For purposes of this subsection, "solid waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, nonresidential commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; foundry sand used for daily cover at a sanitary landfill; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material defined by the federal Atomic Energy Act of 1954.

A recycling facility that separates or processes recyclable materials and that reduces the volume of the waste by at least eighty-five percent is exempt from the tax imposed by this subsection if the waste exempted is collected and disposed of separately from other solid waste.

b. A person who transports mixed municipal solid waste generated by that person or another person without compensation shall pay the tax imposed by this subsection at

the collection or disposal facility based on the disposal charge or tipping fee. However, the costs of a service or the portion of a service to collect and manage recyclable materials separated from mixed municipal solid waste by the waste generator is exempt from the tax imposed by this subsection. For purposes of this paragraph, "mixed municipal solid waste" means garbage, refuse, and other solid waste from commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

Sec. 405. Section 422.43, subsection 11, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

The following enumerated services are subject to the tax imposed on gross taxable services: Alteration alteration and garment repair; armored car; automobile repair; battery, tire and allied; investment counseling; service charges of all financial institutions; barber and beauty; boat repair; car wash and wax; carpentry; roof, shingle, and glass repair; consultant services; dance schools and dance studios; dating services; dry cleaning, pressing, dyeing, and laundering; electrical and electronic repair and installation; rental of tangible personal property, except mobile homes which are tangible personal property; excavating and grading; farm implement repair of all kinds; flying service; furniture, rug, upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; house and building moving; household appliance, television, and radio repair; jewelry and watch repair; limousine service, including driver; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pipe fitting and plumbing; wood preparation; licensed executive

search agencies; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; sewage services for nonresidential commercial operations; sewing and stitching; shoe repair and shoeshine; sign construction and installation; storage of household goods, mini-storage, and warehousing of raw agricultural products; swimming pool cleaning and maintenance; taxidermy services; telephone answering service; test laboratories, except tests on humans or animals; termite, bug, roach, and pest eradicators; tin and sheet metal repair; turkish baths, massage, and reducing salons; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl and vegetables; wrecking service; wrecker and towing; pay television; campgrounds; carpet and upholstery cleaning; gun and camera repair; janitorial and building maintenance or cleaning; lawn care, landscaping and tree trimming and removal; pet grooming; reflexology; security and detective services; tanning beds or salons; and water conditioning and softening.

Sec. 406. Section 422.43, subsection 11, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this subsection, "consultant services" means services provided, except as otherwise stated in this paragraph, by a person who purports to give expert or professional advice on any subject including, but not limited to, advice on audiovisual, business, computer and data processing, insurance, management, marketing, security, and weather and meteorology. "Consultant services" does not mean services provided by a person licensed, registered, or certified by boards listed in section 258A.1, or licensed under chapter 80A, 152A, 154C, 522, or 602, article 10, if the services provided come within the purview of such person's license, registration, or certification.

Sec. 407. Section 422.45, subsection 2, Code Supplement 1991, is amended to read as follows:

2. The gross receipts from the sales, furnishing, or service of transportation except the rental of recreational vehicles or recreational boats, and except the rental of motor vehicles subject to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less, and except the rental of aircraft for a period of sixty days or less.

Sec. 408. Section 422.45, subsection 5, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

The gross receipts from services rendered, furnished, or performed and of all sales of goods, wares, or merchandise used for public purposes to a tax-certifying or tax-levying body of the state or a governmental subdivision of the state, including regional transit systems, as defined in section 601J.1, the state board of regents, department of human services, state department of transportation, any municipally owned solid waste facility which sells all or part of its processed waste as fuel to a municipally owned public utility, and all divisions, boards, commissions, agencies, or instrumentalities of state, federal, county, or municipal government which have no earnings going to the benefit of an equity investor or stockholder, except sales of goods, wares, or merchandise or from services rendered, furnished, or performed and used by or in connection with the operation of any municipally owned public utility engaged in selling gas, electricity, heat, or pay television service to the general public; except the sales, furnishing or providing of sewage services to a county or municipality on behalf of nonresidential commercial operations; and except the sales, furnishing, or service of solid waste collection and disposal service to a county or municipality on behalf of industrial, nonresidential commercial, mining, and agricultural operations located within the county or municipality.

Sec. 409. Section 422.45, subsection 20, Code Supplement 1991, is amended to read as follows:

20. The gross receipts from sales or services rendered, furnished, or performed by a county or city. This exemption does not apply to the tax specifically imposed under section 422.43 on the gross receipts from the sales, furnishing, or service of gas, electricity, water, heat, pay television service, and communication service to the public by a municipal corporation in its proprietary capacity, does not apply to the sales, furnishing, or service of solid waste collection and disposal service to industrial, nonresidential commercial, mining, and agricultural operations; does not apply to the sales, furnishing, or service of sewage service for nonresidential commercial operations; does not apply to fees paid to cities and counties for the privilege of participating in any athletic sports.

Sec. 410. 1991 Iowa Acts, chapter 260, section 1103, unnumbered paragraph 2, is amended to read as follows:

The transfers under this section shall be made during the period beginning April 16, 1991, and ending June 30, 1991. However, state general fund cash balances shall be available from the general fund of the state for cash flow purposes to enable the timely payment of obligations incurred for purposes for which moneys in the funds designated in subsections 1 through 4 are to be used for the fiscal years ending June 30, 1992, and June 30, 1993.

Sec. 411. 1991 Iowa Acts, chapter 266, section 19, is amended to read as follows:

SEC. 19. There is appropriated from the health insurance reserve fund to the general fund of the state, on or before June 30, 1991, the following amount:

..... \$ 6,000,000  
However, state general fund cash balances shall be available from the general fund of the state for cash flow purposes to enable the timely payment of obligations incurred for purposes of the health insurance reserve fund for the fiscal years ending June 30, 1992, and June 30, 1993.

Sec. 412. EFFECTIVE DATE. Sections 401 through 409 of this division take effect April 1, 1992.

DIVISION V

DEPARTMENT OF PUBLIC SAFETY

Sec. 501. DIVISION OF HIGHWAY SAFETY, UNIFORMED FORCE, AND RADIO COMMUNICATIONS. The department of public safety, department of personnel, and the department of management shall make every reasonable effort to fill the entire complement of positions authorized for the division of highway safety, uniformed force, and radio communications under the appropriation made to the division as constituted on July 1, 1991, from the road use tax fund in 1991 Iowa Acts, chapter 268, section 504, subsection 1, as soon after the effective date of this Act as practicable.

Sec. 502. RADIO COMMUNICATIONS. There is appropriated from the road use tax fund to the division of highway safety, uniformed force, and radio communications of the department of public safety for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes relating to radio communications, including but not limited to reimbursement of the general fund of the state for expenditures for radio communications made before the effective date of this Act pursuant to 1991 Iowa Acts, chapter 268, section 503, subsection 2, and for not more than the following full-time equivalent positions:

.....	\$ 3,039,150
..... PTEs	79.00

Reimbursement under the appropriation from the road use tax fund to the general fund of the state shall be made for expenditures for radio communications made before the effective date of this Act pursuant to 1991 Iowa Acts, chapter 268, section 503, subsection 2. For the fiscal year beginning July 1, 1991, charges pursuant to section 421.17, subsection 33, or any comparable statute, by the department of revenue and finance, department of personnel, or other state agencies, for indirect costs, including but not limited to accounting,

workers' compensation, and unemployment compensation, shall not be charged to this appropriation.

Sec. 503. Section 80.36, Code 1991, is amended to read as follows:

80.36 MAXIMUM AGE.

The maximum age for a person to be employed as a peace officer in the divisions of highway safety, and uniformed force and radio communications, criminal investigation and bureau of identification, and drug law enforcement, and beer and liquor law enforcement is sixty-five years of age.

Sec. 504. Section 97A.1, subsection 6, Code 1991, is amended to read as follows:

6. "Membership service" shall mean service as a peace officer in the division of highway safety, and uniformed forces or force, and radio communications, the division of criminal investigation and bureau of identification, or division of drug law enforcement in the department of public safety and arson investigators rendered since last becoming a member, or, where membership is regained as provided in this chapter, all of such service.

Sec. 505. Section 97A.3, subsection 1, Code 1991, is amended to read as follows:

1. All members of the division of highway safety, and uniformed force, and radio communications and the division of criminal investigation and bureau of identification in the department of public safety, excepting the members of the clerical force, who are employed by the state of Iowa when this chapter becomes effective, and all persons thereafter employed as members of such divisions in the department of public safety or division of drug law enforcement and arson investigators, ~~or qualified members of the division of beer and liquor law enforcement in said department~~ except the members of the clerical force, shall be members of this system. Such members shall not be required to make contributions under any other pension or retirement system of the state of Iowa, anything to the contrary notwithstanding.

Sec. 506. Section 97A.4, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

Any member of the system who has been employed continuously prior to the passage of this chapter in the division of highway safety, and uniformed force, and radio communications or the division of criminal investigation and bureau of identification in the department of public safety, or as a member of the Iowa highway safety patrol, or as a peace officer or a member of the uniformed force in any department or division whose functions were transferred to, merged, or consolidated in the department of public safety at the time such department was created, shall receive credit for such service in determining retirement and disability benefits provided for in this chapter. Arson investigators who have contributed to this system prior to July 1, 1978 shall receive credit for such service in determining retirement and disability benefits.

Sec. 507. Section 97A.6, subsection 7, paragraph c, Code Supplement 1991, is amended to read as follows:

c. The commissioner of public safety may, subject to approval of the medical board, assign any former member of the division of highway safety, and uniformed force, and radio communications or the division of criminal investigation and bureau of identification or an arson investigator who is retired and drawing a pension for disability under the provisions of this chapter, to the performance of light duties in such division.

Sec. 508. 1991 Iowa Acts, chapter 268, section 503, subsection 2, is amended by striking the subsection.

DIVISION VI

DEPARTMENT OF ECONOMIC DEVELOPMENT

Sec. 601. 1991 Iowa Acts, chapter 267, section 301, subsection 1, paragraph b, unnumbered paragraph 3, is amended to read as follows:

As a condition, limitation, and qualification of the appropriation under this subsection, \$425,000 shall be allocated to the rural enterprise fund, and \$140,000 shall be

allocated for rural community leadership. Notwithstanding section 8.33, moneys obligated or committed to grantees under contract that remain unexpended at the end of the fiscal year, shall not revert but shall be available for expenditure for purposes of the contract during succeeding fiscal years.

Sec. 602. 1991 Iowa Acts, chapter 267, section 301, subsection 2, paragraph c, is amended to read as follows:

c. Federal procurement office

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

..... \$ 100,000  
..... FTEs 3.00

Notwithstanding section 8.33, moneys remaining unencumbered or unobligated on June 30, 1992, shall not revert and shall be available for expenditure during the fiscal year beginning July 1, 1992, for the same purposes.

Sec. 603. 1991 Iowa Acts, chapter 267, section 301, subsection 6, paragraph d, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys obligated or committed to grantees under contract that remain unexpended at the end of the fiscal year, shall not revert but shall be available for expenditure for purposes of the contract during succeeding fiscal years.

Sec. 604. 1991 Iowa Acts, chapter 269, section 17, subsection 1, is amended to read as follows:

1. If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 1, 2, 3, 4, 6, 7, and 9 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

Sec. 605. Section 15.287, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the restrictions on the use of the revolving fund in this section, the director

may use unallocated repayments to the revolving fund to pay for administration of programs under the Cranston-Gonzalez National Affordable Housing Act of 1990, Pub. L. No. 101-625.

DIVISION VII

EFFECTIVE DATE

Sec. 701. Except for sections 401 through 409, this Act, being deemed of immediate importance, takes effect upon enactment.

.....  
MICHAEL E. GRONSTAL  
President of the Senate

.....  
ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2116, Seventy-fourth General Assembly.

*Item veto*  
Approved March 10, 1992

.....  
JOHN F. DWYER  
Secretary of the Senate

.....  
TERRY E. BRANSTAD  
Governor