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SENATE FILE **2086**

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2051)

Passed Senate (P. 262) Date 2/10/94 Passed House (P. 1300) Date 4-8-94  
Vote: Ayes 46 Nays 1 Vote: Ayes 97 Nays 0

Approved April 25, 1994  
*Passed 4-12-94*  
*Vote 47-0 (P. 1147)*  
A BILL FOR

1 An Act relating to statutory corrections which may adjust  
2 language to reflect current practices, insert earlier  
3 omissions, delete redundancies and inaccuracies, delete  
4 temporary language, resolve inconsistencies and conflicts,  
5 update ongoing provisions, or remove ambiguities.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2086

1 DIVISION I -- RESUBMISSIONS

2 Section 1. Section 7A.3, unnumbered paragraph 3, Code  
3 Supplement 1993, is amended to read as follows:

4 The officials and departments required by this section to  
5 file reports shall submit the reports on standardized forms  
6 furnished by the director of ~~revenue-and-finance~~ the  
7 department of management. All officials and agencies  
8 submitting reports shall consult with ~~the-director-of-revenue~~  
9 ~~and-finance-and~~ the director of the department of management,  
10 and shall devise standardized report forms for submission to  
11 the governor and members of the general assembly.

12 Sec. 2. Section 15.283, subsection 4, Code 1993, is  
13 amended to read as follows:

14 4. Moneys available under this program for the traditional  
15 infrastructure category, the new infrastructure category, and  
16 the planning category shall be allocated by the director.  
17 ~~Annually, not more than~~ The director may allocate up to three  
18 hundred thousand dollars of the funds for the program ~~shall be~~  
19 ~~allocated for~~ annually to the planning category.

20 PARAGRAPH DIVIDED. Moneys available under this program for  
21 the housing category shall be allocated by the executive  
22 director of the Iowa finance authority who may transfer a  
23 portion of the moneys to the department for the planning  
24 category. If moneys allocated to the housing category are not  
25 used or dedicated by April 1 of the fiscal year, the moneys  
26 shall be reallocated to the other categories that have the  
27 most need as determined by the department.

28 PARAGRAPH DIVIDED. At least one-third of the moneys  
29 allocated for the traditional infrastructure category, the new  
30 infrastructure category, and the housing category shall be set  
31 aside for cities with populations of five thousand or less.  
32 For the purposes of this set-aside, a city located in a county  
33 with a population in excess of three hundred thousand, if the  
34 city is contiguous to another city in the county and that  
35 other city is contiguous to the largest city in that county,

1 shall be considered as having a population in excess of five  
2 thousand.

3 Sec. 3. Section 35A.3, Code 1993, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 12. Provide training to executive  
6 directors of county commissions of veteran affairs pursuant to  
7 section 35B.6. The commission may adopt rules in accordance  
8 with chapter 17A to provide for training of county veteran  
9 affairs executive directors.

10 Sec. 4. Section 35B.6, subsection 1, paragraph b, Code  
11 1993, is amended to read as follows:

12 b. Upon the employment of an executive director, the  
13 executive director shall complete a course of initial training  
14 provided by the ~~veterans-affairs-division-of-the-department-of~~  
15 ~~public-defense-pursuant-to-section-29-4~~ commission of veterans  
16 affairs pursuant to section 35A.3. If an executive director  
17 is not appointed, a commissioner or a clerical assistant shall  
18 complete the course of training. The ~~division~~ commission  
19 shall issue the executive director, commissioner, or clerical  
20 assistant a certificate of training after completion of the  
21 initial training course. To maintain annual certification,  
22 the executive director, commissioner, or clerical assistant  
23 shall attend one division commission training course each  
24 year. Failure to maintain certification may be cause for  
25 removal from office. The expenses of training shall be paid  
26 from the appropriation authorized in section 35B.14.

27 Sec. 5. Section 87.11D, Code 1993, is amended to read as  
28 follows:

29 87.11D PAYMENT OF EXAMINATION EXPENSES BY THE SELF-INSURED  
30 EMPLOYER.

31 The commissioner of insurance, upon the completion of an  
32 examination, or at such regular intervals prior to completion  
33 as the commissioner determines, shall prepare an account of  
34 the costs incurred in performing and preparing the report of  
35 such examinations which shall be charged to and paid by the

1 self-insured employer examined, and upon failure or refusal of  
2 any self-insured employer to pay such a charge, the amount of  
3 the charge may be recovered in an action brought in the name  
4 of the state, and the commissioner may also revoke the  
5 employer's exemption under section 87.11. All fees collected  
6 in connection with an examination shall be paid into the  
7 insurance-division-revolving general fund.

8 Sec. 6. Section 99D.15, subsection 3, paragraph c, Code  
9 1993, is amended to read as follows:

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

16 (1) If the rate of tax paid by the track licensee is six  
17 percent, one-sixth of the tax liability by the track licensee  
18 during the racing season shall be set aside.

19 (2) If the rate of tax paid by the licensee is five  
20 percent, one percent of the gross sum wagered in the racing  
21 season shall be set aside.

22 (3) If the rate of tax paid by the licensee is four  
23 percent, two percent of the gross sum wagered in the racing  
24 season shall be set aside.

25 Sec. 7. Section 124.401, subsection 1, paragraph d, Code  
26 1993, is amended to read as follows:

27 d. Violation of this subsection, with respect to any other  
28 controlled substances, counterfeit substances, or simulated  
29 controlled substances classified in schedule IV or V is an  
30 aggravated misdemeanor. However, violation of this subsection  
31 involving ~~less-than~~ less than fifty kilograms or less of marijuana, is a  
32 class "D" felony, and in addition to the provisions of section  
33 902.9, subsection 4, shall be punished by a fine of not less  
34 than one thousand dollars nor more than five thousand dollars.

35 Sec. 8. Section 161A.42, subsection 11, Code 1993, is

1 amended to read as follows:

2 11. "Soil loss limit" means the maximum amount of soil  
3 loss due to erosion by water or wind, expressed in terms of  
4 tons per acre per year, which the commissioners of the  
5 respective soil and water conservation districts determine is  
6 acceptable in order to meet the objectives expressed in  
7 section ~~467B-1~~ 161A.2.

8 Sec. 9. Section 218.86, Code 1993, is amended to read as  
9 follows:

10 218.86 ABSTRACT OF CLAIMS.

11 ~~When-vouchers~~ Vouchers for expenditures other than salaries  
12 ~~have-been-duly-audited-as-provided-for-in-section-421-31-said~~  
13 ~~audited-vouchers~~ shall be submitted to the director of revenue  
14 and finance, who shall ~~therefrom~~ prepare in triplicate an  
15 abstract of claims submitted showing the name of the claimant,  
16 and the institutions and institutional fund ~~thereof~~ on account  
17 of which the payment is made. ~~Said~~ The claims and abstracts  
18 of claims shall ~~then~~ be returned to ~~such~~ the director of the  
19 department of human services where the correctness of ~~said~~ the  
20 abstracts shall ~~then~~ be certified by the director. The  
21 original abstract shall ~~then~~ be delivered to the director of  
22 revenue and finance, the duplicate to be retained in the  
23 office of ~~such~~ the director of the department of human  
24 services and the triplicate forwarded to the proper  
25 institution to be retained ~~there~~ as a record of claims paid.

26 Sec. 10. Section 421.31, subsection 9, Code 1993, is  
27 amended by striking the subsection.

28 Sec. 11. Section 422.4, subsection 1, paragraph d, Code  
29 1993, is amended to read as follows:

30 d. Notwithstanding the computation of the annual inflation  
31 factor under paragraph "a", the annual inflation factor is one  
32 hundred percent for any calendar year in which the unobligated  
33 state general fund balance on June 30 as certified by the  
34 director of ~~revenue-and-finance~~ the department of management  
35 by October 10, is less than sixty million dollars.

1 Sec. 12. Section 422A.2, subsections 1 and 2, Code 1993,  
2 are amended to read as follows:

3 1. There is created in the ~~office-of-the-treasurer-of~~  
4 state department of revenue and finance a local transient  
5 guest tax fund which shall consist of all moneys credited to  
6 such fund under section 422A.1.

7 2. All moneys in the local transient guest tax fund shall  
8 be remitted at least quarterly by the ~~treasurer-of-state~~  
9 department of revenue and finance, pursuant to rules of the  
10 director of revenue and finance, to each city in the amount  
11 collected from businesses in that city and to each county in  
12 the amount collected from businesses in the unincorporated  
13 areas of the county.

14 Sec. 13. Section 542B.2, unnumbered paragraph 3, Code  
15 1993, is amended to read as follows:

16 The term "~~engineer-in-training~~" "engineer intern" as used  
17 in this chapter ~~shall-mean~~ means a person who passes an  
18 examination in the fundamental engineering subjects, but ~~shall~~  
19 does not entitle the person to claim to be a professional  
20 engineer.

21 Sec. 14. Section 542B.14, subsection 1, paragraph b, Code  
22 1993, is amended to read as follows:

23 b. Successfully passing a written, oral, or written and  
24 oral examination in fundamental engineering subjects which is  
25 designed to show the knowledge of general engineering  
26 principles. A person passing the examination in fundamental  
27 engineering subjects ~~will-be~~ is entitled to a certificate as  
28 an ~~engineer-in-training~~ engineer intern.

29 Sec. 15. Section 713.3, Code 1993, is amended to read as  
30 follows:

31 713.3 BURGLARY IN THE FIRST DEGREE.

32 A person commits burglary in the first degree if, while  
33 perpetrating a burglary in or upon an occupied structure in  
34 which one or more persons are present, the person has  
35 possession of an explosive or incendiary device or material,

1 or a dangerous weapon, or intentionally or recklessly inflicts  
2 bodily injury on any person. Burglary in the first degree is  
3 a class "B" felony.

4 Sec. 16. Section 713.4, Code 1993, is amended to read as  
5 follows:

6 713.4 ATTEMPTED BURGLARY IN THE FIRST DEGREE.

7 A person commits attempted burglary in the first degree if,  
8 while perpetrating an attempted burglary in or upon an  
9 occupied structure in which one or more persons are present,  
10 the person has possession of an explosive or incendiary device  
11 or material, or a dangerous weapon, or intentionally or  
12 recklessly inflicts bodily injury on any person. Attempted  
13 burglary in the first degree is a class "C" felony.

14 Sec. 17. Section 713.5, Code 1993, is amended to read as  
15 follows:

16 713.5 BURGLARY IN THE SECOND DEGREE.

17 A person commits burglary in the second degree in either of  
18 the following circumstances:

19 1. While perpetrating a burglary in or upon an occupied  
20 structure in which no persons are present, the person has  
21 possession of an explosive or incendiary device or material,  
22 or a dangerous weapon, or a bodily injury results to any  
23 person.

24 2. While perpetrating a burglary in or upon an occupied  
25 structure in which one or more persons are present, the person  
26 does not have possession of an explosive or incendiary device  
27 or material, nor a dangerous weapon, and no bodily injury is  
28 caused to any person.

29 Burglary in the second degree is a class "C" felony.

30 Sec. 18. Section 713.6, Code 1993, is amended to read as  
31 follows:

32 713.6 ATTEMPTED BURGLARY IN THE SECOND DEGREE.

33 A person commits attempted burglary in the second degree in  
34 either of the following circumstances:

35 1. While perpetrating an attempted burglary in or upon an

1 occupied structure in which no persons are present, the person  
2 has possession of an explosive or incendiary device or  
3 material, or a dangerous weapon, or a bodily injury results to  
4 any person.

5 2. While perpetrating an attempted burglary in or upon an  
6 occupied structure in which one or more persons are present,  
7 the person does not have possession of an explosive or  
8 incendiary device or material, nor a dangerous weapon, and no  
9 bodily injury is caused to any person.

10 Attempted burglary in the second degree is a class "D"  
11 felony.

12 DIVISION II -- NEW SUBMISSIONS

13 Sec. 19. Section 2B.12, subsection 7, paragraph a, Code  
14 1993, is amended to read as follows:

15 a. All of the statutes of Iowa of a general and permanent  
16 nature which were enacted or amended during that session,  
17 except as provided in subsection 3, and an indication of all  
18 sections repealed during that session, and any amendments to  
19 the Constitution of the State of Iowa ~~passed-by-the-general~~  
20 ~~assembly-in-that-session~~ approved by the voters at the  
21 preceding general election.

22 Sec. 20. Section 13B.4, subsection 6, Code Supplement  
23 1993, is amended to read as follows:

24 6. The state public defender shall report in writing to  
25 the general assembly on January 20 of each year regarding any  
26 funds recouped or collected for court-appointed attorney fees  
27 or expenses of a public defender pursuant to section 331.756,  
28 subsection ~~86~~ 5, or section 602.8107 during the previous  
29 calendar year.

30 Sec. 21. Section 321L.5, subsection 2, Code 1993, is  
31 amended to read as follows:

32 2. A handicapped parking space designated after July 1,  
33 1990, shall ~~be-in-accordance~~ comply with the dimension  
34 ~~requirements of-36-C.F.R.-§-1190.31~~ specified in rules adopted  
35 by the department of public safety and in effect when the

1 spaces are designated. The department shall adopt accepted  
2 national standards for dimensions of handicapped spaces,  
3 consistent with the requirements of federal law. However,  
4 these dimension requirements do not apply to parallel on-  
5 street parking spaces.

6 Sec. 22. Section 421.17, subsection 1, Code Supplement  
7 1993, is amended to read as follows:

8 1. To have and exercise general supervision over the  
9 administration of the assessment and tax laws of the state,  
10 over boards of supervisors and all other officers or boards of  
11 ~~assessment-and-levy~~ in the performance of their official  
12 duties; in all matters relating to assessments and taxation,  
13 to the end that all assessments of property and taxes levied  
14 thereon on the property be made relatively just and uniform in  
15 substantial compliance with the law.

16 Sec. 23. Section 421.17, subsection 2, unnumbered  
17 paragraphs 2 and 3, Code Supplement 1993, are amended to read  
18 as follows:

19 The director may order the reassessment of all or part of  
20 the property in any ~~taxing-district~~ assessing jurisdiction in  
21 any year. Such reassessment shall be made by the local  
22 assessor according to law under the direction of the director  
23 and the cost ~~thereof~~ of making the assessment shall be paid in  
24 the same manner as the cost of making an original assessment.

25 The director shall determine the degree of uniformity of  
26 valuation as between the various ~~taxing-districts~~ assessing  
27 jurisdictions of the state and shall have the authority to  
28 employ competent personnel for the purpose of performing this  
29 duty.

30 Sec. 24. Section 421.17, subsections 15 and 17, Code  
31 Supplement 1993, are amended by striking the subsections.

32 Sec. 25. Section 421.20, unnumbered paragraph 1, Code  
33 1993, is amended to read as follows:

34 The director of revenue and finance may bring actions of  
35 mandamus or injunction or any other proper actions in the

1 district court to compel the performance of any order made by  
2 the director or to require any board of equalization or any  
3 other officer or person to perform any duty required by this  
4 chapter. The director shall commence an action only in the  
5 district court in the county in which the defendant or  
6 defendants in the action perform their official duties.

7 Sec. 26. Section 422.35, subsection 9, Code 1993, is  
8 amended by striking the subsection.

9 Sec. 27. Section 422.42, subsection 12, unnumbered  
10 paragraph 2, Code 1993, is amended to read as follows:

11 For the purposes of this subsection, the sale of carpeting  
12 is not a sale of building materials. The sale of carpeting to  
13 owners, contractors, subcontractors, or builders shall be  
14 treated as the sale of ordinary tangible personal property and  
15 subject to the tax imposed under section 422.43, subsection 1,  
16 and the tax imposed under section 423.2.

17 Sec. 28. Section 423.1, subsection 8, Code Supplement  
18 1993, is amended to read as follows:

19 8. "Retailer maintaining a place of business in this  
20 state" or any like term includes any retailer having or  
21 maintaining within this state, directly or by a subsidiary, an  
22 office, distribution house, sales house, warehouse, or other  
23 place of business, or any agent operating within this state  
24 under the authority of the retailer or its subsidiary,  
25 irrespective of whether such place of business or agent is  
26 located here permanently or temporarily, or whether the  
27 retailer or subsidiary is admitted to do business within this  
28 state pursuant to chapter 490.

29 Sec. 29. Section 423.22, Code Supplement 1993, is amended  
30 to read as follows:

31 423.22 REVOKING PERMITS.

32 If a retailer maintaining a place of business in this  
33 state, or authorized to collect the tax imposed pursuant to  
34 section 423.10, fails to comply with any of the provisions of  
35 this chapter or any orders or rules prescribed and adopted

1 under this chapter, or is substantially delinquent in the  
2 payment of a tax administered by the department or the  
3 interest or penalty on the tax, or if the person is a  
4 corporation and if any officer having a substantial legal or  
5 equitable interest in the ownership of the corporation owes  
6 any delinquent tax of the permit-holding corporation, or  
7 interest or penalty on the tax, administered by the  
8 department, the director may, upon notice and hearing as  
9 provided, by order revoke the permit, if any, issued to the  
10 retailer under section 422.53, or if the retailer is a  
11 corporation authorized to do business in this state under  
12 chapter 490, may certify to the secretary of state a copy of  
13 an order finding that the retailer has failed to comply with  
14 specified provisions, orders, or rules. The secretary of  
15 state shall, upon receipt of the certified copy, revoke the  
16 permit authorizing the corporation to do business in this  
17 state, and shall issue a new permit only when the corporation  
18 has obtained from the director an order finding that the  
19 corporation has complied with its obligations under this  
20 chapter. No order authorized in this section shall be made  
21 until the retailer is given an opportunity to be heard and to  
22 show cause why the order should not be made, and the retailer  
23 shall be given ten days' notice of the time, place, and  
24 purpose of the hearing. The director may issue a new permit  
25 pursuant to section 422.53 after revocation. The preceding  
26 provision applies to users and persons supplying services  
27 enumerated in section 422.43.

28 Sec. 30. Section 499.45, Code Supplement 1993, is amended  
29 to read as follows:

30 499.45 FEES.

31 ~~The following fees~~ A fee of fifty dollars shall be paid to  
32 the secretary of state:

33 ~~1.--Upon~~ upon filing articles of incorporation, amendments,  
34 ~~or renewals thereof, ten dollars for authorized capital stock~~  
35 ~~up to twenty-five thousand dollars, and one dollar per one~~

1 thousand-dollars-or-fraction-in-excess-thereof,-or-ten-dollars  
2 if-there-be-no-capital-stock.

3 2.--Upon-filing-amendments,-one-dollar,-and-if-authorized  
4 capital-stock-is-increased-to-an-amount-exceeding-twenty-five  
5 thousand-dollars,-an-additional-fee-of-one-dollar-per-thousand  
6 dollars-or-fraction-of-such-excess-

7 3.--Upon-filing-all-articles,-renewals,-or-amendments,-a  
8 recording-fee-of-fifty-cents-per-page-

9 Sec. 31. Section 554.9403, subsection 5, Code Supplement  
10 1993, is amended to read as follows:

11 5. The uniform fee for filing and indexing and for  
12 stamping a copy furnished by the secured party to show the  
13 date and place of filing shall be as follows:

14 a. Ten dollars for an original financing statement if the  
15 statement is in the standard form prescribed by the secretary  
16 of state, and otherwise twelve dollars. However, if the  
17 original financing statement is filed electronically in the  
18 office of the secretary of state, the fee shall be eight  
19 dollars if the statement is in the standard form prescribed by  
20 the secretary of state, and otherwise twelve dollars.

21 b. Ten dollars for a continuation statement if the  
22 statement is in the standard form prescribed by the secretary  
23 of state, and otherwise twelve dollars. However, if the  
24 continuation statement is filed electronically in the office  
25 of the secretary of state, the fee shall be eight dollars if  
26 the statement is in the standard form prescribed by the  
27 secretary of state, and otherwise twelve dollars.

28 DIVISION III - H.F. 669 COORDINATING AMENDMENTS

29 Sec. 32. Section 8.60, Code Supplement 1993, is amended to  
30 read as follows:

31 8.60 USE OF DESIGNATED MONEYS.

32 Moneys credited to or deposited in the general fund of the  
33 state on or after July 1, 1993, which under law were pre-  
34 viously collected to be used for specific purposes, or to be  
35 credited to, or be deposited to a particular account or fund

1 shall only be used for the purposes for which the moneys were  
2 collected, including but not limited to moneys collected in  
3 accordance with any of the following provisions:

4 1. Pari-mutuel regulation fund created in section 99D.17,  
5 Code Supplement 1993.

6 2. Gamblers assistance fund pursuant to section 99E.10,  
7 subsection 1, Code Supplement 1993.

8 3. Excursion boat gambling special account pursuant to  
9 section 99F.4, subsection 2, Code Supplement 1993.

10 4. Milk fund created in section 192.111, Code Supplement  
11 1993.

12 5. Dairy trade practices trust fund pursuant to section  
13 192A.30, Code Supplement 1993.

14 6. Commercial feed fund created in section 198.9, Code  
15 Supplement 1993.

16 7. Fertilizer fund created in section 200.9, Code  
17 Supplement 1993.

18 8. Pesticide fund created in section 206.12, Code  
19 Supplement 1993.

20 9. Motor vehicle fraud account pursuant to section 312.2,  
21 subsection 13, Code Supplement 1993.

22 10. Public transit assistance fund pursuant to section  
23 312.2, subsection 15, and section 324A.6, Code Supplement  
24 1993.

25 11. Salvage vehicle fee paid to the Iowa law enforcement  
26 academy pursuant to section 321.52, Code Supplement 1993.

27 12. Railroad assistance fund created in section 327H.18,  
28 Code Supplement 1993.

29 13. Special railroad facility fund created in section  
30 327I.23, Code Supplement 1993.

31 14. State aviation fund created in section 328.36, Code  
32 Supplement 1993.

33 15. Marine fuel tax fund created in section 452A.79, Code  
34 Supplement 1993.

35 16. Public outdoor recreation and resources fund pursuant

1 to section 461A.79, Code Supplement 1993.

2 17. Energy research and development ~~account~~ fund created  
3 in section 473.11, Code Supplement 1993.

4 18. Utilities trust fund created in section 476.10, Code  
5 Supplement 1993.

6 19. Banking revolving fund created in section 524.207,  
7 Code Supplement 1993.

8 20. Credit union revolving fund created in section 533.67,  
9 Code Supplement 1993.

10 21. Professional licensing revolving fund created in  
11 section 546.10, Code Supplement 1993.

12 ~~22. Administrative services trust fund created in section~~  
13 ~~546.11.~~

14 Sec. 33. Section 99D.17, Code Supplement 1993, is amended  
15 to read as follows:

16 99D.17 USE OF FUNDS.

17 Funds received pursuant to sections 99D.14 and 99D.15 shall  
18 be deposited in the ~~pari-mutuel regulation fund created in the~~  
19 ~~racing and gaming commission~~ general fund of the state and  
20 shall be subject to the requirements of section 8.60. These  
21 funds shall first be used to the extent appropriated by the  
22 general assembly. ~~The remainder shall be transferred to the~~  
23 ~~treasurer of state to be deposited in the general fund of the~~  
24 ~~state.~~ The commission is subject to the budget requirements  
25 of chapter 8 and the applicable auditing requirements and  
26 procedures of chapter 11.

27 ~~Notwithstanding the provisions of this section directing~~  
28 ~~that funds received be deposited into the pari-mutuel~~  
29 ~~regulation fund, beginning on July 1, 1991, all funds received~~  
30 ~~shall be deposited into the general fund of the state.~~

31 Sec. 34. Section 99E.10, subsection 1, paragraph a, Code  
32 Supplement 1993, is amended by striking the paragraph and  
33 inserting in lieu thereof the following:

34 a. An amount equal to one-half of one percent of the gross  
35 lottery revenue shall be deposited in the general fund of the

1 state and shall be subject to the requirements of section  
2 8.60. In each fiscal year the first seven hundred fifty  
3 thousand dollars of the moneys under this paragraph shall be  
4 appropriated to and shall be administered by the director of  
5 human services and used to provide assistance and counseling  
6 to individuals and families experiencing difficulty as a  
7 result of gambling losses and to promote awareness of  
8 "gamblers anonymous" and similar assistance programs.

9 Sec. 35. Section 99F.4, subsection 2, Code Supplement  
10 1993, is amended to read as follows:

11 2. To license qualified sponsoring organizations, to  
12 license the operators of excursion gambling boats, to identify  
13 occupations within the excursion gambling boat operations  
14 which require licensing, and to adopt standards for licensing  
15 the occupations including establishing fees for the  
16 occupational licenses and licenses for qualified sponsoring  
17 organizations. The fees shall be paid to the commission and  
18 deposited in ~~a special account~~ of the general fund of the  
19 state. All revenue received by the commission under this  
20 chapter from license fees and admission fees shall be  
21 deposited in ~~the special account~~ in the general fund of the  
22 state and shall be subject to the requirements of section  
23 8.60.

24 ~~Notwithstanding the provisions of this subsection and~~  
25 ~~sections 99F.10 and 99F.17 directing that all license and~~  
26 ~~admission fees be paid to the commission or be deposited into~~  
27 ~~a special account, beginning on July 17, 1991, all fees shall~~  
28 ~~be deposited into the general fund of the state.~~

29 Sec. 36. Section 99F.11, subsection 3, Code 1993, is  
30 amended to read as follows:

31 3. Three percent of the adjusted gross receipts shall be  
32 deposited in the ~~gamblers assistance fund specified in section~~  
33 ~~99F.10, subsection 1, paragraph "a"~~ general fund of the state  
34 and shall be subject to the requirements of section 8.60.

35 Sec. 37. Section 99F.17, subsection 1, Code 1993, is

1 amended to read as follows:

2 1. A manufacturer or distributor of gambling games or  
3 implements of gambling shall annually apply for a license upon  
4 a form prescribed by the commission before the first day of  
5 April in each year and shall submit the appropriate license  
6 fee. An applicant shall provide the necessary information as  
7 the commission requires. The license fee for a distributor is  
8 one thousand dollars, and the license fee for a manufacturer  
9 is two hundred fifty dollars. The license fees shall be  
10 credited to the ~~special-account~~ general fund of the state as  
11 provided for in section 99F.4, subsection 2.

12 Sec. 38. Section 192.111, subsection 3, Code Supplement  
13 1993, is amended to read as follows:

14 3. a. Fees collected under this section and moneys  
15 ~~appropriated-to-the-department-for-dairy-control-shall-be~~  
16 ~~deposited-in-the-milk-fund-which-is-established-in-the-office~~  
17 ~~of-the-treasurer-of-state~~ sections 192.133, 194.14, 194.19,  
18 194.20, and 195.9 shall be deposited in the general fund of  
19 the state. All moneys deposited ~~in-the-milk-fund~~ under this  
20 section are appropriated to the department for the costs of  
21 inspection, sampling, analysis, and other expenses necessary  
22 for the administration of this chapter and chapters 194 and  
23 195, and shall be subject to the requirements of section 8.60.  
24 ~~All-moneys-in-the-milk-fund-are-subject-to-audit-by-the~~  
25 ~~auditor-of-state.--The-milk-fund-is-subject-at-all-times-to~~  
26 ~~warrants-by-the-director-of-revenue-and-finance, drawn-upon~~  
27 ~~written-requisition-of-the-secretary.--Notwithstanding-section~~  
28 ~~8-33, moneys, including interest earned, in the milk fund~~  
29 ~~shall remain from year to year and shall not revert to the~~  
30 ~~general fund.~~

31 b. In each fiscal year, the secretary shall calculate the  
32 balance of funds deposited under this section by subtracting  
33 all moneys expended for the costs of inspection, sampling,  
34 analysis and other expenses necessary for the administration  
35 of this chapter and chapters 194 and 195. If there-is-an

1 unencumbered the calculation shows a balance of funds in the  
2 milk-fund deposited under this section on June 30 of any  
3 fiscal year equal to or exceeding one hundred fifty thousand  
4 dollars, the secretary shall reduce the fees provided for in  
5 subsection 2 of this section and section 194.20 for the next  
6 fiscal year in an amount which will result in an ending  
7 estimated balance of such funds for June 30 of the next fiscal  
8 year of one hundred fifty thousand dollars.

9 ~~c.--Notwithstanding the provisions of paragraph "a" and~~  
10 ~~sections 192.133, 194.14, 194.19, 194.20, and 195.9 directing~~  
11 ~~that fees collected and appropriations made for dairy control~~  
12 ~~be deposited into the milk fund, beginning on July 1, 1991,~~  
13 ~~all fees collected under those sections shall be deposited~~  
14 ~~into the general fund of the state.--All moneys deposited in~~  
15 ~~the general fund under this section shall be appropriated for~~  
16 ~~the costs of inspection, sampling, analysis, and other~~  
17 ~~expenses necessary for the administration of this chapter and~~  
18 ~~chapters 194 and 195.--Such appropriations shall not be~~  
19 ~~deposited into the milk fund.~~

20 Sec. 39. Section 192.133, Code 1993, is amended to read as  
21 follows:

22 192.133 LICENSE TERM -- FEES.

23 A license, unless earlier revoked, is valid until July 1  
24 after the date of its issuance. The maximum fee for a license  
25 is twenty-five dollars, which shall be paid before the license  
26 is issued, and standard test bottles and pipettes shall be  
27 furnished at actual cost. Fees collected under this section  
28 shall be deposited in the milk fund established and used as  
29 required in section 192.111.

30 Sec. 40. Section 192A.30, unnumbered paragraph 2, Code  
31 Supplement 1993, is amended to read as follows:

32 ~~Notwithstanding the provisions of this section, fees~~ Fees  
33 ~~paid to the secretary shall not be deposited into the dairy~~  
34 ~~trade practices trust fund beginning on July 1, 1991, but~~  
35 ~~shall~~ be deposited into the general fund of the state and

1 shall be subject to the requirements of section 8.60.

2 Sec. 41. Section 194.14, Code 1993, is amended to read as  
3 follows:

4 194.14 LICENSE TERM -- FEES.

5 A milk grader's license, unless sooner revoked, is valid  
6 until July 1 after the date of issuance. The maximum fee for  
7 each license is ten dollars, which shall be paid before the  
8 license is issued. Fees collected under this section shall be  
9 deposited ~~in-the-milk-fund-established~~ and used as required in  
10 section 192.111.

11 Sec. 42. Section 194.19, Code 1993, is amended to read as  
12 follows:

13 194.19 LICENSES FOR COLLECTION VEHICLES -- FEES.

14 A vehicle used for the collection of milk for manufacture  
15 of dairy products shall first be licensed by the department.  
16 A license, unless earlier revoked, is valid until July 1 after  
17 the date of its issuance. The maximum fee for a license is  
18 twenty-five dollars, which shall be paid before the license is  
19 issued. A fee shall not be imposed under this section if the  
20 vehicle or its operator has paid the fee imposed upon milk  
21 haulers under section 192.111. Fees collected under this  
22 section shall be deposited ~~in-the-milk-fund-established~~ and  
23 used as required in section 192.111. This section does not  
24 apply to individuals transporting their own dairy products.

25 By applying for ~~said~~ the license, the applicant consents to  
26 abide by all laws set forth in this chapter and the rules and  
27 regulations which may be promulgated to implement these laws  
28 in the case of all milk obtained from Iowa producers for  
29 manufacture of dairy products.

30 The provisions of section 189.28 shall not apply to milk  
31 for manufacture of dairy products.

32 Sec. 43. Section 194.20, Code 1993, is amended to read as  
33 follows:

34 194.20 INSPECTION FEES -- GRADE "B" MILK.

35 A purchaser of milk from a grade "B" milk producer shall

1 pay an inspection fee not greater than one-half cent per  
2 hundredweight. The fee is payable monthly to the department  
3 at a time prescribed by the department. Fees collected under  
4 this section shall be deposited ~~in the milk fund established~~  
5 and used as required in section 192.111.

6 Sec. 44. Section 195.9, Code 1993, is amended to read as  
7 follows:

8 195.9 LICENSE TERM -- FEES.

9 A license, unless sooner revoked, is valid until July 1  
10 after the date of its issuance. The maximum fee for a license  
11 is twenty-five dollars which shall be paid before the license  
12 is issued. Fees collected under this section shall be  
13 deposited ~~in the milk fund established~~ and used as required in  
14 section 192.111.

15 Sec. 45. Section 198.9, subsection 3, Code Supplement  
16 1993, is amended to read as follows:

17 3. Fees collected shall ~~constitute a fund~~ be deposited in  
18 the general fund of the state and shall be subject to the  
19 requirements of section 8.60. Moneys deposited under this  
20 section shall be used for the payment of the costs of  
21 inspection, sampling, analysis, supportive research, and other  
22 expenses necessary for the administration of this chapter.

23 If there is an unencumbered balance of funds ~~in the~~  
24 ~~commercial feed fund~~ from the fees deposited under this  
25 section on June 30 of any fiscal year equal to or exceeding  
26 one hundred thousand dollars, the secretary of agriculture  
27 shall reduce the per ton fee provided for in subsection 1 for  
28 the next fiscal year in such amount as will result in an  
29 ending estimated balance of the fees deposited less costs paid  
30 for from those fees for June 30 of the next fiscal year of one  
31 hundred thousand dollars.

32 The secretary shall publish a report not later than  
33 September 1 of each year. The report shall provide a detailed  
34 accounting of all sources of revenue deposited under and all  
35 dispositions of funds ~~utilized by the commercial feed trust~~

1 fund expended under this section. The report shall detail  
2 full-time equivalent positions used in fulfilling the  
3 requirements of this chapter. The report shall also indicate  
4 to what extent any full-time equivalent positions are shared  
5 with other programs. Copies of the report issued by the  
6 secretary pursuant to this subsection shall be delivered each  
7 year to the members of the house of representatives and senate  
8 standing committees on agriculture.

9 ~~Notwithstanding the provisions of this subsection directing~~  
10 ~~that fees collected be deposited into the commercial feed~~  
11 ~~fund, beginning on July 1, 1991, all fees collected shall be~~  
12 ~~deposited into the general fund of the state.~~

13 Sec. 46. Section 200.8, subsection 3, Code 1993, is  
14 amended to read as follows:

15 3. If there is an unencumbered balance of funds ~~in the~~  
16 ~~fertilizer fund~~ from the amount of the fees deposited in the  
17 general fund pursuant to sections 200.9 and 201.13 on June 30  
18 of any fiscal year equal to or exceeding three hundred fifty  
19 thousand dollars, the secretary of agriculture shall reduce  
20 the per ton fee provided for in subsection 1 and the annual  
21 license fee established pursuant to section 201.3 for the next  
22 fiscal year in such amount as will result in an ending  
23 estimated balance of such funds for June 30 of the next fiscal  
24 year of three hundred fifty thousand dollars.

25 Sec. 47. Section 200.9, Code Supplement 1993, is amended  
26 to read as follows:

27 200.9 FERTILIZER FUND FEES.

28 Fees collected for licenses and inspection fees under  
29 sections 200.4 and 200.8, with the exception of those fees  
30 collected for deposit in the agriculture management account of  
31 the groundwater protection fund, shall be deposited in the  
32 ~~treasury to the credit of the fertilizer fund to~~ general fund  
33 of the state and shall be subject to the requirements of  
34 section 8.60. Moneys deposited under this section to the  
35 general fund shall be used only by the department for the

1 purpose of inspection, sampling, analysis, preparation, and  
2 publishing of reports and other expenses necessary for  
3 administration of this chapter. The secretary may assign  
4 moneys to the Iowa agricultural experiment station for  
5 research, work projects, and investigations as needed for the  
6 specific purpose of improving the regulatory functions for  
7 enforcement of this chapter.

8 ~~Notwithstanding the provisions of this section and section~~  
9 ~~201.13 directing that those fees collected under sections~~  
10 ~~200.4 and 200.8 and moneys received under chapter 201 be~~  
11 ~~deposited into the fertilizer fund, beginning on July 1, 1991,~~  
12 ~~all such fees and moneys shall be deposited into the general~~  
13 ~~fund of the state. -- Moneys received under chapter 201 and~~  
14 ~~deposited into the general fund of the state as a result of~~  
15 ~~this paragraph are appropriated for purposes of section~~  
16 ~~201.13.~~

17 Sec. 48. Section 201.13, Code 1993, is amended to read as  
18 follows:

19 201.13 MONEYS TO FERTILIZER GENERAL FUND -- PERIODIC  
20 REPORT.

21 The moneys received under this chapter shall be deposited  
22 in the ~~fertilizer fund as established pursuant to chapter 200,~~  
23 to general fund of the state and shall be subject to the  
24 requirements of section 8.60. Moneys deposited under this  
25 section shall be used by the department of agriculture and  
26 land stewardship only for the purpose of inspection, sampling,  
27 analyzing, preparing and publishing of reports, and other  
28 expenses necessary for the administration of this chapter.  
29 The secretary shall issue an annual report showing a statement  
30 of moneys received from license and testing fees, and a  
31 biennial report which shall be made available to the public  
32 showing the certifications of the effective calcium carbonate  
33 equivalent for all agricultural lime, limestone, or aglime  
34 certified as provided in this chapter. The report shall list  
35 the manufacturers and producers and their locations. Copies

1 of all reports issued by the secretary pursuant to this  
2 section shall be sent to the members of the house of  
3 representatives and senate standing committees on agriculture.

4 Sec. 49. Section 206.12, subsection 3, Code Supplement  
5 1993, is amended to read as follows:

6 3. The registrant, before selling or offering for sale any  
7 pesticide for use in this state, shall register each brand and  
8 grade of such pesticide with the secretary upon forms  
9 furnished by the secretary, and the secretary shall set the  
10 registration fee annually at one-fifth of one percent of gross  
11 sales within this state with a minimum fee of two hundred  
12 fifty dollars and a maximum fee of three thousand dollars for  
13 each and every brand and grade to be offered for sale in this  
14 state except as otherwise provided. The annual registration  
15 fee for products with gross annual sales in this state of less  
16 than one million five hundred thousand dollars shall be the  
17 greater of two hundred fifty dollars or one-fifth of one  
18 percent of the gross annual sales as established by affidavit  
19 of the registrant. The secretary shall adopt by rule  
20 exemptions to the minimum fee. Fifty dollars of each fee  
21 collected shall be deposited in the ~~treasury-to-the-credit-of~~  
22 ~~the-pesticide-fund-to~~ general fund of the state, shall be  
23 subject to the requirements of section 8.60, and shall be used  
24 only for the purpose of enforcing the provisions of this  
25 chapter and the remainder of each fee collected shall be  
26 placed in the agriculture management account of the  
27 groundwater protection fund.

28 ~~Notwithstanding the provisions of this subsection directing~~  
29 ~~that fifty dollars of each fee collected be deposited into the~~  
30 ~~pesticide fund, beginning on July 1, 1991, fifty dollars of~~  
31 ~~each fee collected shall be deposited into the general fund of~~  
32 ~~the state.~~

33 Sec. 50. Section 312.2, subsections 13 and 15, Code  
34 Supplement 1993, are amended to read as follows:

35 13. The treasurer of state, before making the allotments

1 provided for in this section, shall credit annually to the  
2 ~~department-of-justice~~ general fund of the state from revenues  
3 credited to the road use tax fund under section 423.24,  
4 subsection 1, paragraph "d", an amount equal to twenty-five  
5 cents on each title issuance for motor vehicle fraud law  
6 enforcement and prosecution purposes including, but not  
7 limited to, the enforcement of state and federal odometer  
8 laws. Moneys deposited to the general fund under this  
9 subsection are subject to the requirements of section 8.60.

10 ~~Notwithstanding the provisions of this subsection directing~~  
11 ~~that twenty-five cents on each title issuance be annually~~  
12 ~~credited to the department of justice for deposit into the~~  
13 ~~motor vehicle fraud account, beginning on July 1, 1991, the~~  
14 ~~twenty-five cents on each title issuance shall be deposited~~  
15 ~~into the general fund of the state.~~

16 15. The treasurer of state, before making the allotments  
17 provided for in this section, shall credit monthly from the  
18 road use tax fund to the ~~public transit assistance fund,~~  
19 general fund of the state from  
20 revenue credited to the road use tax fund under section  
21 423.24, subsection 1, paragraph "d", an amount equal to one-  
22 twentieth of eighty percent of the revenue from the operation  
23 of section 423.7.

24 ~~Notwithstanding the provisions of this subsection directing~~  
25 ~~that one twentieth of eighty percent of the revenue derived~~  
26 ~~from the operation of section 423.7 be deposited into the~~  
27 ~~public transit assistance fund, beginning on July 1, 1991,~~  
28 ~~such amount shall be deposited into the general fund of the~~  
29 ~~state.~~ There is appropriated from the general fund of the  
30 state for each fiscal year to the state department of  
31 transportation the amount of revenues credited to the general  
32 fund of the state during the fiscal year under this subsection  
33 to be used for purposes of public transit assistance under  
34 chapter 324A.

35 Sec. 51. Section 321.52, subsection 4, paragraph c, Code

1 Supplement 1993, is amended to read as follows:

2 c. A salvage theft examination shall be made by a peace  
3 officer who has been specially certified and recertified when  
4 required by the Iowa law enforcement academy to do salvage  
5 theft examinations. The Iowa law enforcement academy shall  
6 determine standards for training and certification, conduct  
7 training, and may approve alternative training programs which  
8 satisfy the academy's standards for training and  
9 certification. The owner of the salvage vehicle shall make  
10 the vehicle available for examination at a time and location  
11 designated by the peace officer doing the examination. The  
12 owner may obtain a permit to drive the vehicle to and from the  
13 examination location by submitting a repair affidavit to the  
14 agency performing the examination stating that the vehicle is  
15 reasonably safe for operation and listing the repairs which  
16 have been made to the vehicle. The owner must be present for  
17 the examination and have available for inspection the salvage  
18 title, bills of sale for all essential parts changed, and the  
19 repair affidavit. The examination shall be for the purposes  
20 of determining whether the vehicle or repair components have  
21 been stolen. The examination is not a safety inspection and a  
22 signed salvage theft examination certificate shall not be  
23 construed by any court of law to be a certification that the  
24 vehicle is safe to be operated. There shall be no cause of  
25 action against the peace officer or the agency conducting the  
26 examination or the county treasurer for failure to discover or  
27 note safety defects. If the vehicle passes the theft  
28 examination, the peace officer shall indicate that the vehicle  
29 passed examination on the salvage theft examination  
30 certificate. The permit and salvage theft examination  
31 certificate shall be on controlled forms prescribed and  
32 furnished by the department. The owner shall pay a fee of  
33 thirty dollars upon completion of the examination. The agency  
34 performing the examinations shall retain twenty dollars of the  
35 fee and shall pay five dollars of the fee to the department

1 and five dollars of the fee to the treasurer of state for  
2 deposit in the general fund of the state. Moneys deposited to  
3 the general fund under this paragraph are subject to the  
4 requirements of section 8.60 and shall be used by the Iowa law  
5 enforcement academy to provide for the special training,  
6 certification, and recertification of officers as required by  
7 this subsection.

8 The provision of this subsection requiring a salvage theft  
9 examination by a peace officer specially certified or  
10 recertified by the Iowa law enforcement academy to do salvage  
11 theft examinations shall become effective July 1, 1989.  
12 Salvage theft examinations conducted before July 1, 1989,  
13 shall be made by peace officers authorized to do so by the  
14 state department of transportation or the department of public  
15 safety who are qualified, as determined by those agencies, to  
16 conduct salvage theft examinations. The state department of  
17 transportation shall adopt rules in accordance with chapter  
18 17A to carry out this section, including transition rules  
19 allowing for salvage theft examinations prior to July 1, 1989.

20 ~~Notwithstanding the provisions of this lettered paragraph~~  
21 ~~directing that five dollars of each fee be paid to the Iowa~~  
22 ~~law enforcement academy, beginning on July 1, 1991, such five~~  
23 ~~dollars shall be deposited into the general fund of the state.~~

24 Sec. 52. Section 324A.6, subsections 1 and 4, Code  
25 Supplement 1993, are amended to read as follows:

26 1. ~~There is established a public transit assistance fund~~  
27 ~~in the office of the treasurer of state. Moneys in this fund~~  
28 appropriated for purposes of public transit assistance under  
29 this chapter shall be expended for providing assistance to  
30 public transit for the development, improvement, and  
31 maintenance of public transit systems. ~~Unencumbered moneys~~  
32 ~~appropriated by the general assembly for the implementation of~~  
33 ~~a state assistance plan shall be deposited in the public~~  
34 ~~transit assistance fund. Moneys received by the department by~~  
35 ~~agreements, grants, gifts, or other means from individuals,~~

1 companies or other business entities, or cities and counties  
2 for the purposes stated in this section shall be credited to  
3 the public-transit-assistance general fund of the state.

4 ~~Notwithstanding the provisions of this section and section~~  
5 ~~312.2, subsection 15, directing that moneys be deposited into~~  
6 ~~the public-transit-assistance fund, beginning on July 1, 1991,~~  
7 ~~all such moneys under these sections shall be deposited into~~  
8 ~~the general fund of the state. There is appropriated from~~  
9 ~~moneys~~ Moneys received by the department by agreements,  
10 grants, gifts, or other means and deposited into the state  
11 general fund as a result of this paragraph subsection are  
12 appropriated to the department for purposes of this  
13 subsection. ~~Moneys appropriated from the general fund under~~  
14 ~~this paragraph and section 312.2, subsection 15, shall not be~~  
15 ~~deposited into the public-transit-assistance fund.~~

16 ~~4. Moneys deposited in the public-transit-assistance fund~~  
17 ~~are not subject to sections 8.33 and 8.39.~~

18 Sec. 53. Section 327H.18, Code Supplement 1993, is amended  
19 to read as follows:

20 327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED.

21 ~~There is established a railroad assistance fund in the~~  
22 ~~office of the treasurer of state. Moneys in this fund~~  
23 provided to the department for railroad assistance under this  
24 chapter shall be expended for providing assistance for the  
25 restoration, conservation, improvement, and construction of  
26 railroad main lines, branch lines, switching yards and  
27 sidings. Any unencumbered funds appropriated by the general  
28 assembly for branch line railroad assistance shall be  
29 deposited in the railroad assistance fund. However, not more  
30 than twenty percent of the funds appropriated to the  
31 department for railroad assistance fund from the general fund  
32 of the state in any fiscal year shall be used for restoration,  
33 conservation, improvement, and construction of railroad main  
34 lines, switching yards and sidings. Any moneys received by  
35 the department by agreements, grants, gifts, or other means

1 from individuals, companies, business entities, cities, or  
2 counties for the purposes of this section shall be credited to  
3 the railroad-assistance general fund of the state.

4 ~~Notwithstanding the provisions of~~ Moneys received by or  
5 reimbursements made to the department pursuant to this section  
6 and sections 327I.7, subsection 14, and 327H.20 ~~directing that~~  
7 ~~moneys received or reimbursements made be deposited into the~~  
8 ~~railroad-assistance fund, beginning on July 1, 1991, such~~  
9 moneys shall be deposited into the general fund of the state  
10 and all moneys received by the department by agreements,  
11 grants, gifts, or other means which were deposited into the  
12 state general fund as a result of this paragraph section are  
13 appropriated for state railroad assistance under this chapter.  
14 ~~Such appropriations shall not be deposited into the railroad~~  
15 ~~assistance fund~~ Moneys deposited into the general fund of the  
16 state pursuant to this section are subject to the requirements  
17 of section 8.60.

18 Sec. 54. Section 327H.20, Code 1993, is amended to read as  
19 follows:

20 327H.20 ASSISTANCE AGREEMENTS.

21 The department may enter into agreements with railroad  
22 corporations, the United States government, cities, counties,  
23 and other persons for carrying out the purposes of this  
24 chapter. Agreements entered into between the department and  
25 railroad corporations under this section may require a  
26 railroad corporation to reimburse all or part of the costs  
27 paid from ~~the railroad-assistance fund~~ funds provided by the  
28 department from revenue derived from all railroad cars and  
29 traffic using the main line, branch line, switching yard or  
30 sidings defined in the agreement. An agreement which does not  
31 require the repayment of railroad assistance funds used for  
32 rehabilitation projects shall require the railroad corporation  
33 to establish and maintain a separate corporation account to  
34 which an amount equal to all or part of the costs paid from  
35 ~~the railroad-assistance fund~~ funds provided by the department

1 shall be credited from revenue derived from all railroad cars  
2 and traffic using the main line, branch line, switching yard,  
3 or siding defined in the agreement. Credits to the  
4 corporation account by the railroad corporation may be used  
5 for the restoration, conservation, improvement, and  
6 construction of the railroad corporation's main line, branch  
7 lines, switching yards, and sidings within the state. The  
8 agreement shall stipulate the terms and conditions governing  
9 the use of credits to the corporation account as well as a  
10 penalty for the use of the account in a manner other than as  
11 provided in the agreement.

12 With the department's approval, a city may appropriate  
13 money from its general fund to the railroad-assistance-fund  
14 department. The department may agree to pay partial or total  
15 reimbursement to a city or county which appropriates money to  
16 the railroad-assistance-fund department. Money appropriated  
17 to the railroad-assistance-fund department from a city or  
18 county shall be used only as provided in section 327H.18 and  
19 within the city or county providing the money.

20 Moneys appropriated to the department by a city, county, or  
21 railroad district which are unexpended or unobligated  
22 following the expiration of an agreement shall be repaid to  
23 the city, county, or railroad district.

24 Sec. 55. Section 327H.25, Code 1993, is amended to read as  
25 follows:

26 327H.25 ~~TRANSFER-OF-DUTIES~~ ENERGY POLICY COUNCIL  
27 AGREEMENTS.

28 ~~The administration of the railroad-assistance-fund shall be~~  
29 ~~transferred from the energy policy council to the department~~  
30 ~~not later than July 1, 1976.~~ All agreements for railroad  
31 assistance entered into by the energy policy council with  
32 railroads and other persons shall be carried out by the  
33 department.

34 Sec. 56. Section 327I.4, subsections 11 and 15, Code 1993,  
35 are amended to read as follows:

1 11. "Pledged receipts" means the revenues and receipts  
2 received or to be received by the authority from the lease,  
3 operation or sale or disposition of railway facilities; from  
4 loan or other agreements relating to financial assistance;  
5 from grants, gifts or payments on guarantees made to the  
6 authority by any person; from accrued interest received from  
7 the sale of obligations; from income from the investment of  
8 special funds of the authority, ~~including the special railroad~~  
9 ~~facility fund~~; from the revenues and receipts deposited in the  
10 special railroad facility fund; and from any other moneys  
11 which are available for the payment of bond service charges.

12 ~~15. "Special railroad facility fund" means the fund~~  
13 ~~created in section 327I.23.~~

14 Sec. 57. Section 327I.7, subsections 14, 20, and 21, Code  
15 1993, are amended to read as follows:

16 14. Extend financial assistance for the purpose of  
17 providing for project costs. Make interest-free loans for  
18 rehabilitation of railway tracks, roadbeds, or trestles to  
19 persons which have repaid in part the original loan from the  
20 authority which was made for the purpose of the acquisition or  
21 rehabilitation of railway tracks, roadbeds, or trestles.  
22 However, an interest-free loan to a person shall not exceed  
23 the amount repaid of the original loan made to that person and  
24 one-half of the amount of the interest-free loan repaid to the  
25 authority shall be credited to the railroad assistance general  
26 fund established in section 327H.18 of the state.

27 ~~20. Pledge any funds contained in the special railroad~~  
28 ~~facility fund to the payment of and as security for~~  
29 ~~obligations issued under this chapter.~~

30 ~~21. Invest moneys in the special railroad facility fund in~~  
31 ~~general or limited partnership interests in a partnership~~  
32 ~~formed to purchase, renovate, and operate a railway facility.~~

33 Sec. 58. Section 327I.9, unnumbered paragraph 1, Code  
34 1993, is amended to read as follows:

35 Except as provided in this chapter, all obligations are

1 payable solely out of the pledged receipts as designated in  
2 the bond proceedings. Tax funds which the authority receives  
3 from a political subdivision of the state shall not be pledged  
4 for payment of the obligations. Except for those tax funds  
5 deposited in the ~~special-railroad-facility~~ general fund of the  
6 state as provided in section 327I.23, subsection 2, or other  
7 tax funds available pursuant to section 327I.26, the state  
8 shall not appropriate tax funds, directly or indirectly, to  
9 the authority for the purpose of payment of obligations of the  
10 authority. Obligations shall be authorized by resolution of  
11 the board and bond proceedings shall provide for the purpose  
12 of the obligations, the principal amount, the principal  
13 maturity or maturities, not exceeding twenty-five years from  
14 the date of issuance, the interest rate or rates or the  
15 maximum interest rate, the date of the obligations and the  
16 dates of payment of interest on them, their denomination, and  
17 the establishment within or without the state of a place or  
18 places of payment of bond service charges. As much as is  
19 practicable within the legal and fiscal limitations inherent  
20 in bond issuance, a portion of the bonds shall be issued in  
21 denominations of five thousand dollars and smaller, in order  
22 to allow smaller investors in the state to purchase the bonds.

23 Sec. 59. Section 327I.12, Code 1993, is amended to read as  
24 follows:

25 327I.12 PAYMENT OF OBLIGATIONS -- NONLIABILITY OF STATE.  
26 Obligations issued under this chapter, and judgments based  
27 on contract or tort arising from the activities of the  
28 authority or persons acting on its behalf, are not a debt or  
29 liability of the state or of any political subdivision within  
30 the meaning of any constitutional or statutory debt limitation  
31 and are not a pledge of the state's credit or taxing power  
32 within the meaning of any constitutional or statutory  
33 limitation or provision and no appropriation shall be made,  
34 directly or indirectly, by the state or any political  
35 subdivision of the state for the payment of the obligations or

1 judgments or to fund any deficiency in the ~~special-railroad~~  
 2 ~~facility-fund~~ any special funds, or for the indemnification of  
 3 a person subject to a judgment arising from that person's  
 4 actions on the authority's behalf. These obligations and  
 5 judgments are special obligations of the authority payable  
 6 solely and only from the sources and special funds provided in  
 7 this chapter. Funds from the general fund of the state shall  
 8 not be used to pay interest or principal on obligations of the  
 9 authority in the event that receipts from the taxes ~~designated~~  
 10 ~~for-deposit-in-the-special-railroad-facility-fund~~ available as  
 11 provided in section 327I.23, subsection 2, and section 327I.26  
 12 are insufficient.

13 Sec. 60. Section 327I.23, subsections 1 and 2, Code  
 14 Supplement 1993, are amended to read as follows:

15 1. ~~There-is-created-in-the-office-of-the-state-treasurer-a~~  
 16 ~~"special-railroad-facility-fund".--This-fund-shall-include~~  
 17 ~~moneys-which-by-law-may-be-credited-to-the-special-railroad~~  
 18 ~~facility-fund.--The-moneys-in-the-special-railroad-facility~~  
 19 ~~fund-are-appropriated-to-and-for-the-purposes-of-the-authority~~  
 20 ~~as-provided-in-this-chapter.--The-funds-in-the-special~~  
 21 ~~railroad-facility-fund-shall-not-be-considered-as-a-part-of~~  
 22 ~~the-general-fund-of-the-state,--are-not-subject-to~~  
 23 ~~appropriation-for-any-other-purpose-by-the-general-assembly,~~  
 24 ~~and-in-determining-a-general-fund-balance-shall-not-be~~  
 25 ~~included-in-the-general-fund-of-the-state-but-shall-remain-in~~  
 26 ~~the-special-railroad-facility-fund-to-be-used-for-the-purposes~~  
 27 ~~set-forth-in-this-section.--The-treasurer-of-state-shall-act~~  
 28 ~~as-custodian-of-the-fund-and-disburse-amounts-contained-in-it~~  
 29 ~~as-directed-by-the-authority.--The-treasurer-of-state-is~~  
 30 ~~authorized-to-invest-the-funds-deposited-in-the-special~~  
 31 ~~railroad-facility-fund-at-the-direction-of-the-authority-and~~  
 32 ~~subject-to-any-limitations-contained-in-the-bond-proceedings.~~  
 33 ~~The-income-from-the-investment-shall-be-credited-to-and~~  
 34 ~~deposited-in-the-special-railroad-facility-fund.--This-fund~~  
 35 Moneys available, by appropriation or otherwise, to the

1 authority for purposes of this chapter shall be administered  
2 by the authority and may be used to purchase or upgrade  
3 railroad right-of-way and trackage facilities or to purchase  
4 general or limited partnership interests in a partnership  
5 formed to purchase, upgrade, or operate railroad right-of-way  
6 and trackage facilities, to pay or secure obligations issued  
7 by the authority, to pay obligations, judgments, or debts for  
8 which the authority becomes liable in its capacity as a  
9 general partner, or for any other use authorized under this  
10 chapter. The fund moneys may also be used to purchase or  
11 upgrade railroad right-of-way and trackage facilities for the  
12 development of railroad passenger tourism.

13 2. Moneys received from repayment from heartland rail  
14 corporation as provided in 1983 Iowa Acts, chapter 198,  
15 section 32, as amended by 1987 Iowa Acts, chapter 232, section  
16 28, and 1988 Iowa Acts, chapter 1211, section 6, shall be  
17 deposited in a separate account within the ~~special-railroad~~  
18 ~~facility-fund-and-shall~~ general fund of the state and are  
19 appropriated to the authority to be used by the authority only  
20 for debt service or rehabilitation on branch rail lines whose  
21 total projected traffic is at least fifty percent agricultural  
22 products.

23 Sec. 61. Section 327I.23, subsection 3, Code Supplement  
24 1993, is amended by striking the subsection.

25 Sec. 62. Section 327I.25, unnumbered paragraph 1, Code  
26 1993, is amended to read as follows:

27 The authority shall certify to the treasurer of state  
28 amounts of money necessary for payment of principal and  
29 interest by the authority on obligations issued on or after  
30 July 1, 1988, or to make payments on leases guaranteed by the  
31 authority on or after July 1, 1988. However, certification  
32 shall only be made under this section when there are  
33 insufficient moneys available to the authority for the payment  
34 ~~from-moneys-credited-to-the-special-railroad-facility-fund-or~~  
35 ~~other-sources-available-to-the-authority~~ of such principal and

1 interest or the payment of such leases.

2 Sec. 63. Section 327I.26, Code 1993, is amended to read as  
3 follows:

4 327I.26 APPROPRIATION TO AUTHORITY.

5 Notwithstanding section 423.24 and prior to the application  
6 of section 423.24, subsection 1, paragraph "e d", there shall  
7 be deposited into the general fund of the state and is  
8 appropriated to the authority from eighty percent of the  
9 revenues derived from the operation of section 423.7 the  
10 amounts certified by the authority under section 327I.25.  
11 However, the total amount credited deposited into the general  
12 fund and appropriated to the Iowa railway finance authority  
13 under this section shall not exceed two million dollars  
14 annually. Moneys credited appropriated to the Iowa railway  
15 finance authority under this section are appropriated only for  
16 the payment of principal and interest on obligations or the  
17 payment of leases guaranteed by the authority as provided  
18 under section 327I.25.

19 Sec. 64. Section 328.12, subsection 1, Code 1993, is  
20 amended to read as follows:

21 1. Promotion of aeronautics. Encourage, foster, and  
22 assist in the general development and promotion of aeronautics  
23 in this state, and make disbursements from ~~the-state-aviation~~  
24 fund moneys available for such purposes.

25 Sec. 65. Section 328.24, Code 1993, is amended to read as  
26 follows:

27 328.24 REFUNDS OF FEES.

28 If, during the year for which an aircraft, except  
29 nonresident aircraft used for the application of herbicides  
30 and pesticides, was registered and the required fee paid the  
31 aircraft is destroyed by fire or accident or junked, and its  
32 identity as an aircraft entirely eliminated, or it is removed  
33 and continuously used beyond the boundaries of the state, then  
34 the owner in whose name it was registered at the time of  
35 destruction, dismantling, or removal from the state shall

1 return the certificate of registration to the department  
2 within ten days and make affidavit of ~~such~~ the destruction,  
3 dismantling, or removal and make claim for the refund. The  
4 refund shall be paid from the ~~state-aviation~~ general fund of  
5 the state.

6 The registration fee for the unexpired portion of the year  
7 shall be refunded pro rata to the nearest full calendar month,  
8 except that a refund shall not be allowed if the unused  
9 portion of the fee is less than thirty-five dollars per  
10 aircraft.

11 Sec. 66. Section 328.36, Code Supplement 1993, is amended  
12 by striking the section and inserting in lieu thereof the  
13 following:

14 328.36 DEPOSIT AND USE OF REVENUES.

15 All moneys received by the department pursuant to section  
16 328.21 or other sections of this chapter and those moneys  
17 remaining after the cost of administering the aviation fuel  
18 tax fund as provided in section 452A.82 shall be deposited  
19 into the general fund of the state and shall be subject to the  
20 requirements of section 8.60.

21 Sec. 67. Section 452A.79, unnumbered paragraph 2, Code  
22 Supplement 1993, is amended to read as follows:

23 ~~A-separate-fund-is-created-and-designated-as-the-"marine~~  
24 ~~fuel-tax-fund"~~. All moneys derived from the excise tax on the  
25 sale of motor fuel used in watercraft shall be deposited in  
26 the ~~marine-fuel-tax~~ general fund of the state. Moneys ~~in-the~~  
27 fund deposited to the general fund under this section and  
28 section 452A.84 are subject to the requirements of section  
29 8.60 and are subject to appropriation by the general assembly  
30 to the department of natural resources for use in its  
31 recreational boating program, which may include but is not  
32 limited to:

33 Sec. 68. Section 452A.79, unnumbered paragraph 3, Code  
34 Supplement 1993, is amended by striking the unnumbered  
35 paragraph.

1 Sec. 69. Section 452A.82, Code 1993, is amended to read as  
2 follows:

3 452A.82 AVIATION FUEL TAX FUND.

4 The portion of the moneys collected under this chapter  
5 received on account of aviation gasoline and special fuel used  
6 in aircraft shall be deposited in a separate fund to be  
7 maintained by the treasurer. All moneys remaining in the  
8 separate fund after the cost of administering the fund ~~have~~  
9 has been paid shall be credited to the state-aviation general  
10 fund of the state.

11 Sec. 70. Section 452A.84, Code 1993, is amended to read as  
12 follows:

13 452A.84 TRANSFER TO MARINE-FUEL-TAX STATE GENERAL FUND.

14 The treasurer of state shall transfer from the motor fuel  
15 tax fund to the ~~marine-fuel-tax-fund-created-in-section~~  
16 452A.79 general fund of the state that portion of moneys  
17 collected under this chapter attributable to motor fuel used  
18 in watercraft computed as follows:

19 1. Determine monthly the total amount of motor fuel tax  
20 collected under this chapter and multiply the amount by nine-  
21 tenths of one percent.

22 2. Subtract from the figure computed pursuant to  
23 subsection 1 of this section three percent of the figure for  
24 administrative costs and further subtract from the figure the  
25 amounts refunded to commercial fishers pursuant to ~~subsection~~  
26 13-of section 452A.17, subsection 13. All moneys remaining  
27 after claims for refund and the cost of administration have  
28 been made shall be transferred to the marine-fuel-tax general  
29 fund of the state.

30 Sec. 71. Section 456A.17, Code 1993, is amended to read as  
31 follows:

32 456A.17 FUNDS.

33 The following ~~five~~ four funds are created in the state  
34 treasury:

35 1. A state fish and game protection fund.

1 2. A state conservation fund.

2 3. An administration fund.

3 4. ~~A-public-outdoor-recreation-and-resources-fund;~~

4 5. A county conservation board fund.

5 The state fish and game protection fund, except as  
6 otherwise provided, consists of all moneys accruing from  
7 license fees and all other sources of revenue arising under  
8 the fish and wildlife division. Notwithstanding section  
9 12C.7, subsection 2, interest or earnings on investments or  
10 time deposits of the funds moneys in the state fish and game  
11 protection fund ~~and-the-public-outdoor-recreation-and~~  
12 ~~resources-fund~~ shall be credited to ~~those-funds-respectively~~  
13 that fund.

14 The ~~public-outdoor-recreation-and-resources-fund-and-the~~  
15 county conservation board fund ~~consist~~ consists of all moneys  
16 credited to ~~them~~ it by law or appropriated to ~~them~~ it by the  
17 general assembly.

18 The conservation fund, except as otherwise provided,  
19 consists of all other funds accruing to the department for the  
20 purposes embraced by this chapter.

21 The administration fund shall consist of an equitable  
22 portion of the gross amount of the state fish and game  
23 protection fund and the state conservation fund, to be  
24 determined by the commission, sufficient to pay the expense of  
25 administration entailed by this chapter.

26 All receipts and refunds and reimbursements related to  
27 activities funded by the administration fund are appropriated  
28 to the administration fund. All refunds and reimbursements  
29 relating to activities of the state fish and game protection  
30 fund shall be credited to the state fish and game protection  
31 fund.

32 Sec. 72. Section 456A.19, unnumbered paragraph 7, Code  
33 1993, is amended by striking the unnumbered paragraph.

34 Sec. 73. Section 461A.79, Code Supplement 1993, is amended  
35 to read as follows:

1 461A.79 PUBLIC OUTDOOR RECREATION AND RESOURCES FUND.

2 1. Fifty percent of the funds ~~credited-to-the~~ appropriated  
3 for purposes of this section for public outdoor recreation and  
4 resources fund shall be expended on land acquisition and  
5 capital improvements in carrying out ~~the-provisions-of~~ this  
6 chapter. Acquisition projects, both fee-simple and less-than-  
7 fee, from willing sellers, may be for purposes of  
8 establishment or expansion of state parks, public hunting  
9 areas, natural areas, public fishing areas, water access  
10 sites, trail corridors, and other acquisition projects that  
11 are in accord with this chapter. Notwithstanding the  
12 exemption provided by section 427.1, land acquired under this  
13 subsection is subject to the full consolidated levy of  
14 property taxes which shall be paid from revenues available to  
15 be expended under this subsection. Capital improvements may  
16 be either new developments or rehabilitative in nature. Lake  
17 and watershed restoration projects are eligible for funding  
18 under this subsection. Not more than fifty percent of the  
19 revenues available to be expended under this subsection may be  
20 used by the commission to enter into agreements with county  
21 conservation boards and county boards of supervisors in those  
22 counties without conservation boards to carry out the purposes  
23 of this subsection. The agreement shall not provide for the  
24 payment by the commission of more than seventy-five percent of  
25 the cost of the project and the agreement shall specify that  
26 the county conservation board or county board of supervisors,  
27 whichever is applicable, shall provide funds for the remaining  
28 cost of the project covered by the agreement. ~~Revenues~~ Moneys  
29 available to be expended under this subsection may be used for  
30 the matching of federal funds.

31 2. Forty-five percent of the funds ~~credited-to-the~~  
32 appropriated for purposes of this section for public outdoor  
33 recreation and resources fund shall be expended on the state  
34 recreation tourism grant program. This program shall provide  
35 matching grants to cities and unincorporated communities for

1 purposes of developing or improving recreational projects or  
2 tourist attractions. A city or unincorporated community may  
3 submit an application to the commission for a matching grant,  
4 except that an unincorporated community shall submit the  
5 application through the county board of supervisors.  
6 Applications shall be reviewed by the advisory council for the  
7 public outdoor recreation and resources fund. The advisory  
8 council shall submit recommendations to the commission  
9 regarding possible recipients and grant amounts. Grants made  
10 to an unincorporated community shall be paid to the county  
11 board of supervisors to be used for the project of the  
12 unincorporated community. The amount of the grant shall not  
13 exceed fifty percent of the cost of the development or  
14 improvement to be made and the application must demonstrate  
15 that the city or unincorporated community will provide the  
16 required matching funds.

17 3. Five percent of the funds ~~credited-to-the~~ appropriated  
18 for purposes of this section for public outdoor recreation and  
19 resources fund shall be expended on advertising which shall  
20 promote the use of recreational facilities and tourist  
21 attractions in the state. The commission shall enter into an  
22 agreement with the Iowa department of economic development for  
23 the expenditure of these funds for this purpose.

24 4. ~~Notwithstanding any other provision of law, beginning~~  
25 ~~on July 17, 1991, moneys to be credited to or deposited in the~~  
26 Moneys available to be expended for purposes of this section  
27 for public outdoor recreation and resources fund shall be  
28 credited to or deposited to the general fund of the state and  
29 appropriations made for purposes of this section ~~shall not be~~  
30 ~~deposited into the public outdoor recreation and resources~~  
31 ~~fund but~~ shall be allocated as provided in this section.  
32 Moneys credited to or deposited to the general fund of the  
33 state pursuant to this subsection are subject to the  
34 requirements of section 8.60.

35 Sec. 74. Section 461A.80, subsections 1 and 2, Code 1993,

1 are amended to read as follows:

2 1. An advisory council for the public outdoor recreation  
3 and resources fund appropriations made for the purposes of  
4 section 461A.79 is created. The council shall consist of a  
5 public member appointed by the governor from each  
6 congressional district, the chairperson of the commission, the  
7 director, and a designee of the Iowa department of economic  
8 development. No more than three public members shall belong  
9 to the same political party. The council shall elect a  
10 chairperson annually from among ~~their-own~~ the council's  
11 members, and the director shall serve as council secretary.  
12 Persons already serving in an elected or appointed  
13 governmental capacity are not eligible to serve as council  
14 members.

15 2. The advisory council shall meet annually, in July, and  
16 upon the call of the chairperson of the advisory council. The  
17 advisory council shall make policy recommendations to the  
18 commission regarding the projects and programs to be funded  
19 from the funds available for public outdoor recreation and  
20 resources fund from appropriations made for the purposes of  
21 section 461A.79.

22 Sec. 75. Section 473.11, subsection 1, paragraph f, Code  
23 Supplement 1993, is amended to read as follows:

24 f. The moneys deposited under section 473.16 in the energy  
25 research-and-development general fund of the state shall be  
26 used for research and development of selected projects to  
27 improve Iowa's energy independence by developing improved  
28 methods of energy efficiency, or by increased development and  
29 use of Iowa's renewable nonresource-depleting energy  
30 resources. The moneys credited to the general fund of the  
31 state under section 556.18, subsection 3, shall be used for  
32 energy conservation and alternative energy resource projects.  
33 The projects shall be selected by the director and  
34 administered by the department. Selection criteria for funded  
35 projects shall include consideration of indirect restitution

1 to those persons in the state in the utility customer classes  
2 and the utility service territories affected by unclaimed  
3 utility refunds or deposits.

4 ~~Notwithstanding the provisions of this paragraph directing~~  
5 ~~that moneys be deposited into the energy research and~~  
6 ~~development fund, beginning July 1, 1991, all moneys shall be~~  
7 Moneys deposited into the general fund of the state under  
8 sections 473.16, 476.51, and 556.18, subsection 3, are subject  
9 to the requirements of section 8.60.

10 Sec. 76. Section 473.11, subsection 5, paragraph f, Code  
11 Supplement 1993, is amended by striking the paragraph.

12 Sec. 77. Section 473.16, Code 1993, is amended to read as  
13 follows:

14 473.16 ADDITIONAL FUNDS.

15 The department may accept funds from state and local  
16 sources and shall take steps necessary to obtain federal funds  
17 allotted and appropriated for the purpose of the above  
18 described energy-related programs. ~~Such~~ These funds shall be  
19 deposited in the ~~energy research and development~~ general fund  
20 of the state and shall be subject to the requirements of  
21 section 8.60. Federal funds received under the provisions of  
22 this section are appropriated for the purposes set forth in  
23 the federal grants.

24 ~~Notwithstanding the provisions of this section directing~~  
25 ~~that funds accepted be deposited into the energy research and~~  
26 ~~development fund, for the fiscal period beginning on July 1,~~  
27 ~~1991, and ending June 30, 1993, all funds accepted shall be~~  
28 ~~deposited into the general fund of the state and shall be~~  
29 ~~appropriated as provided in section 93.11, subsection 1,~~  
30 ~~paragraph "f".~~

31 Sec. 78. Section 475A.3, subsection 3, Code 1993, is  
32 amended to read as follows:

33 3. Salaries, expenses, and appropriation. The salary of  
34 the consumer advocate shall be fixed by the attorney general  
35 within the salary range set by the general assembly. The

1 salaries of employees of the consumer advocate shall be at  
2 rates of compensation consistent with current standards in  
3 industry. The reimbursement of expenses for the employees and  
4 the consumer advocate is as provided by law. The  
5 appropriation for the office of consumer advocate shall be a  
6 separate line item contained in the appropriation from the  
7 ~~utility-trust general fund created-pursuant-to-section-476.10~~  
8 of the state.

9 Sec. 79. Section 476.10, unnumbered paragraphs 5 through  
10 8, Code Supplement 1993, are amended by striking the  
11 unnumbered paragraphs and inserting in lieu thereof the  
12 following:

13 Fees paid to the utilities division shall be deposited in  
14 the general fund of the state. These funds shall be used for  
15 the payment, upon appropriation by the general assembly, of  
16 the expenses of the utilities division and the consumer  
17 advocate division of the department of justice. Subject to  
18 this section, the utilities division or the consumer advocate  
19 division may keep on hand with the treasurer of state funds in  
20 excess of the current needs of the utilities division or the  
21 consumer advocate division.

22 The administrator and consumer advocate shall account for  
23 receipts and disbursements according to the separate duties  
24 imposed upon the utilities and consumer advocate divisions by  
25 the laws of this state and each separate duty shall be  
26 fiscally self-sustaining.

27 All fees and other moneys collected under this section and  
28 sections 478.4, 479.16, and 479A.9 shall be deposited into the  
29 general fund of the state and expenses required to be paid  
30 under this section shall be paid from funds appropriated for  
31 those purposes. Moneys deposited into the general fund of the  
32 state pursuant to this section and sections 478.4, 479.16, and  
33 479A.9 shall be subject to the requirements of section 8.60.

34 Sec. 80. Section 476.51, unnumbered paragraphs 5 and 6,  
35 Code 1993, are amended to read as follows:

1 Civil penalties collected pursuant to this section shall be  
2 forwarded by the executive secretary of the board to the  
3 treasurer of state to be credited to the ~~energy-research-and~~  
4 ~~development~~ general fund of the state and to be used only for  
5 the low income home energy assistance program and the  
6 weatherization assistance program administered by the division  
7 of community action agencies of the department of human  
8 rights. Penalties paid by a rate-regulated public utility  
9 pursuant to this section shall be excluded from the utility's  
10 costs when determining the utility's revenue requirement, and  
11 shall not be included either directly or indirectly in the  
12 utility's rates or charges to customers.

13 ~~Notwithstanding the provisions of this section directing~~  
14 ~~that civil penalties collected be deposited into the energy~~  
15 ~~research and development fund, for the fiscal period beginning~~  
16 ~~on July 17, 1991, and ending June 30, 1993, all funds collected~~  
17 ~~shall be deposited into the general fund of the state.~~

18 Sec. 81. Section 478.4, Code 1993, is amended to read as  
19 follows:

20 478.4 FRANCHISE -- HEARING.

21 The utilities board shall consider ~~said~~ the petition and  
22 any objections filed ~~thereto~~ to it in the manner ~~hereinafter~~  
23 provided. It shall examine the proposed route or cause any  
24 engineer selected by it to do so. If a hearing is held on the  
25 petition it may hear ~~such~~ testimony as may aid it in  
26 determining the propriety of granting ~~such~~ the franchise. It  
27 may grant ~~such~~ the franchise in whole or in part upon ~~such~~ the  
28 terms, conditions, and restrictions, and with ~~such~~ the  
29 modifications as to location and route as may seem to it just  
30 and proper. Before granting ~~such~~ the franchise, the utilities  
31 board shall make a finding that the proposed line or lines are  
32 necessary to serve a public use and represents a reasonable  
33 relationship to an overall plan of transmitting electricity in  
34 the public interest. ~~No~~ A franchise shall not become  
35 effective until the petitioners shall pay, or file an

1 agreement to pay, all costs and expenses of the franchise  
2 proceeding, whether or not objections are filed, including  
3 costs of inspections or examinations of the route, hearing,  
4 salaries, publishing of notice, and any other expenses  
5 reasonably attributable ~~thereto~~ to it. The funds received for  
6 the costs and the expenses of the franchise proceeding shall  
7 be remitted to the treasurer of state for deposit in the  
8 ~~utilities-trust~~ general fund of the state as provided in  
9 section 476.10.

10 Sec. 82. Section 479.16, Code 1993, is amended to read as  
11 follows:

12 479.16 ~~USE~~ RECEIPT OF FUNDS.

13 All moneys received under ~~the-provisions-of~~ this chapter  
14 shall be remitted monthly to the treasurer of state and  
15 credited to the ~~utilities-trust~~ general fund of the state as  
16 provided in section 476.10.

17 Sec. 83. Section 479A.9, Code 1993, is amended to read as  
18 follows:

19 479A.9 ~~DEPOSIT~~ OF FUNDS.

20 Except as otherwise provided in section 479A.14, subsection  
21 8, moneys received under this chapter shall be credited to the  
22 ~~utilities-trust~~ general fund established of the state as  
23 provided in section 476.10.

24 Sec. 84. Section 524.207, Code Supplement 1993, is amended  
25 by striking the section and inserting in lieu thereof the  
26 following:

27 524.207 ~~EXPENSES OF THE BANKING DIVISION -- FEES.~~

28 1. All expenses required in the discharge of the duties  
29 and responsibilities imposed upon the banking division of the  
30 department of commerce, the superintendent, and the state  
31 banking board by the laws of this state shall be paid from  
32 fees provided by the laws of this state and appropriated by  
33 the general assembly from the general fund of the state. All  
34 of these fees are payable to the superintendent. The  
35 superintendent shall pay all the fees and other moneys

1 received by the superintendent to the treasurer of state  
2 within the time required by section 12.10 and the fees and  
3 other moneys shall be deposited into the general fund of the  
4 state. The superintendent may keep on hand with the treasurer  
5 of state funds in excess of the current needs of the division  
6 to the extent approved by the state banking board.

7 2. The superintendent shall account for receipts and  
8 disbursements according to the separate duties imposed upon  
9 the superintendent by the laws of this state and each separate  
10 duty shall be fiscally self-sustaining.

11 3. The banking division may expend additional funds,  
12 including funds for additional personnel, if those additional  
13 expenditures are actual expenses which exceed the funds  
14 budgeted for bank examinations and directly result from  
15 examinations of banks. Before the division expends or  
16 encumbers an amount in excess of the funds budgeted for  
17 examinations, the director of the department of management  
18 shall approve the expenditure or encumbrance. Before approval  
19 is given, the director of the department of management shall  
20 determine that the examination expenses exceed the funds  
21 budgeted by the general assembly to the division and that the  
22 division does not have other funds from which examination  
23 expenses can be paid. Upon approval of the director of the  
24 department of management, the division may expend and encumber  
25 funds for excess examination expenses. The amounts necessary  
26 to fund the excess examination expenses shall be collected  
27 from those banks being regulated which caused the excess  
28 expenditures, and the collections shall be treated as  
29 repayment receipts as defined in section 8.2, subsection 8.

30 4. All fees and moneys collected shall be deposited into  
31 the general fund of the state and expenses required to be paid  
32 under this section shall be paid from funds appropriated for  
33 those purposes. Moneys deposited into the general fund of the  
34 state pursuant to this section shall be subject to the  
35 requirements of section 8.60.

1     Sec. 85. Section 533.67, Code Supplement 1993, is amended  
2 by striking the section and inserting in lieu thereof the  
3 following:

4     533.67 EXPENSES OF THE CREDIT UNION DIVISION -- FEES.

5     1. All expenses required in the discharge of the duties  
6 and responsibilities imposed upon the credit union division,  
7 the superintendent, and the credit union review board by the  
8 laws of this state shall be paid from fees provided by the  
9 laws of this state and appropriated by the general assembly  
10 from the general fund of the state. All of these fees are  
11 payable to the superintendent. The superintendent shall pay  
12 all the fees and other moneys received by the superintendent  
13 to the treasurer of state within the time required by section  
14 12.10 and the fees and other moneys shall be deposited into  
15 the general fund of the state. The superintendent may keep on  
16 hand with the treasurer of state funds in excess of the  
17 current needs of the division to the extent approved by the  
18 credit union review board.

19     2. The superintendent shall account for receipts and  
20 disbursements according to the separate duties imposed upon  
21 the superintendent by the laws of this state and each separate  
22 duty shall be fiscally self-sustaining.

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

1 department of management, the division may expend and encumber  
2 funds for excess examination expenses. The amounts necessary  
3 to fund the excess examination expenses shall be collected  
4 from those credit unions being regulated which caused the  
5 excess expenditures, and the collections shall be treated as  
6 repayment receipts as defined in section 8.2, subsection 8.

7 4. All fees and other moneys collected shall be deposited  
8 into the general fund of the state and expenses required to be  
9 paid under this section shall be paid from funds appropriated  
10 for those purposes. Moneys deposited into the general fund of  
11 the state pursuant to this section shall be subject to the  
12 requirements of section 8.60.

13 5. The division may accept reimbursement of expenses  
14 related to the examination of a credit union from the national  
15 credit union administration or any other share guarantor or  
16 insurance plan authorized by this chapter. These  
17 reimbursements shall be deposited into the general fund of the  
18 state.

19 Sec. 86. Section 542B.12, Code 1993, is amended to read as  
20 follows:

21 542B.12 DISPOSITION OF FEES.

22 The staff shall collect and account for all fees provided  
23 for by this chapter and pay the fees to the treasurer of state  
24 who shall deposit the fees in the ~~professional-licensing~~  
25 revolving general fund of the state.

26 Sec. 87. Section 542C.3, subsection 3, Code Supplement  
27 1993, is amended to read as follows:

28 3. All fees and other moneys received by the board,  
29 pursuant to this chapter, shall be paid monthly to the  
30 treasurer of state for deposit in the ~~professional-licensing~~  
31 revolving general fund of the state.

32 The board shall make a biennial report to the governor of  
33 its proceedings, with an account of all moneys received and  
34 disbursed, a list of the names of certified public accountants  
35 and accounting practitioners whose certificates, permits to

1 practice, or licenses have been revoked or suspended, and  
2 other information as it deems proper or the governor requests.

3 Sec. 88. Section 543B.14, Code 1993, is amended to read as  
4 follows:

5 543B.14 FEES AND EXPENSES -- FUNDS.

6 All fees and charges collected by the real estate  
7 commission under this chapter shall be paid into the  
8 ~~professional-licensing-revolving~~ general fund of the state,  
9 except that the equivalent of the greater of ten dollars or  
10 forty percent per year of the fees for each real estate  
11 salesperson's license, plus the equivalent of the greater of  
12 ten dollars or twenty-five percent per year of the fees for  
13 each broker's license shall be paid into the Iowa real estate  
14 education fund created in section 543B.54. All expenses  
15 incurred by the commission under this chapter, including  
16 compensation of staff assigned to the commission, shall be  
17 ~~paid out-of-the-professional-licensing-revolving-fund~~ from  
18 funds appropriated for those purposes, except for expenses  
19 incurred and compensation paid for the real estate education  
20 director, which shall be paid out of the real estate education  
21 fund.

22 Sec. 89. Section 543D.6, subsection 2, Code 1993, is  
23 amended to read as follows:

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

27 Sec. 90. Section 544A.11, unnumbered paragraph 2, Code  
28 1993, is amended to read as follows:

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

32 Sec. 91. Section 544B.14, unnumbered paragraph 2, Code  
33 1993, is amended to read as follows:

34 All fees shall be collected by the secretary, paid to the  
35 treasurer of state and deposited in the ~~professional-licensing~~

1 ~~revolving~~ general fund of the state.

2 Sec. 92. Section 546.9, unnumbered paragraph 2, Code 1993,  
3 is amended by striking the unnumbered paragraph.

4 Sec. 93. Section 546.10, subsection 5, Code Supplement  
5 1993, is amended by striking the subsection.

6 Sec. 94. Section 546.10, subsection 6, Code Supplement  
7 1993, is amended by striking the subsection and inserting in  
8 lieu thereof the following:

9 6. Fees collected under chapters 542B, 542C, 543B, 543D,  
10 544A, and 544B shall be paid to the treasurer of state and  
11 credited to the general fund of the state. All expenses  
12 required in the discharge of the duties and responsibilities  
13 imposed upon the professional licensing division of the  
14 department of commerce, the administrator, and the licensing  
15 boards by the laws of this state shall be paid from moneys  
16 appropriated by the general assembly for those purposes. All  
17 fees deposited into the general fund of the state, as provided  
18 in this subsection, shall be subject to the requirements of  
19 section 8.60.

20 Sec. 95. Section 556.18, subsection 1, Code Supplement  
21 1993, is amended to read as follows:

22 1. ~~All~~ Except as provided in subsection 3, all funds  
23 received under this chapter, including the proceeds from the  
24 sale of abandoned property under section 556.17, shall be  
25 deposited monthly by the treasurer of state in the general  
26 fund of the state. However, the treasurer of state shall  
27 retain in a separate trust fund an amount not exceeding two  
28 hundred thousand dollars from which the treasurer of state  
29 shall make prompt payment of claims duly allowed under section  
30 556.20. Before making the deposit, the treasurer of state  
31 shall record the name and last known address of each person  
32 appearing from the holders' reports to be entitled to the  
33 abandoned property and the name and last known address of each  
34 insured person or annuitant, and with respect to each policy  
35 or contract listed in the report of a life insurance

1 corporation, its number, the name of the corporation, and the  
2 amount due. The record shall be available for public  
3 inspection at all reasonable business hours.

4 Sec. 96. Section 556.18, Code Supplement 1993, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 3. The treasurer of state shall annually  
7 credit all moneys received under section 556.4 to the general  
8 fund of the state. Moneys credited to the general fund of the  
9 state pursuant to this subsection are subject to the  
10 requirements of section 8.60.

11 Sec. 97. Section 327H.24, Code 1993, is repealed.

12 Sec. 98. Section 546.11, Code Supplement 1993, is  
13 repealed.

14 Sec. 99. The requirements of section 8.60, subsection 17,  
15 with respect to moneys received and credited under section  
16 556.18, subsection 3, as enacted by this Act, relate back to  
17 moneys received and credited to the energy research and  
18 development fund under section 556.18, subsection 3, Code  
19 1993, except that the reference to former section 93.11 is  
20 replaced with a reference to section 473.11.

21 EXPLANATION

22 Division I -- Resubmissions

23 The sections included in Division I of this bill were  
24 originally submitted as part of a 1993 Code editor's bill  
25 which failed to pass in 1993. Proposals that are presented  
26 for the first time in 1994 are included in Divisions II and  
27 III of this bill.

28 7A.3, unnumbered paragraph 3: In section relating to  
29 biennial reports of officials and departments, provides that  
30 the director of the department of management, rather than the  
31 director of revenue and finance, has responsibilities with  
32 respect to the furnishing of standardized report forms. This  
33 amendment was requested by the department of revenue and  
34 finance.

35 15.283(4): Revises provision relating to the planning

1 allocation under the rural community 2000 program. This  
2 amendment was requested by the department of economic  
3 development as a means of clarifying the extent of the  
4 director's discretion.

5 35A.3(12) and 35B.6(1)(b): In chapter 35A.3, relating to  
6 the state commission of veterans affairs, a new subsection is  
7 added specifying the duty to provide training for county  
8 veteran affairs executive directors pursuant to section 35B.6.  
9 The substance of this new provision was enacted in 1992 as a  
10 duty of the veterans affairs division of the department of  
11 public defense (see 92 Acts, chapter 1075, section 1).  
12 However, it could not be codified in the 1993 Code because of  
13 the repeal of the veterans affairs division. Under this bill  
14 the duty is given to the newly independent commission of  
15 veterans affairs. Conforming amendments are made in section  
16 35B.6.

17 87.11D: In workers' compensation provision relating to  
18 fees for the examination of self-insured employers, deletes a  
19 reference to the former insurance division revolving fund and  
20 refers instead to payment to the general fund.

21 99D.15(3)(c): Amends subparagraph (1) of provision  
22 requiring that specified portions of the pari-mutuel wagering  
23 taxes at dog tracks be set aside for retiring any debt of the  
24 licensee, for capital improvement to the facilities of the  
25 licensee, for funding of possible future operating losses, or  
26 for charitable giving. The word "track" is changed to  
27 "licensee" as was done in the other two subparagraphs under 91  
28 Acts, chapter 268, section 427. (Subparagraph (1) was added  
29 by 91 Acts, chapter 166, section 6, to take effect January 1,  
30 1993.)

31 124.401(1)(d): In section setting forth the penalties for  
32 controlled substance violations, amends the quantity of  
33 marijuana covered in paragraph "d" so that a violation  
34 involving fifty kilograms or less is a class "D" felony. (A  
35 violation involving more than fifty kilograms is a class "C"

1 felony under paragraph "c".) The exact amount of fifty  
2 kilograms was inadvertently omitted when the statute was  
3 amended in 1989.

4 161A.42(11): In definition of "soil loss limit" in chapter  
5 relating to soil and water conservation, substitutes a  
6 reference to the current policy statement (section 161A.2) for  
7 the reference to former section 467D.1, which was repealed  
8 when soil and water conservation functions were restructured.

9 218.86 and 421.31(9): In the chapter relating to  
10 institutions governed by the human services department and the  
11 chapter relating to the department of revenue and finance,  
12 strike specific references to preaudit responsibilities of the  
13 department of revenue and finance with respect to the  
14 department of human services. The department of revenue and  
15 finance requested removal of these references, stating that  
16 the department's auditing duties are enunciated elsewhere in  
17 the Code.

18 422.4(1)(d): In definition of "annual inflation factor"  
19 for income tax purposes, provides that the department of  
20 management, not the department of revenue and finance, is the  
21 agency certifying when the unobligated general fund balance on  
22 June 30 is less than sixty million dollars. (The annual  
23 inflation factor is one hundred percent for the calendar year  
24 in which such a certification is made.) This change was  
25 requested by the department of revenue and finance.

26 422A.2(1, 2): In chapter relating to the hotel and motel  
27 tax, amend provisions governing the local transient guest tax  
28 fund to require that the fund be located in the department of  
29 revenue and finance rather than in the office of the treasurer  
30 of state. These amendments were requested by the department  
31 of revenue and finance, which stated that the change was  
32 proposed in order to expedite the more timely return of the  
33 funds to cities. The law requires that remittances from the  
34 fund be made at least quarterly to each city.

35 542B.2, unnumbered paragraph 3 and 542B.14(1)(b): In the

1 chapter governing the engineering and land surveying examining  
2 board, substitute the term "engineer intern" for "engineer-in-  
3 training". These amendments were requested by the  
4 professional licensing and regulation division of the  
5 department of commerce, which stated that the new terminology  
6 brings the statute into compliance with terminology adopted by  
7 the national council of examiners for engineering and  
8 surveying in 1992.

9 713.3 through 713.6: In sections relating to the crime of  
10 burglary, adds "one or more" preceding the word "persons".  
11 This change was requested by the attorney general's office.

12 Division II -- New Submissions  
13 (excluding H.F. 669 coordinating amendments)

14 The sections included in Division II of this bill are  
15 submitted for the first time in 1994. See Division I for  
16 proposals that were originally presented as part of the 1993  
17 Code editor's bill. The coordinating amendments which have  
18 been prepared in response to the directive in section 30 of  
19 H.F. 669 (1993 Iowa Acts, chapter 131, relating to fund  
20 transfers) appear separately in Division III of this bill.

21 2B.12(7)(a): Amends provision relating to the Code  
22 Supplement to reflect the present practice of including state  
23 constitutional amendments which were approved by the voters at  
24 the preceding general election rather than proposed amendments  
25 passed by the general assembly during the first session of the  
26 biennium.

27 13B.4(6): In provision relating to reports by the state  
28 public defender, replaces an incorrect internal reference to  
29 funds recouped or collected for indigent defense purposes.

30 321L.5(2): In subsection relating to the dimensions of  
31 handicapped parking spaces, strikes reference to a specific  
32 section of the Code of Federal Regulations and replaces it  
33 with a provision requiring compliance with state departmental  
34 rules which adopt accepted national standards consistent with  
35 the requirements of federal law. The applicable rules would

1 be those in effect when the spaces are designated. This  
2 proposal was submitted by the department of public safety,  
3 which stated that federal requirements concerning the  
4 provision of handicapped parking spaces have changed, and use  
5 of state rulemaking procedures would allow the department to  
6 respond to these and future changes.

7 421.17(1), (2), unn. paras. 2 and 3, (15), and (17);

8 421.20, unn. para. 1: In provisions setting forth powers and  
9 duties of the director of revenue and finance, strike obsolete  
10 reference to boards of assessment and levy and boards of  
11 equalization, change references to reassessments in "taxing  
12 districts" by substituting the broader term "assessing  
13 jurisdictions", and strike subsections 15 and 17 (relating to  
14 the duty to exchange information with other states in  
15 connection with the discovery of taxable property and the duty  
16 to certify the aggregate of each state tax for each county).  
17 These proposals were submitted by the department of revenue  
18 and finance, which described the stricken provisions as  
19 obsolete or covered elsewhere in the Code.

20 422.35(9): In section describing the computation of net  
21 income of a corporation, strikes the subsection relating to  
22 the nondeductibility of the federal windfall profits tax.  
23 This change was proposed by the department of revenue and  
24 finance, which stated that the federal windfall profits tax  
25 was repealed in 1988.

26 422.42(12), unn. para. 2: In provision stating that the  
27 sale of carpeting to owners, contractors, subcontractors, or  
28 builders does not constitute a sale of building materials  
29 entitled to different treatment under subsection 12, adds a  
30 phrase specifying ordinary taxability for carpeting under the  
31 use tax as well as the sales tax. This proposal was submitted  
32 by the department of revenue and finance to provide parallel  
33 treatment under the sales and use tax chapters.

34 423.1(8) and 423.22: In provisions of the use tax chapter  
35 relating to regulation of retailers having a duty to collect

1 the tax, restore former provisions affecting authorization to  
2 do business in this state (stricken in 1993 bill repealing  
3 chapter 494), but with references to chapter 490 replacing  
4 references to former chapter 494. These changes have been  
5 suggested by the secretary of state's office, which indicated  
6 that the provisions were erroneously stricken.

7 499.45: In section relating to filing fees for cooperative  
8 associations, substitutes a flat fee of \$50 for the current  
9 fee structure which is based on capital stock. This proposal  
10 was submitted by the secretary of state's office, which stated  
11 that the fees for cooperative associations were missed when a  
12 similar change was made in 1993 for fees of certain other  
13 entities outside chapter 490.

14 554.9403(5): Reduces from \$10 to \$8 the filing fee for  
15 electronically filed continuation statements under paragraph  
16 "b". This proposal was submitted by the secretary of state's  
17 office, which indicated that the reduction for continuation  
18 statements was missed in 1993 when a similar reduction was  
19 provided for original financing statements under paragraph  
20 "a".

21 Division III -- H.F. 669 Coordinating Amendments

22 The sections included in Division III of this bill are  
23 submitted as coordinating amendments in response to the  
24 directive in section 30 of H.F. 669 (1993 Acts, chapter 131),  
25 the 1993 enactment which made permanent the requirement that  
26 certain moneys, which were formerly segregated in special-  
27 purpose accounts or funds, be credited to and deposited in the  
28 state general fund. The following funds and accounts are  
29 affected:

- 30 Pari-mutuel regulation fund
- 31 Gamblers assistance fund
- 32 Excursion boat gambling special account
- 33 Milk fund
- 34 Dairy trade practices trust fund
- 35 Commercial feed fund

- 1 Fertilizer fund
- 2 Pesticide fund
- 3 Motor vehicle fraud account
- 4 Public transit assistance fund
- 5 Salvage vehicle fee paid to Iowa law enforcement academy
- 6 Railroad assistance fund
- 7 Special railroad facility fund
- 8 State aviation fund
- 9 Marine fuel tax fund
- 10 Public outdoor recreation and resources fund
- 11 Energy research and development fund
- 12 Utilities trust fund
- 13 Banking revolving fund
- 14 Credit union revolving fund
- 15 Professional licensing revolving fund
- 16 Administrative services trust fund
- 17 Under section 8.60, the moneys which were previously
- 18 collected to be used for specific purposes, or to go into a
- 19 particular account or fund, must still only be used for the
- 20 designated purposes even though they now go into the state
- 21 general fund.
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HOUSE AMENDMENT TO  
SENATE FILE 2086

S-5556

1 Amend Senate File 2086, as passed by the Senate, as  
2 follows:

3 1. Page 10, line 31, by striking the word "fifty"  
4 and inserting the following: "twenty".

5 2. Page 27, by inserting after line 23 the  
6 following:

7 "Sec. \_\_\_\_ Section 327H.21, Code 1993, is amended  
8 to read as follows:

9 327H.21 FEDERAL FUNDS.

10 The department may accept federal funds to carry  
11 out the purposes of this chapter. All federal funds  
12 received under this section and all interest and  
13 earnings on federal funds received under this section  
14 are appropriated for the purposes set forth in the  
15 federal grants."

16 3. Page 43, by striking lines 15 through 29 and  
17 inserting the following: "examinations of banks. The  
18 amounts necessary to fund the excess examination  
19 expenses shall be collected from banks being  
20 regulated, and the collections shall be treated as  
21 repayment receipts as defined in section 8.2. The  
22 division shall notify in writing the legislative  
23 fiscal bureau and the department of management when  
24 hiring additional personnel. The written notification  
25 shall include documentation that any additional  
26 expenditure related to such hiring will be totally  
27 reimbursed to the general fund, and shall also include  
28 the division's justification for hiring such  
29 personnel. The division must obtain the approval of  
30 the department of management only if the number of  
31 additional personnel to be hired exceeds the number of  
32 full-time equivalent positions authorized by the  
33 general assembly."

34 4. By striking page 44, line 27 through page 45,  
35 line 6 and inserting the following: "from  
36 examinations of credit unions. The amounts necessary  
37 to fund the excess examination expenses shall be  
38 collected from credit unions being regulated, and the  
39 collections shall be treated as repayment receipts as  
40 defined in section 8.2. The division shall notify in  
41 writing the legislative fiscal bureau and the  
42 department of management when hiring additional  
43 personnel. The written notification shall include  
44 documentation that any additional expenditure related  
45 to such hiring will be totally reimbursed to the  
46 general fund, and shall also include the division's  
47 justification for hiring such personnel. The division  
48 must obtain the approval of the department of  
49 management only if the number of additional personnel  
50 to be hired exceeds the number of full-time equivalent

S-5556

-1-

S-5556

Page 2

1 positions authorized by the general assembly."

2 5. Page 48, line 10, by inserting after the word  
3 "of" the following: "subsections 1 and 2 and".

4 6. By renumbering as necessary.

RECEIVED FROM THE HOUSE

*Senate Concurred 4/12/94 (p. 1147)*  
S-5556 FILED APRIL 11, 1994

## SENATE FILE 2086

H-5645

1 Amend Senate File 2086, as passed by the Senate, as  
2 follows:

3 1. Page 10, line 31, by striking the word "fifty"  
4 and inserting the following: "twenty".

5 2. Page 27, by inserting after line 23 the  
6 following:

7 "Sec. \_\_\_\_ . Section 327H.21, Code 1993, is amended  
8 to read as follows:

9 327H.21 FEDERAL FUNDS.

10 The department may accept federal funds to carry  
11 out the purposes of this chapter. All federal funds  
12 received under this section and all interest and  
13 earnings on federal funds received under this section  
14 are appropriated for the purposes set forth in the  
15 federal grants."

16 3. Page 43, by striking lines 15 through 29 and  
17 inserting the following: "examinations of banks. The  
18 amounts necessary to fund the excess examination  
19 expenses shall be collected from banks being  
20 regulated, and the collections shall be treated as  
21 repayment receipts as defined in section 8.2. The  
22 division shall notify in writing the legislative  
23 fiscal bureau and the department of management when  
24 hiring additional personnel. The written notification  
25 shall include documentation that any additional  
26 expenditure related to such hiring will be totally  
27 reimbursed to the general fund, and shall also include  
28 the division's justification for hiring such  
29 personnel. The division must obtain the approval of  
30 the department of management only if the number of  
31 additional personnel to be hired exceeds the number of  
32 full-time equivalent positions authorized by the  
33 general assembly."

34 4. By striking page 44, line 27 through page 45,  
35 line 6 and inserting the following: "from  
36 examinations of credit unions. The amounts necessary  
37 to fund the excess examination expenses shall be  
38 collected from credit unions being regulated, and the  
39 collections shall be treated as repayment receipts as  
40 defined in section 8.2. The division shall notify in  
41 writing the legislative fiscal bureau and the  
42 department of management when hiring additional  
43 personnel. The written notification shall include  
44 documentation that any additional expenditure related  
45 to such hiring will be totally reimbursed to the  
46 general fund, and shall also include the division's  
47 justification for hiring such personnel. The division  
48 must obtain the approval of the department of  
49 management only if the number of additional personnel  
50 to be hired exceeds the number of full-time equivalent

H-5645

-1-

H-5645

Page 2

1 positions authorized by the general assembly."

2 5. Page 48, line 10, by inserting after the word

3 "of" the following: "subsections 1 and 2 and".

4 6. By renumbering as necessary.

By COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

McNEAL of Hardin, Chairperson

H-5645 FILED MARCH 23, 1994

*Adopted 4-8-94*

*(p. 1300)*

Vilsack  
Giannetto  
McKean

SSB-2051  
Judiciary

SENATE FILE 2086  
BY (PROPOSED COMMITTEE ON JUDICIARY  
BILL BY CHAIRPERSON STURGEON)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to statutory corrections which may adjust  
2 language to reflect current practices, insert earlier  
3 omissions, delete redundancies and inaccuracies, delete  
4 temporary language, resolve inconsistencies and conflicts,  
5 update ongoing provisions, or remove ambiguities.

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

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1 DIVISION I -- RESUBMISSIONS

2 Section 1. Section 7A.3, unnumbered paragraph 3, Code  
3 Supplement 1993, is amended to read as follows:

4 The officials and departments required by this section to  
5 file reports shall submit the reports on standardized forms  
6 furnished by the director of ~~revenue-and-finance~~ the  
7 department of management. All officials and agencies  
8 submitting reports shall consult with ~~the-director-of-revenue~~  
9 ~~and-finance-and~~ the director of the department of management,  
10 and shall devise standardized report forms for submission to  
11 the governor and members of the general assembly.

12 Sec. 2. Section 15.283, subsection 4, Code 1993, is  
13 amended to read as follows:

14 4. Moneys available under this program for the traditional  
15 infrastructure category, the new infrastructure category, and  
16 the planning category shall be allocated by the director.  
17 ~~Annually,-not-more-than~~ The director may allocate up to three  
18 hundred thousand dollars of the funds for the program ~~shall-be~~  
19 ~~allocated-for~~ annually to the planning category.

20 PARAGRAPH DIVIDED. Moneys available under this program for  
21 the housing category shall be allocated by the executive  
22 director of the Iowa finance authority who may transfer a  
23 portion of the moneys to the department for the planning  
24 category. If moneys allocated to the housing category are not  
25 used or dedicated by April 1 of the fiscal year, the moneys  
26 shall be reallocated to the other categories that have the  
27 most need as determined by the department.

28 PARAGRAPH DIVIDED. At least one-third of the moneys  
29 allocated for the traditional infrastructure category, the new  
30 infrastructure category, and the housing category shall be set  
31 aside for cities with populations of five thousand or less.  
32 For the purposes of this set-aside, a city located in a county  
33 with a population in excess of three hundred thousand, if the  
34 city is contiguous to another city in the county and that  
35 other city is contiguous to the largest city in that county,

1 shall be considered as having a population in excess of five  
2 thousand.

3 Sec. 3. Section 35A.3, Code 1993, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 12. Provide training to executive  
6 directors of county commissions of veteran affairs pursuant to  
7 section 35B.6. The commission may adopt rules in accordance  
8 with chapter 17A to provide for training of county veteran  
9 affairs executive directors.

10 Sec. 4. Section 35B.6, subsection 1, paragraph b, Code  
11 1993, is amended to read as follows:

12 b. Upon the employment of an executive director, the  
13 executive director shall complete a course of initial training  
14 provided by the ~~veterans-affairs-division-of-the-department-of~~  
15 ~~public-defense-pursuant-to-section-29-4~~ commission of veterans  
16 affairs pursuant to section 35A.3. If an executive director  
17 is not appointed, a commissioner or a clerical assistant shall  
18 complete the course of training. The division commission  
19 shall issue the executive director, commissioner, or clerical  
20 assistant a certificate of training after completion of the  
21 initial training course. To maintain annual certification,  
22 the executive director, commissioner, or clerical assistant  
23 shall attend one division commission training course each  
24 year. Failure to maintain certification may be cause for  
25 removal from office. The expenses of training shall be paid  
26 from the appropriation authorized in section 35B.14.

27 Sec. 5. Section 87.11D, Code 1993, is amended to read as  
28 follows:

29 87.11D PAYMENT OF EXAMINATION EXPENSES BY THE SELF-INSURED  
30 EMPLOYER.

31 The commissioner of insurance, upon the completion of an  
32 examination, or at such regular intervals prior to completion  
33 as the commissioner determines, shall prepare an account of  
34 the costs incurred in performing and preparing the report of  
35 such examinations which shall be charged to and paid by the

1 self-insured employer examined, and upon failure or refusal of  
2 any self-insured employer to pay such a charge, the amount of  
3 the charge may be recovered in an action brought in the name  
4 of the state, and the commissioner may also revoke the  
5 employer's exemption under section 87.11. All fees collected  
6 in connection with an examination shall be paid into the  
7 insurance-division-revolving general fund.

8 Sec. 6. Section 99D.15, subsection 3, paragraph c, Code  
9 1993, is amended to read as follows:

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

16 (1) If the rate of tax paid by the track licensee is six  
17 percent, one-sixth of the tax liability by the track licensee  
18 during the racing season shall be set aside.

19 (2) If the rate of tax paid by the licensee is five  
20 percent, one percent of the gross sum wagered in the racing  
21 season shall be set aside.

22 (3) If the rate of tax paid by the licensee is four  
23 percent, two percent of the gross sum wagered in the racing  
24 season shall be set aside.

25 Sec. 7. Section 124.401, subsection 1, paragraph d, Code  
26 1993, is amended to read as follows:

27 d. Violation of this subsection, with respect to any other  
28 controlled substances, counterfeit substances, or simulated  
29 controlled substances classified in schedule IV or V is an  
30 aggravated misdemeanor. However, violation of this subsection  
31 involving less-than fifty kilograms or less of marijuana, is a  
32 class "D" felony, and in addition to the provisions of section  
33 902.9, subsection 4, shall be punished by a fine of not less  
34 than one thousand dollars nor more than five thousand dollars.

35 Sec. 8. Section 161A.42, subsection 11, Code 1993, is

1 amended to read as follows:

2 11. "Soil loss limit" means the maximum amount of soil  
3 loss due to erosion by water or wind, expressed in terms of  
4 tons per acre per year, which the commissioners of the  
5 respective soil and water conservation districts determine is  
6 acceptable in order to meet the objectives expressed in  
7 section ~~467B.1~~ 161A.2.

8 Sec. 9. Section 218.86, Code 1993, is amended to read as  
9 follows:

10 218.86 ABSTRACT OF CLAIMS.

11 When-vouchers Vouchers for expenditures other than salaries  
12 ~~have-been-duy-audited-as-provided-for-in-section-421.31-said~~  
13 ~~audited-vouchers~~ shall be submitted to the director of revenue  
14 and finance, who shall therefrom prepare in triplicate an  
15 abstract of claims submitted showing the name of the claimant,  
16 and the institutions and institutional fund thereof on account  
17 of which the payment is made. ~~Said~~ The claims and abstracts  
18 of claims shall then be returned to ~~such~~ the director of the  
19 department of human services where the correctness of ~~said~~ the  
20 abstracts shall then be certified by the director. The  
21 original abstract shall then be delivered to the director of  
22 revenue and finance, the duplicate to be retained in the  
23 office of ~~such~~ the director of the department of human  
24 services and the triplicate forwarded to the proper  
25 institution to be retained there as a record of claims paid.

26 Sec. 10. Section 421.31, subsection 9, Code 1993, is  
27 amended by striking the subsection.

28 Sec. 11. Section 422.4, subsection 1, paragraph d, Code  
29 1993, is amended to read as follows:

30 d. Notwithstanding the computation of the annual inflation  
31 factor under paragraph "a", the annual inflation factor is one  
32 hundred percent for any calendar year in which the unobligated  
33 state general fund balance on June 30 as certified by the  
34 director of ~~revenue-and-finance~~ the department of management  
35 by October 10, is less than sixty million dollars.

1     Sec. 12. Section 422A.2, subsections 1 and 2, Code 1993,  
2 are amended to read as follows:

3     1. There is created in the ~~office-of-the-treasurer-of~~  
4 state department of revenue and finance a local transient  
5 guest tax fund which shall consist of all moneys credited to  
6 such fund under section 422A.1.

7     2. All moneys in the local transient guest tax fund shall  
8 be remitted at least quarterly by the ~~treasurer-of-state~~  
9 department of revenue and finance, pursuant to rules of the  
10 director of revenue and finance, to each city in the amount  
11 collected from businesses in that city and to each county in  
12 the amount collected from businesses in the unincorporated  
13 areas of the county.

14     Sec. 13. Section 542B.2, unnumbered paragraph 3, Code  
15 1993, is amended to read as follows:

16     The term "~~engineer-in-training~~" "engineer intern" as used  
17 in this chapter ~~shall-mean~~ means a person who passes an  
18 examination in the fundamental engineering subjects, but ~~shall~~  
19 does not entitle the person to claim to be a professional  
20 engineer.

21     Sec. 14. Section 542B.14, subsection 1, paragraph b, Code  
22 1993, is amended to read as follows:

23     b. Successfully passing a written, oral, or written and  
24 oral examination in fundamental engineering subjects which is  
25 designed to show the knowledge of general engineering  
26 principles. A person passing the examination in fundamental  
27 engineering subjects ~~will-be~~ is entitled to a certificate as  
28 an ~~engineer-in-training~~ engineer intern.

29     Sec. 15. Section 713.3, Code 1993, is amended to read as  
30 follows:

31     713.3 BURGLARY IN THE FIRST DEGREE.

32     A person commits burglary in the first degree if, while  
33 perpetrating a burglary in or upon an occupied structure in  
34 which one or more persons are present, the person has  
35 possession of an explosive or incendiary device or material,

1 or a dangerous weapon, or intentionally or recklessly inflicts  
2 bodily injury on any person. Burglary in the first degree is  
3 a class "B" felony.

4 Sec. 16. Section 713.4, Code 1993, is amended to read as  
5 follows:

6 713.4 ATTEMPTED BURGLARY IN THE FIRST DEGREE.

7 A person commits attempted burglary in the first degree if,  
8 while perpetrating an attempted burglary in or upon an  
9 occupied structure in which one or more persons are present,  
10 the person has possession of an explosive or incendiary device  
11 or material, or a dangerous weapon, or intentionally or  
12 recklessly inflicts bodily injury on any person. Attempted  
13 burglary in the first degree is a class "C" felony.

14 Sec. 17. Section 713.5, Code 1993, is amended to read as  
15 follows:

16 713.5 BURGLARY IN THE SECOND DEGREE.

17 A person commits burglary in the second degree in either of  
18 the following circumstances:

19 1. While perpetrating a burglary in or upon an occupied  
20 structure in which no persons are present, the person has  
21 possession of an explosive or incendiary device or material,  
22 or a dangerous weapon, or a bodily injury results to any  
23 person.

24 2. While perpetrating a burglary in or upon an occupied  
25 structure in which one or more persons are present, the person  
26 does not have possession of an explosive or incendiary device  
27 or material, nor a dangerous weapon, and no bodily injury is  
28 caused to any person.

29 Burglary in the second degree is a class "C" felony.

30 Sec. 18. Section 713.6, Code 1993, is amended to read as  
31 follows:

32 713.6 ATTEMPTED BURGLARY IN THE SECOND DEGREE.

33 A person commits attempted burglary in the second degree in  
34 either of the following circumstances:

35 1. While perpetrating an attempted burglary in or upon an

1 occupied structure in which no persons are present, the person  
2 has possession of an explosive or incendiary device or  
3 material, or a dangerous weapon, or a bodily injury results to  
4 any person.

5 2. While perpetrating an attempted burglary in or upon an  
6 occupied structure in which one or more persons are present,  
7 the person does not have possession of an explosive or  
8 incendiary device or material, nor a dangerous weapon, and no  
9 bodily injury is caused to any person.

10 Attempted burglary in the second degree is a class "D"  
11 felony.

12 DIVISION II -- NEW SUBMISSIONS

13 Sec. 19. Section 2B.12, subsection 7, paragraph a, Code  
14 1993, is amended to read as follows:

15 a. All of the statutes of Iowa of a general and permanent  
16 nature which were enacted or amended during that session,  
17 except as provided in subsection 3, and an indication of all  
18 sections repealed during that session, and any amendments to  
19 the Constitution of the State of Iowa ~~passed-by-the-general~~  
20 ~~assembly-in-that-session~~ approved by the voters at the  
21 preceding general election.

22 Sec. 20. Section 13B.4, subsection 6, Code Supplement  
23 1993, is amended to read as follows:

24 6. The state public defender shall report in writing to  
25 the general assembly on January 20 of each year regarding any  
26 funds recouped or collected for court-appointed attorney fees  
27 or expenses of a public defender pursuant to section 331.756,  
28 subsection 86 5, or section 602.8107 during the previous  
29 calendar year.

30 Sec. 21. Section 321L.5, subsection 2, Code 1993, is  
31 amended to read as follows:

32 2. A handicapped parking space designated after July 1,  
33 1990, shall ~~be-in-accordance~~ comply with the dimension  
34 ~~requirements of-36-E-F-R--§-1198-31~~ specified in rules adopted  
35 by the department of public safety and in effect when the

1 spaces are designated. The department shall adopt accepted  
2 national standards for dimensions of handicapped spaces,  
3 consistent with the requirements of federal law. However,  
4 these dimension requirements do not apply to parallel on-  
5 street parking spaces.

6 Sec. 22. Section 421.17, subsection 1, Code Supplement  
7 1993, is amended to read as follows:

8 1. To have and exercise general supervision over the  
9 administration of the assessment and tax laws of the state,  
10 over boards of supervisors and all other officers or boards of  
11 ~~assessment-and-levy~~ in the performance of their official  
12 duties, in all matters relating to assessments and taxation,  
13 to the end that all assessments of property and taxes levied  
14 thereon on the property be made relatively just and uniform in  
15 substantial compliance with the law.

16 Sec. 23. Section 421.17, subsection 2, unnumbered  
17 paragraphs 2 and 3, Code Supplement 1993, are amended to read  
18 as follows:

19 The director may order the reassessment of all or part of  
20 the property in any ~~taxing-district~~ assessing jurisdiction in  
21 any year. Such reassessment shall be made by the local  
22 assessor according to law under the direction of the director  
23 and the cost ~~thereof~~ of making the assessment shall be paid in  
24 the same manner as the cost of making an original assessment.

25 The director shall determine the degree of uniformity of  
26 valuation as between the various ~~taxing-districts~~ assessing  
27 jurisdictions of the state and shall have the authority to  
28 employ competent personnel for the purpose of performing this  
29 duty.

30 Sec. 24. Section 421.17, subsections 15 and 17, Code  
31 Supplement 1993, are amended by striking the subsections.

32 Sec. 25. Section 421.20, unnumbered paragraph 1, Code  
33 1993, is amended to read as follows:

34 The director of revenue and finance may bring actions of  
35 mandamus or injunction or any other proper actions in the

1 district court to compel the performance of any order made by  
2 the director or to require any board of equalization or any  
3 other officer or person to perform any duty required by this  
4 chapter. The director shall commence an action only in the  
5 district court in the county in which the defendant or  
6 defendants in the action perform their official duties.

7 Sec. 26. Section 422.35, subsection 9, Code 1993, is  
8 amended by striking the subsection.

9 Sec. 27. Section 422.42, subsection 12, unnumbered  
10 paragraph 2, Code 1993, is amended to read as follows:

11 For the purposes of this subsection, the sale of carpeting  
12 is not a sale of building materials. The sale of carpeting to  
13 owners, contractors, subcontractors, or builders shall be  
14 treated as the sale of ordinary tangible personal property and  
15 subject to the tax imposed under section 422.43, subsection 1,  
16 and the tax imposed under section 423.2.

17 Sec. 28. Section 423.1, subsection 8, Code Supplement  
18 1993, is amended to read as follows:

19 8. "Retailer maintaining a place of business in this  
20 state" or any like term includes any retailer having or  
21 maintaining within this state, directly or by a subsidiary, an  
22 office, distribution house, sales house, warehouse, or other  
23 place of business, or any agent operating within this state  
24 under the authority of the retailer or its subsidiary,  
25 irrespective of whether such place of business or agent is  
26 located here permanently or temporarily, or whether the  
27 retailer or subsidiary is admitted to do business within this  
28 state pursuant to chapter 490.

29 Sec. 29. Section 423.22, Code Supplement 1993, is amended  
30 to read as follows:

31 423.22 REVOKING PERMITS.

32 If a retailer maintaining a place of business in this  
33 state, or authorized to collect the tax imposed pursuant to  
34 section 423.10, fails to comply with any of the provisions of  
35 this chapter or any orders or rules prescribed and adopted

1 under this chapter, or is substantially delinquent in the  
2 payment of a tax administered by the department or the  
3 interest or penalty on the tax, or if the person is a  
4 corporation and if any officer having a substantial legal or  
5 equitable interest in the ownership of the corporation owes  
6 any delinquent tax of the permit-holding corporation, or  
7 interest or penalty on the tax, administered by the  
8 department, the director may, upon notice and hearing as  
9 provided, by order revoke the permit, if any, issued to the  
10 retailer under section 422.53, or if the retailer is a  
11 corporation authorized to do business in this state under  
12 chapter 490, may certify to the secretary of state a copy of  
13 an order finding that the retailer has failed to comply with  
14 specified provisions, orders, or rules. The secretary of  
15 state shall, upon receipt of the certified copy, revoke the  
16 permit authorizing the corporation to do business in this  
17 state, and shall issue a new permit only when the corporation  
18 has obtained from the director an order finding that the  
19 corporation has complied with its obligations under this  
20 chapter. No order authorized in this section shall be made  
21 until the retailer is given an opportunity to be heard and to  
22 show cause why the order should not be made, and the retailer  
23 shall be given ten days' notice of the time, place, and  
24 purpose of the hearing. The director may issue a new permit  
25 pursuant to section 422.53 after revocation. The preceding  
26 provision applies to users and persons supplying services  
27 enumerated in section 422.43.

28 Sec. 30. Section 499.45, Code Supplement 1993, is amended  
29 to read as follows:

30 499.45 FEES.

31 ~~The following fees~~ A fee of fifty dollars shall be paid to  
32 the secretary of state:

33 ~~1.--Upon~~ upon filing articles of incorporation, amendments,  
34 or renewals thereof, ~~ten dollars for authorized capital stock~~  
35 ~~up to twenty-five thousand dollars, and one dollar per one~~

1 thousand-dollars-or-fraction-in-excess-thereof,-or-ten-dollars  
2 if-there-be-no-capital-stock.

3 2.--Upon-filing-amendments,-one-dollar,-and-if-authorized  
4 capital-stock-is-increased-to-an-amount-exceeding-twenty-five  
5 thousand-dollars,-an-additional-fee-of-one-dollar-per-thousand  
6 dollars-or-fraction-of-such-excess-

7 3.--Upon-filing-all-articles,-renewals,-or-amendments,-a  
8 recording-fee-of-fifty-cents-per-page-

9 Sec. 31. Section 554.9403, subsection 5, Code Supplement  
10 1993, is amended to read as follows:

11 5. The uniform fee for filing and indexing and for  
12 stamping a copy furnished by the secured party to show the  
13 date and place of filing shall be as follows:

14 a. Ten dollars for an original financing statement if the  
15 statement is in the standard form prescribed by the secretary  
16 of state, and otherwise twelve dollars. However, if the  
17 original financing statement is filed electronically in the  
18 office of the secretary of state, the fee shall be eight  
19 dollars if the statement is in the standard form prescribed by  
20 the secretary of state, and otherwise twelve dollars.

21 b. Ten dollars for a continuation statement if the  
22 statement is in the standard form prescribed by the secretary  
23 of state, and otherwise twelve dollars. However, if the  
24 continuation statement is filed electronically in the office  
25 of the secretary of state, the fee shall be eight dollars if  
26 the statement is in the standard form prescribed by the  
27 secretary of state, and otherwise twelve dollars.

28 DIVISION III - H.F. 669 COORDINATING AMENDMENTS

29 Sec. 32. Section 8.60, Code Supplement 1993, is amended to  
30 read as follows:

31 8.60 USE OF DESIGNATED MONEYS.

32 Moneys credited to or deposited in the general fund of the  
33 state on or after July 1, 1993, which under law were pre-  
34 viously collected to be used for specific purposes, or to be  
35 credited to, or be deposited to a particular account or fund

1 shall only be used for the purposes for which the moneys were  
2 collected, including but not limited to moneys collected in  
3 accordance with any of the following provisions:

- 4 1. Pari-mutuel regulation fund created in section 99D.17,  
5 Code Supplement 1993.
- 6 2. Gamblers assistance fund pursuant to section 99E.10,  
7 subsection 1, Code Supplement 1993.
- 8 3. Excursion boat gambling special account pursuant to  
9 section 99F.4, subsection 2, Code Supplement 1993.
- 10 4. Milk fund created in section 192.111, Code Supplement  
11 1993.
- 12 5. Dairy trade practices trust fund pursuant to section  
13 192A.30, Code Supplement 1993.
- 14 6. Commercial feed fund created in section 198.9, Code  
15 Supplement 1993.
- 16 7. Fertilizer fund created in section 200.9, Code  
17 Supplement 1993.
- 18 8. Pesticide fund created in section 206.12, Code  
19 Supplement 1993.
- 20 9. Motor vehicle fraud account pursuant to section 312.2,  
21 subsection 13, Code Supplement 1993.
- 22 10. Public transit assistance fund pursuant to section  
23 312.2, subsection 15, and section 324A.6, Code Supplement  
24 1993.
- 25 11. Salvage vehicle fee paid to the Iowa law enforcement  
26 academy pursuant to section 321.52, Code Supplement 1993.
- 27 12. Railroad assistance fund created in section 327H.18,  
28 Code Supplement 1993.
- 29 13. Special railroad facility fund created in section  
30 327I.23, Code Supplement 1993.
- 31 14. State aviation fund created in section 328.36, Code  
32 Supplement 1993.
- 33 15. Marine fuel tax fund created in section 452A.79, Code  
34 Supplement 1993.
- 35 16. Public outdoor recreation and resources fund pursuant

1 to section 461A.79, Code Supplement 1993.

2 17. Energy research and development account fund created  
3 in section 473.11, Code Supplement 1993.

4 18. Utilities trust fund created in section 476.10, Code  
5 Supplement 1993.

6 19. Banking revolving fund created in section 524.207,  
7 Code Supplement 1993.

8 20. Credit union revolving fund created in section 533.67,  
9 Code Supplement 1993.

10 21. Professional licensing revolving fund created in  
11 section 546.10, Code Supplement 1993.

12 ~~22--Administrative-services-trust-fund-created-in-section~~  
13 ~~546.11.~~

14 Sec. 33. Section 99D.17, Code Supplement 1993, is amended  
15 to read as follows:

16 99D.17 USE OF FUNDS.

17 Funds received pursuant to sections 99D.14 and 99D.15 shall  
18 be deposited in the ~~pari-mutuel-regulation-fund-created-in-the~~  
19 ~~racing-and-gaming-commission~~ general fund of the state and  
20 shall be subject to the requirements of section 8.60. These  
21 funds shall first be used to the extent appropriated by the  
22 general assembly. ~~The-remainder-shall-be-transferred-to-the~~  
23 ~~treasurer-of-state-to-be-deposited-in-the-general-fund-of-the~~  
24 ~~state.~~ The commission is subject to the budget requirements  
25 of chapter 8 and the applicable auditing requirements and  
26 procedures of chapter 11.

27 ~~Notwithstanding-the-provisions-of-this-section-directing~~  
28 ~~that-funds-received-be-deposited-into-the-pari-mutuel~~  
29 ~~regulation-fund,-beginning-on-July-17-1991,-all-funds-received~~  
30 ~~shall-be-deposited-into-the-general-fund-of-the-state.~~

31 Sec. 34. Section 99E.10, subsection 1, paragraph a, Code  
32 Supplement 1993, is amended by striking the paragraph and  
33 inserting in lieu thereof the following:

34 a. An amount equal to one-half of one percent of the gross  
35 lottery revenue shall be deposited in the general fund of the

1 state and shall be subject to the requirements of section  
2 8.60. In each fiscal year the first seven hundred fifty  
3 thousand dollars of the moneys under this paragraph shall be  
4 appropriated to and shall be administered by the director of  
5 human services and used to provide assistance and counseling  
6 to individuals and families experiencing difficulty as a  
7 result of gambling losses and to promote awareness of  
8 "gamblers anonymous" and similar assistance programs.

9 Sec. 35. Section 99F.4, subsection 2, Code Supplement  
10 1993, is amended to read as follows:

11 2. To license qualified sponsoring organizations, to  
12 license the operators of excursion gambling boats, to identify  
13 occupations within the excursion gambling boat operations  
14 which require licensing, and to adopt standards for licensing  
15 the occupations including establishing fees for the  
16 occupational licenses and licenses for qualified sponsoring  
17 organizations. The fees shall be paid to the commission and  
18 deposited in ~~a special account~~ of the general fund of the  
19 state. All revenue received by the commission under this  
20 chapter from license fees and admission fees shall be  
21 deposited in ~~the special account in~~ the general fund of the  
22 state and shall be subject to the requirements of section  
23 8.60.

24 ~~Notwithstanding the provisions of this subsection and~~  
25 ~~sections 99F.10 and 99F.17 directing that all license and~~  
26 ~~admission fees be paid to the commission or be deposited into~~  
27 ~~a special account, beginning on July 1, 1991, all fees shall~~  
28 ~~be deposited into the general fund of the state.~~

29 Sec. 36. Section 99F.11, subsection 3, Code 1993, is  
30 amended to read as follows:

31 3. Three percent of the adjusted gross receipts shall be  
32 deposited in the ~~gamblers assistance fund specified in section~~  
33 ~~99E.10, subsection 1, paragraph "a"~~ general fund of the state  
34 and shall be subject to the requirements of section 8.60.

35 Sec. 37. Section 99F.17, subsection 1, Code 1993, is

1 amended to read as follows:

2 1. A manufacturer or distributor of gambling games or  
3 implements of gambling shall annually apply for a license upon  
4 a form prescribed by the commission before the first day of  
5 April in each year and shall submit the appropriate license  
6 fee. An applicant shall provide the necessary information as  
7 the commission requires. The license fee for a distributor is  
8 one thousand dollars, and the license fee for a manufacturer  
9 is two hundred fifty dollars. The license fees shall be  
10 credited to the ~~special-account~~ general fund of the state as  
11 provided for in section 99F.4, subsection 2.

12 Sec. 38. Section 192.111, subsection 3, Code Supplement  
13 1993, is amended to read as follows:

14 3. a. Fees collected under this section and moneys  
15 ~~appropriated-to-the-department-for-dairy-control-shall-be~~  
16 ~~deposited-in-the-milk-fund-which-is-established-in-the-office~~  
17 ~~of-the-treasurer-of-state~~ sections 192.133, 194.14, 194.19,  
18 194.20, and 195.9 shall be deposited in the general fund of  
19 the state. All moneys deposited ~~in-the-milk-fund~~ under this  
20 section are appropriated to the department for the costs of  
21 inspection, sampling, analysis, and other expenses necessary  
22 for the administration of this chapter and chapters 194 and  
23 195, and shall be subject to the requirements of section 8.60.  
24 ~~All-moneys-in-the-milk-fund-are-subject-to-audit-by-the~~  
25 ~~auditor-of-state.--The-milk-fund-is-subject-at-all-times-to~~  
26 ~~warrants-by-the-director-of-revenue-and-finance,-drawn-upon~~  
27 ~~written-requisition-of-the-secretary.--Notwithstanding-section~~  
28 ~~8-33,-moneys,-including-interest-earned,-in-the-milk-fund~~  
29 ~~shall-remain-from-year-to-year-and-shall-not-revert-to-the~~  
30 ~~general-fund.~~

31 b. In each fiscal year, the secretary shall calculate the  
32 balance of funds deposited under this section by subtracting  
33 all moneys expended for the costs of inspection, sampling,  
34 analysis and other expenses necessary for the administration  
35 of this chapter and chapters 194 and 195. ~~If there-is-an~~

1 unencumbered the calculation shows a balance of funds in the  
 2 milk-fund deposited under this section on June 30 of any  
 3 fiscal year equal to or exceeding one hundred fifty thousand  
 4 dollars, the secretary shall reduce the fees provided for in  
 5 subsection 2 of this section and section 194.20 for the next  
 6 fiscal year in an amount which will result in an ending  
 7 estimated balance of such funds for June 30 of the next fiscal  
 8 year of one hundred fifty thousand dollars.

9 ~~c.--Notwithstanding the provisions of paragraph "a", and~~  
 10 ~~sections 192.133, 194.14, 194.19, 194.20, and 195.9 directing~~  
 11 ~~that fees collected and appropriations made for dairy control~~  
 12 ~~be deposited into the milk fund, beginning on July 1, 1991,~~  
 13 ~~all fees collected under those sections shall be deposited~~  
 14 ~~into the general fund of the state.--All moneys deposited in~~  
 15 ~~the general fund under this section shall be appropriated for~~  
 16 ~~the costs of inspection, sampling, analysis, and other~~  
 17 ~~expenses necessary for the administration of this chapter and~~  
 18 ~~chapters 194 and 195.--Such appropriations shall not be~~  
 19 ~~deposited into the milk fund.~~

20 Sec. 39. Section 192.133, Code 1993, is amended to read as  
 21 follows:

22 192.133 LICENSE TERM -- FEES.

23 A license, unless earlier revoked, is valid until July 1  
 24 after the date of its issuance. The maximum fee for a license  
 25 is twenty-five dollars, which shall be paid before the license  
 26 is issued, and standard test bottles and pipettes shall be  
 27 furnished at actual cost. Fees collected under this section  
 28 shall be deposited in the milk fund established and used as  
 29 required in section 192.111.

30 Sec. 40. Section 192A.30, unnumbered paragraph 2, Code  
 31 Supplement 1993, is amended to read as follows:

32 ~~Notwithstanding the provisions of this section, fees~~ Fees  
 33 ~~paid to the secretary shall not be deposited into the dairy~~  
 34 ~~trade practices trust fund beginning on July 1, 1991, but~~  
 35 ~~shall be deposited into the general fund of the state and~~

1 shall be subject to the requirements of section 8.60.

2 Sec. 41. Section 194.14, Code 1993, is amended to read as  
3 follows:

4 194.14 LICENSE TERM -- FEES.

5 A milk grader's license, unless sooner revoked, is valid  
6 until July 1 after the date of issuance. The maximum fee for  
7 each license is ten dollars, which shall be paid before the  
8 license is issued. Fees collected under this section shall be  
9 ~~deposited in the milk fund established~~ and used as required in  
10 section 192.111.

11 Sec. 42. Section 194.19, Code 1993, is amended to read as  
12 follows:

13 194.19 LICENSES FOR COLLECTION VEHICLES -- FEES.

14 A vehicle used for the collection of milk for manufacture  
15 of dairy products shall first be licensed by the department.  
16 A license, unless earlier revoked, is valid until July 1 after  
17 the date of its issuance. The maximum fee for a license is  
18 twenty-five dollars, which shall be paid before the license is  
19 issued. A fee shall not be imposed under this section if the  
20 vehicle or its operator has paid the fee imposed upon milk  
21 haulers under section 192.111. Fees collected under this  
22 section shall be deposited ~~in the milk fund established~~ and  
23 used as required in section 192.111. This section does not  
24 apply to individuals transporting their own dairy products.

25 By applying for ~~said~~ the license, the applicant consents to  
26 abide by all laws set forth in this chapter and the rules and  
27 regulations which may be promulgated to implement these laws  
28 in the case of all milk obtained from Iowa producers for  
29 manufacture of dairy products.

30 The provisions of section 189.28 shall not apply to milk  
31 for manufacture of dairy products.

32 Sec. 43. Section 194.20, Code 1993, is amended to read as  
33 follows:

34 194.20 INSPECTION FEES -- GRADE "B" MILK.

35 A purchaser of milk from a grade "B" milk producer shall

1 pay an inspection fee not greater than one-half cent per  
2 hundredweight. The fee is payable monthly to the department  
3 at a time prescribed by the department. Fees collected under  
4 this section shall be deposited ~~in-the-milk-fund-established~~  
5 and used as required in section 192.111.

6 Sec. 44. Section 195.9, Code 1993, is amended to read as  
7 follows:

8 195.9 LICENSE TERM -- FEES.

9 A license, unless sooner revoked, is valid until July 1  
10 after the date of its issuance. The maximum fee for a license  
11 is twenty-five dollars which shall be paid before the license  
12 is issued. Fees collected under this section shall be  
13 deposited ~~in-the-milk-fund-established~~ and used as required in  
14 section 192.111.

15 Sec. 45. Section 198.9, subsection 3, Code Supplement  
16 1993, is amended to read as follows:

17 3. Fees collected shall ~~constitute-a-fund~~ be deposited in  
18 the general fund of the state and shall be subject to the  
19 requirements of section 8.60. Moneys deposited under this  
20 section shall be used for the payment of the costs of  
21 inspection, sampling, analysis, supportive research, and other  
22 expenses necessary for the administration of this chapter.

23 If there is an unencumbered balance of funds ~~in-the~~  
24 ~~commercial-feed-fund~~ from the fees deposited under this  
25 section on June 30 of any fiscal year equal to or exceeding  
26 one hundred thousand dollars, the secretary of agriculture  
27 shall reduce the per ton fee provided for in subsection 1 for  
28 the next fiscal year in such amount as will result in an  
29 ending estimated balance of the fees deposited less costs paid  
30 for from those fees for June 30 of the next fiscal year of one  
31 hundred thousand dollars.

32 The secretary shall publish a report not later than  
33 September 1 of each year. The report shall provide a detailed  
34 accounting of all sources of revenue deposited under and all  
35 dispositions of funds ~~utilized-by-the-commercial-feed-trust~~

1 fund expended under this section. The report shall detail  
2 full-time equivalent positions used in fulfilling the  
3 requirements of this chapter. The report shall also indicate  
4 to what extent any full-time equivalent positions are shared  
5 with other programs. Copies of the report issued by the  
6 secretary pursuant to this subsection shall be delivered each  
7 year to the members of the house of representatives and senate  
8 standing committees on agriculture.

9 ~~Notwithstanding the provisions of this subsection directing~~  
10 ~~that fees collected be deposited into the commercial feed~~  
11 ~~fund, beginning on July 17, 1991, all fees collected shall be~~  
12 ~~deposited into the general fund of the state.~~

13 Sec. 46. Section 200.8, subsection 3, Code 1993, is  
14 amended to read as follows:

15 3. If there is an unencumbered balance of funds in the  
16 fertilizer fund from the amount of the fees deposited in the  
17 general fund pursuant to sections 200.9 and 201.13 on June 30  
18 of any fiscal year equal to or exceeding three hundred fifty  
19 thousand dollars, the secretary of agriculture shall reduce  
20 the per ton fee provided for in subsection 1 and the annual  
21 license fee established pursuant to section 201.3 for the next  
22 fiscal year in such amount as will result in an ending  
23 estimated balance of such funds for June 30 of the next fiscal  
24 year of three hundred fifty thousand dollars.

25 Sec. 47. Section 200.9, Code Supplement 1993, is amended  
26 to read as follows:

27 200.9 FERTILIZER FUND FEES.

28 Fees collected for licenses and inspection fees under  
29 sections 200.4 and 200.8, with the exception of those fees  
30 collected for deposit in the agriculture management account of  
31 the groundwater protection fund, shall be deposited in the  
32 treasury to the credit of the fertilizer fund to general fund  
33 of the state and shall be subject to the requirements of  
34 section 8.60. Moneys deposited under this section to the  
35 general fund shall be used only by the department for the

1 purpose of inspection, sampling, analysis, preparation, and  
 2 publishing of reports and other expenses necessary for  
 3 administration of this chapter. The secretary may assign  
 4 moneys to the Iowa agricultural experiment station for  
 5 research, work projects, and investigations as needed for the  
 6 specific purpose of improving the regulatory functions for  
 7 enforcement of this chapter.

8 ~~Notwithstanding the provisions of this section and section~~  
 9 ~~201.13 directing that those fees collected under sections~~  
 10 ~~200.4 and 200.8 and moneys received under chapter 201 be~~  
 11 ~~deposited into the fertilizer fund, beginning on July 1, 1991,~~  
 12 ~~all such fees and moneys shall be deposited into the general~~  
 13 ~~fund of the state. -- Moneys received under chapter 201 and~~  
 14 ~~deposited into the general fund of the state as a result of~~  
 15 ~~this paragraph are appropriated for purposes of section~~  
 16 ~~201.13.~~

17 Sec. 48. Section 201.13, Code 1993, is amended to read as  
 18 follows:

19 201.13 MONEYS TO FERTILIZER GENERAL FUND -- PERIODIC  
 20 REPORT.

21 The moneys received under this chapter shall be deposited  
 22 in the fertilizer fund as established pursuant to chapter 200,  
 23 to general fund of the state and shall be subject to the  
 24 requirements of section 8.60. Moneys deposited under this  
 25 section shall be used by the department of agriculture and  
 26 land stewardship only for the purpose of inspection, sampling,  
 27 analyzing, preparing and publishing of reports, and other  
 28 expenses necessary for the administration of this chapter.  
 29 The secretary shall issue an annual report showing a statement  
 30 of moneys received from license and testing fees, and a  
 31 biennial report which shall be made available to the public  
 32 showing the certifications of the effective calcium carbonate  
 33 equivalent for all agricultural lime, limestone, or aglime  
 34 certified as provided in this chapter. The report shall list  
 35 the manufacturers and producers and their locations. Copies

1 of all reports issued by the secretary pursuant to this  
2 section shall be sent to the members of the house of  
3 representatives and senate standing committees on agriculture.

4 Sec. 49. Section 206.12, subsection 3, Code Supplement  
5 1993, is amended to read as follows:

6 3. The registrant, before selling or offering for sale any  
7 pesticide for use in this state, shall register each brand and  
8 grade of such pesticide with the secretary upon forms  
9 furnished by the secretary, and the secretary shall set the  
10 registration fee annually at one-fifth of one percent of gross  
11 sales within this state with a minimum fee of two hundred  
12 fifty dollars and a maximum fee of three thousand dollars for  
13 each and every brand and grade to be offered for sale in this  
14 state except as otherwise provided. The annual registration  
15 fee for products with gross annual sales in this state of less  
16 than one million five hundred thousand dollars shall be the  
17 greater of two hundred fifty dollars or one-fifth of one  
18 percent of the gross annual sales as established by affidavit  
19 of the registrant. The secretary shall adopt by rule  
20 exemptions to the minimum fee. Fifty dollars of each fee  
21 collected shall be deposited in the ~~treasury-to-the-credit-of~~  
22 ~~the-pesticide-fund-to~~ general fund of the state, shall be  
23 subject to the requirements of section 8.60, and shall be used  
24 only for the purpose of enforcing the provisions of this  
25 chapter and the remainder of each fee collected shall be  
26 placed in the agriculture management account of the  
27 groundwater protection fund.

28 ~~Notwithstanding-the-provisions-of-this-subsection-directing~~  
29 ~~that-fifty-dollars-of-each-fee-collected-be-deposited-into-the~~  
30 ~~pesticide-fund,-beginning-on-July-17-1991,-fifty-dollars-of~~  
31 ~~each-fee-collected-shall-be-deposited-into-the-general-fund-of~~  
32 ~~the-state-~~

33 Sec. 50. Section 312.2, subsections 13 and 15, Code  
34 Supplement 1993, are amended to read as follows:

35 13. The treasurer of state, before making the allotments

1 provided for in this section, shall credit annually to the  
2 department-of-justice general fund of the state from revenues  
3 credited to the road use tax fund under section 423.24,  
4 subsection 1, paragraph "d", an amount equal to twenty-five  
5 cents on each title issuance for motor vehicle fraud law  
6 enforcement and prosecution purposes including, but not  
7 limited to, the enforcement of state and federal odometer  
8 laws. Moneys deposited to the general fund under this  
9 subsection are subject to the requirements of section 8.60.

10 ~~Notwithstanding the provisions of this subsection directing~~  
11 ~~that twenty-five cents on each title issuance be annually~~  
12 ~~credited to the department of justice for deposit into the~~  
13 ~~motor vehicle fraud account, beginning on July 1, 1991, the~~  
14 ~~twenty-five cents on each title issuance shall be deposited~~  
15 ~~into the general fund of the state.~~

16 15. The treasurer of state, before making the allotments  
17 provided for in this section, shall credit monthly from the  
18 road use tax fund to the public transit assistance fund,  
19 created under section 324A.6, general fund of the state from  
20 revenue credited to the road use tax fund under section  
21 423.24, subsection 1, paragraph "d", an amount equal to one-  
22 twentieth of eighty percent of the revenue from the operation  
23 of section 423.7.

24 ~~Notwithstanding the provisions of this subsection directing~~  
25 ~~that one twentieth of eighty percent of the revenue derived~~  
26 ~~from the operation of section 423.7, be deposited into the~~  
27 ~~public transit assistance fund, beginning on July 1, 1991,~~  
28 ~~such amount shall be deposited into the general fund of the~~  
29 ~~state. There is appropriated from the general fund of the~~  
30 ~~state for each fiscal year to the state department of~~  
31 ~~transportation the amount of revenues credited to the general~~  
32 ~~fund of the state during the fiscal year under this subsection~~  
33 ~~to be used for purposes of public transit assistance under~~  
34 ~~chapter 324A.~~

35 Sec. 51. Section 321.52, subsection 4, paragraph c, Code

1 Supplement 1993, is amended to read as follows:  
2 c. A salvage theft examination shall be made by a peace  
3 officer who has been specially certified and recertified when  
4 required by the Iowa law enforcement academy to do salvage  
5 theft examinations. The Iowa law enforcement academy shall  
6 determine standards for training and certification, conduct  
7 training, and may approve alternative training programs which  
8 satisfy the academy's standards for training and  
9 certification. The owner of the salvage vehicle shall make  
10 the vehicle available for examination at a time and location  
11 designated by the peace officer doing the examination. The  
12 owner may obtain a permit to drive the vehicle to and from the  
13 examination location by submitting a repair affidavit to the  
14 agency performing the examination stating that the vehicle is  
15 reasonably safe for operation and listing the repairs which  
16 have been made to the vehicle. The owner must be present for  
17 the examination and have available for inspection the salvage  
18 title, bills of sale for all essential parts changed, and the  
19 repair affidavit. The examination shall be for the purposes  
20 of determining whether the vehicle or repair components have  
21 been stolen. The examination is not a safety inspection and a  
22 signed salvage theft examination certificate shall not be  
23 construed by any court of law to be a certification that the  
24 vehicle is safe to be operated. There shall be no cause of  
25 action against the peace officer or the agency conducting the  
26 examination or the county treasurer for failure to discover or  
27 note safety defects. If the vehicle passes the theft  
28 examination, the peace officer shall indicate that the vehicle  
29 passed examination on the salvage theft examination  
30 certificate. The permit and salvage theft examination  
31 certificate shall be on controlled forms prescribed and  
32 furnished by the department. The owner shall pay a fee of  
33 thirty dollars upon completion of the examination. The agency  
34 performing the examinations shall retain twenty dollars of the  
35 fee and shall pay five dollars of the fee to the department

1 and five dollars of the fee to the treasurer of state for  
 2 deposit in the general fund of the state. Moneys deposited to  
 3 the general fund under this paragraph are subject to the  
 4 requirements of section 8.60 and shall be used by the Iowa law  
 5 enforcement academy to provide for the special training,  
 6 certification, and recertification of officers as required by  
 7 this subsection.

8 The provision of this subsection requiring a salvage theft  
 9 examination by a peace officer specially certified or  
 10 recertified by the Iowa law enforcement academy to do salvage  
 11 theft examinations shall become effective July 1, 1989.  
 12 Salvage theft examinations conducted before July 1, 1989,  
 13 shall be made by peace officers authorized to do so by the  
 14 state department of transportation or the department of public  
 15 safety who are qualified, as determined by those agencies, to  
 16 conduct salvage theft examinations. The state department of  
 17 transportation shall adopt rules in accordance with chapter  
 18 17A to carry out this section, including transition rules  
 19 allowing for salvage theft examinations prior to July 1, 1989.

20 ~~Notwithstanding the provisions of this lettered paragraph~~  
 21 ~~directing that five dollars of each fee be paid to the Iowa~~  
 22 ~~law enforcement academy, beginning on July 1, 1991, such five~~  
 23 ~~dollars shall be deposited into the general fund of the state.~~

24 Sec. 52. Section 324A.6, subsections 1 and 4, Code  
 25 Supplement 1993, are amended to read as follows:

26 1. ~~There is established a public transit assistance fund~~  
 27 ~~in the office of the treasurer of state. Moneys in this fund~~  
 28 appropriated for purposes of public transit assistance under  
 29 this chapter shall be expended for providing assistance to  
 30 public transit for the development, improvement, and  
 31 maintenance of public transit systems. Unencumbered moneys  
 32 appropriated by the general assembly for the implementation of  
 33 a state assistance plan shall be deposited in the public  
 34 transit assistance fund. Moneys received by the department by  
 35 agreements, grants, gifts, or other means from individuals,

1 companies or other business entities, or cities and counties  
2 for the purposes stated in this section shall be credited to  
3 the public-transit-assistance general fund of the state.

4 ~~Notwithstanding the provisions of this section and section~~  
5 ~~312.2, subsection 15, directing that moneys be deposited into~~  
6 ~~the public-transit-assistance fund, beginning on July 1, 1991,~~  
7 ~~all such moneys under these sections shall be deposited into~~  
8 ~~the general fund of the state. There is appropriated from~~  
9 ~~moneys~~ Moneys received by the department by agreements,  
10 grants, gifts, or other means and deposited into the state  
11 general fund as a result of this paragraph subsection are  
12 appropriated to the department for purposes of this  
13 subsection. ~~Moneys appropriated from the general fund under~~  
14 ~~this paragraph and section 312.2, subsection 15, shall not be~~  
15 ~~deposited into the public-transit-assistance fund.~~

16 ~~4. Moneys deposited in the public-transit-assistance fund~~  
17 ~~are not subject to sections 8.33 and 8.39.~~

18 Sec. 53. Section 327H.18, Code Supplement 1993, is amended  
19 to read as follows:

20 327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED.

21 ~~There is established a railroad assistance fund in the~~  
22 ~~office of the treasurer of state. Moneys in this fund~~  
23 provided to the department for railroad assistance under this  
24 chapter shall be expended for providing assistance for the  
25 restoration, conservation, improvement, and construction of  
26 railroad main lines, branch lines, switching yards and  
27 sidings. ~~Any unencumbered funds appropriated by the general~~  
28 ~~assembly for branch line railroad assistance shall be~~  
29 ~~deposited in the railroad assistance fund. However, not more~~  
30 than twenty percent of the funds appropriated to the  
31 department for railroad assistance fund from the general fund  
32 of the state in any fiscal year shall be used for restoration,  
33 conservation, improvement, and construction of railroad main  
34 lines, switching yards and sidings. Any moneys received by  
35 the department by agreements, grants, gifts, or other means

1 from individuals, companies, business entities, cities, or  
2 counties for the purposes of this section shall be credited to  
3 the railroad-assistance general fund of the state.

4 ~~Notwithstanding the provisions of~~ Moneys received by or  
5 reimbursements made to the department pursuant to this section  
6 and sections 327I.7, subsection 14, and 327H.20 directing that  
7 moneys received or reimbursements made be deposited into the  
8 railroad-assistance fund, beginning on July 17, 1991, such  
9 moneys shall be deposited into the general fund of the state  
10 and all moneys received by the department by agreements,  
11 grants, gifts, or other means which were deposited into the  
12 state general fund as a result of this paragraph section are  
13 appropriated for state railroad assistance under this chapter.  
14 ~~Such appropriations shall not be deposited into the railroad~~  
15 ~~assistance fund~~ Moneys deposited into the general fund of the  
16 state pursuant to this section are subject to the requirements  
17 of section 8.60.

18 Sec. 54. Section 327H.20, Code 1993, is amended to read as  
19 follows:

20 327H.20 ASSISTANCE AGREEMENTS.

21 The department may enter into agreements with railroad  
22 corporations, the United States government, cities, counties,  
23 and other persons for carrying out the purposes of this  
24 chapter. Agreements entered into between the department and  
25 railroad corporations under this section may require a  
26 railroad corporation to reimburse all or part of the costs  
27 paid from the railroad-assistance fund funds provided by the  
28 department from revenue derived from all railroad cars and  
29 traffic using the main line, branch line, switching yard or  
30 sidings defined in the agreement. An agreement which does not  
31 require the repayment of railroad assistance funds used for  
32 rehabilitation projects shall require the railroad corporation  
33 to establish and maintain a separate corporation account to  
34 which an amount equal to all or part of the costs paid from  
35 the railroad-assistance fund funds provided by the department

1 shall be credited from revenue derived from all railroad cars  
2 and traffic using the main line, branch line, switching yard,  
3 or siding defined in the agreement. Credits to the  
4 corporation account by the railroad corporation may be used  
5 for the restoration, conservation, improvement, and  
6 construction of the railroad corporation's main line, branch  
7 lines, switching yards, and sidings within the state. The  
8 agreement shall stipulate the terms and conditions governing  
9 the use of credits to the corporation account as well as a  
10 penalty for the use of the account in a manner other than as  
11 provided in the agreement.

12 With the department's approval, a city may appropriate  
13 money from its general fund to the railroad-assistance-fund  
14 department. The department may agree to pay partial or total  
15 reimbursement to a city or county which appropriates money to  
16 the railroad-assistance-fund department. Money appropriated  
17 to the railroad-assistance-fund department from a city or  
18 county shall be used only as provided in section 327H.18 and  
19 within the city or county providing the money.

20 Moneys appropriated to the department by a city, county, or  
21 railroad district which are unexpended or unobligated  
22 following the expiration of an agreement shall be repaid to  
23 the city, county, or railroad district.

24 Sec. 55. Section 327H.25, Code 1993, is amended to read as  
25 follows:

26 327H.25 TRANSFER-OF-DUTIES ENERGY POLICY COUNCIL  
27 AGREEMENTS.

28 ~~The administration of the railroad-assistance-fund shall be~~  
29 ~~transferred from the energy policy council to the department~~  
30 ~~not later than July 17, 1976.~~ All agreements for railroad  
31 assistance entered into by the energy policy council with  
32 railroads and other persons shall be carried out by the  
33 department.

34 Sec. 56. Section 327I.4, subsections 11 and 15, Code 1993,  
35 are amended to read as follows:

1 11. "Pledged receipts" means the revenues and receipts  
 2 received or to be received by the authority from the lease,  
 3 operation or sale or disposition of railway facilities; from  
 4 loan or other agreements relating to financial assistance;  
 5 from grants, gifts or payments on guarantees made to the  
 6 authority by any person; from accrued interest received from  
 7 the sale of obligations; from income from the investment of  
 8 special funds of the authority, ~~including the special railroad~~  
 9 ~~facility fund~~; from the revenues and receipts deposited in the  
 10 special railroad facility fund; and from any other moneys  
 11 which are available for the payment of bond service charges.

12 ~~15. "Special railroad facility fund" means the fund~~  
 13 ~~created in section 327I.23.~~

14 Sec. 57. Section 327I.7, subsections 14, 20, and 21, Code  
 15 1993, are amended to read as follows:

16 14. Extend financial assistance for the purpose of  
 17 providing for project costs. Make interest-free loans for  
 18 rehabilitation of railway tracks, roadbeds, or trestles to  
 19 persons which have repaid in part the original loan from the  
 20 authority which was made for the purpose of the acquisition or  
 21 rehabilitation of railway tracks, roadbeds, or trestles.  
 22 However, an interest-free loan to a person shall not exceed  
 23 the amount repaid of the original loan made to that person and  
 24 one-half of the amount of the interest-free loan repaid to the  
 25 authority shall be credited to the railroad assistance general  
 26 fund established in section 327H.18 of the state.

27 ~~20. Pledge any funds contained in the special railroad~~  
 28 ~~facility fund to the payment of and as security for~~  
 29 ~~obligations issued under this chapter.~~

30 ~~21. Invest moneys in the special railroad facility fund in~~  
 31 ~~general or limited partnership interests in a partnership~~  
 32 ~~formed to purchase, renovate, and operate a railway facility.~~

33 Sec. 58. Section 327I.9, unnumbered paragraph 1, Code  
 34 1993, is amended to read as follows:

35 Except as provided in this chapter, all obligations are

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1 payable solely out of the pledged receipts as designated in  
2 the bond proceedings. Tax funds which the authority receives  
3 from a political subdivision of the state shall not be pledged  
4 for payment of the obligations. Except for those tax funds  
5 deposited in the ~~special-railroad-facility~~ general fund of the  
6 state as provided in section 327I.23, subsection 2, or other  
7 tax funds available pursuant to section 327I.26, the state  
8 shall not appropriate tax funds, directly or indirectly, to  
9 the authority for the purpose of payment of obligations of the  
10 authority. Obligations shall be authorized by resolution of  
11 the board and bond proceedings shall provide for the purpose  
12 of the obligations, the principal amount, the principal  
13 maturity or maturities, not exceeding twenty-five years from  
14 the date of issuance, the interest rate or rates or the  
15 maximum interest rate, the date of the obligations and the  
16 dates of payment of interest on them, their denomination, and  
17 the establishment within or without the state of a place or  
18 places of payment of bond service charges. As much as is  
19 practicable within the legal and fiscal limitations inherent  
20 in bond issuance, a portion of the bonds shall be issued in  
21 denominations of five thousand dollars and smaller, in order  
22 to allow smaller investors in the state to purchase the bonds.

23 Sec. 59. Section 327I.12, Code 1993, is amended to read as  
24 follows:

25 327I.12 PAYMENT OF OBLIGATIONS -- NONLIABILITY OF STATE.

26 Obligations issued under this chapter, and judgments based  
27 on contract or tort arising from the activities of the  
28 authority or persons acting on its behalf, are not a debt or  
29 liability of the state or of any political subdivision within  
30 the meaning of any constitutional or statutory debt limitation  
31 and are not a pledge of the state's credit or taxing power  
32 within the meaning of any constitutional or statutory  
33 limitation or provision and no appropriation shall be made,  
34 directly or indirectly, by the state or any political  
35 subdivision of the state for the payment of the obligations or

1 judgments or to fund any deficiency in the special railroad  
 2 facility fund any special funds, or for the indemnification of  
 3 a person subject to a judgment arising from that person's  
 4 actions on the authority's behalf. These obligations and  
 5 judgments are special obligations of the authority payable  
 6 solely and only from the sources and special funds provided in  
 7 this chapter. Funds from the general fund of the state shall  
 8 not be used to pay interest or principal on obligations of the  
 9 authority in the event that receipts from the taxes designated  
 10 for deposit in the special railroad facility fund available as  
 11 provided in section 327I.23, subsection 2, and section 327I.26  
 12 are insufficient.

13 Sec. 60. Section 327I.23, subsections 1 and 2, Code  
 14 Supplement 1993, are amended to read as follows:

15 1. ~~There is created in the office of the state treasurer a~~  
 16 ~~"special railroad facility fund".--This fund shall include~~  
 17 ~~moneys which by law may be credited to the special railroad~~  
 18 ~~facility fund.--The moneys in the special railroad facility~~  
 19 ~~fund are appropriated to and for the purposes of the authority~~  
 20 ~~as provided in this chapter.--The funds in the special~~  
 21 ~~railroad facility fund shall not be considered as a part of~~  
 22 ~~the general fund of the state, are not subject to~~  
 23 ~~appropriation for any other purpose by the general assembly,~~  
 24 ~~and in determining a general fund balance shall not be~~  
 25 ~~included in the general fund of the state but shall remain in~~  
 26 ~~the special railroad facility fund to be used for the purposes~~  
 27 ~~set forth in this section.--The treasurer of state shall act~~  
 28 ~~as custodian of the fund and disburse amounts contained in it~~  
 29 ~~as directed by the authority.--The treasurer of state is~~  
 30 ~~authorized to invest the funds deposited in the special~~  
 31 ~~railroad facility fund at the direction of the authority and~~  
 32 ~~subject to any limitations contained in the bond proceedings.~~  
 33 ~~The income from the investment shall be credited to and~~  
 34 ~~deposited in the special railroad facility fund.--This fund~~  
 35 Moneys available, by appropriation or otherwise, to the

1 authority for purposes of this chapter shall be administered  
2 by the authority and may be used to purchase or upgrade  
3 railroad right-of-way and trackage facilities or to purchase  
4 general or limited partnership interests in a partnership  
5 formed to purchase, upgrade, or operate railroad right-of-way  
6 and trackage facilities, to pay or secure obligations issued  
7 by the authority, to pay obligations, judgments, or debts for  
8 which the authority becomes liable in its capacity as a  
9 general partner, or for any other use authorized under this  
10 chapter. The ~~fund moneys~~ may also be used to purchase or  
11 upgrade railroad right-of-way and trackage facilities for the  
12 development of railroad passenger tourism.

13 2. Moneys received from repayment from heartland rail  
14 corporation as provided in 1983 Iowa Acts, chapter 198,  
15 section 32, as amended by 1987 Iowa Acts, chapter 232, section  
16 28, and 1988 Iowa Acts, chapter 1211, section 6, shall be  
17 deposited in a separate account within the ~~special-railroad~~  
18 ~~facility-fund-and-shall~~ general fund of the state and are  
19 appropriated to the authority to be used by the authority only  
20 for debt service or rehabilitation on branch rail lines whose  
21 total projected traffic is at least fifty percent agricultural  
22 products.

23 Sec. 61. Section 327I.23, subsection 3, Code Supplement  
24 1993, is amended by striking the subsection.

25 Sec. 62. Section 327I.25, unnumbered paragraph 1, Code  
26 1993, is amended to read as follows:

27 The authority shall certify to the treasurer of state  
28 amounts of money necessary for payment of principal and  
29 interest by the authority on obligations issued on or after  
30 July 1, 1988, or to make payments on leases guaranteed by the  
31 authority on or after July 1, 1988. However, certification  
32 shall only be made under this section when there are  
33 insufficient moneys available to the authority for the payment  
34 ~~from-moneys-credited-to-the-special-railroad-facility-fund-or~~  
35 ~~other-sources-available-to-the-authority~~ of such principal and

1 interest or the payment of such leases.

2 Sec. 63. Section 327I.26, Code 1993, is amended to read as  
3 follows:

4 327I.26 APPROPRIATION TO AUTHORITY.

5 Notwithstanding section 423.24 and prior to the application  
6 of section 423.24, subsection 1, paragraph "e d", there shall  
7 be deposited into the general fund of the state and is  
8 appropriated to the authority from eighty percent of the  
9 revenues derived from the operation of section 423.7 the  
10 amounts certified by the authority under section 327I.25.  
11 However, the total amount credited deposited into the general  
12 fund and appropriated to the Iowa railway finance authority  
13 under this section shall not exceed two million dollars  
14 annually. Moneys credited appropriated to the Iowa railway  
15 finance authority under this section are appropriated only for  
16 the payment of principal and interest on obligations or the  
17 payment of leases guaranteed by the authority as provided  
18 under section 327I.25.

19 Sec. 64. Section 328.12, subsection 1, Code 1993, is  
20 amended to read as follows:

21 1. Promotion of aeronautics. Encourage, foster, and  
22 assist in the general development and promotion of aeronautics  
23 in this state, and make disbursements from ~~the-state-aviation~~  
24 fund moneys available for such purposes.

25 Sec. 65. Section 328.24, Code 1993, is amended to read as  
26 follows:

27 328.24 REFUNDS OF FEES.

28 If, during the year for which an aircraft, except  
29 nonresident aircraft used for the application of herbicides  
30 and pesticides, was registered and the required fee paid the  
31 aircraft is destroyed by fire or accident or junked, and its  
32 identity as an aircraft entirely eliminated, or it is removed  
33 and continuously used beyond the boundaries of the state, then  
34 the owner in whose name it was registered at the time of  
35 destruction, dismantling, or removal from the state shall

1 return the certificate of registration to the department  
2 within ten days and make affidavit of ~~such~~ the destruction,  
3 dismantling, or removal and make claim for the refund. The  
4 refund shall be paid from the ~~state-aviation~~ general fund of  
5 the state.

6 The registration fee for the unexpired portion of the year  
7 shall be refunded pro rata to the nearest full calendar month,  
8 except that a refund shall not be allowed if the unused  
9 portion of the fee is less than thirty-five dollars per  
10 aircraft.

11 Sec. 66. Section 328.36, Code Supplement 1993, is amended  
12 by striking the section and inserting in lieu thereof the  
13 following:

14 328.36 DEPOSIT AND USE OF REVENUES.

15 All moneys received by the department pursuant to section  
16 328.21 or other sections of this chapter and those moneys  
17 remaining after the cost of administering the aviation fuel  
18 tax fund as provided in section 452A.82 shall be deposited  
19 into the general fund of the state and shall be subject to the  
20 requirements of section 8.60.

21 Sec. 67. Section 452A.79, unnumbered paragraph 2, Code  
22 Supplement 1993, is amended to read as follows:

23 ~~A-separate-fund-is-created-and-designated-as-the-"marine~~  
24 ~~fuel-tax-fund"~~ All moneys derived from the excise tax on the  
25 sale of motor fuel used in watercraft shall be deposited in  
26 the ~~marine-fuel-tax~~ general fund of the state. Moneys ~~in-the~~  
27 fund deposited to the general fund under this section and  
28 section 452A.84 are subject to the requirements of section  
29 8.60 and are subject to appropriation by the general assembly  
30 to the department of natural resources for use in its  
31 recreational boating program, which may include but is not  
32 limited to:

33 Sec. 68. Section 452A.79, unnumbered paragraph 3, Code  
34 Supplement 1993, is amended by striking the unnumbered  
35 paragraph.

1     Sec. 69. Section 452A.82, Code 1993, is amended to read as  
2 follows:

3     452A.82 AVIATION FUEL TAX FUND.

4     The portion of the moneys collected under this chapter  
5 received on account of aviation gasoline and special fuel used  
6 in aircraft shall be deposited in a separate fund to be  
7 maintained by the treasurer. All moneys remaining in the  
8 separate fund after the cost of administering the fund have  
9 has been paid shall be credited to the state-aviation general  
10 fund of the state.

11    Sec. 70. Section 452A.84, Code 1993, is amended to read as  
12 follows:

13    452A.84 TRANSFER TO MARINE-FUEL-TAX STATE GENERAL FUND.

14    The treasurer of state shall transfer from the motor fuel  
15 tax fund to the marine-fuel-tax-fund-created-in-section  
16 452A-79 general fund of the state that portion of moneys  
17 collected under this chapter attributable to motor fuel used  
18 in watercraft computed as follows:

19    1. Determine monthly the total amount of motor fuel tax  
20 collected under this chapter and multiply the amount by nine-  
21 tenths of one percent.

22    2. Subtract from the figure computed pursuant to  
23 subsection 1 of this section three percent of the figure for  
24 administrative costs and further subtract from the figure the  
25 amounts refunded to commercial fishers pursuant to subsection  
26 13-of section 452A.17, subsection 13. All moneys remaining  
27 after claims for refund and the cost of administration have  
28 been made shall be transferred to the marine-fuel-tax general  
29 fund of the state.

30    Sec. 71. Section 456A.17, Code 1993, is amended to read as  
31 follows:

32    456A.17 FUNDS.

33    The following five four funds are created in the state  
34 treasury:

35    1. A state fish and game protection fund.

1 2. A state conservation fund.

2 3. An administration fund.

3 4. ~~A-public-outdoor-recreation-and-resources-fund-~~

4 5. A county conservation board fund.

5 The state fish and game protection fund, except as  
6 otherwise provided, consists of all moneys accruing from  
7 license fees and all other sources of revenue arising under  
8 the fish and wildlife division. Notwithstanding section  
9 12C.7, subsection 2, interest or earnings on investments or  
10 time deposits of the funds moneys in the state fish and game  
11 protection fund ~~and-the-public-outdoor-recreation-and~~  
12 ~~resources-fund~~ shall be credited to those ~~funds-respectively~~  
13 that fund.

14 The ~~public-outdoor-recreation-and-resources-fund-and-the~~  
15 county conservation board fund ~~consist~~ consists of all moneys  
16 credited to them it by law or appropriated to them it by the  
17 general assembly.

18 The conservation fund, except as otherwise provided,  
19 consists of all other funds accruing to the department for the  
20 purposes embraced by this chapter.

21 The administration fund shall consist of an equitable  
22 portion of the gross amount of the state fish and game  
23 protection fund and the state conservation fund, to be  
24 determined by the commission, sufficient to pay the expense of  
25 administration entailed by this chapter.

26 All receipts and refunds and reimbursements related to  
27 activities funded by the administration fund are appropriated  
28 to the administration fund. All refunds and reimbursements  
29 relating to activities of the state fish and game protection  
30 fund shall be credited to the state fish and game protection  
31 fund.

32 Sec. 72. Section 456A.19, unnumbered paragraph 7, Code  
33 1993, is amended by striking the unnumbered paragraph.

34 Sec. 73. Section 461A.79, Code Supplement 1993, is amended  
35 to read as follows:

1 461A.79 PUBLIC OUTDOOR RECREATION AND RESOURCES FUND.

2 1. Fifty percent of the funds ~~credited-to-the~~ appropriated  
3 for purposes of this section for public outdoor recreation and  
4 resources fund shall be expended on land acquisition and  
5 capital improvements in carrying out ~~the-provisions-of~~ this  
6 chapter. Acquisition projects, both fee-simple and less-than-  
7 fee, from willing sellers, may be for purposes of  
8 establishment or expansion of state parks, public hunting  
9 areas, natural areas, public fishing areas, water access  
10 sites, trail corridors, and other acquisition projects that  
11 are in accord with this chapter. Notwithstanding the  
12 exemption provided by section 427.1, land acquired under this  
13 subsection is subject to the full consolidated levy of  
14 property taxes which shall be paid from revenues available to  
15 be expended under this subsection. Capital improvements may  
16 be either new developments or rehabilitative in nature. Lake  
17 and watershed restoration projects are eligible for funding  
18 under this subsection. Not more than fifty percent of the  
19 revenues available to be expended under this subsection may be  
20 used by the commission to enter into agreements with county  
21 conservation boards and county boards of supervisors in those  
22 counties without conservation boards to carry out the purposes  
23 of this subsection. The agreement shall not provide for the  
24 payment by the commission of more than seventy-five percent of  
25 the cost of the project and the agreement shall specify that  
26 the county conservation board or county board of supervisors,  
27 whichever is applicable, shall provide funds for the remaining  
28 cost of the project covered by the agreement. ~~Revenues~~ Moneys  
29 available to be expended under this subsection may be used for  
30 the matching of federal funds.

31 2. Forty-five percent of the funds ~~credited-to-the~~  
32 appropriated for purposes of this section for public outdoor  
33 recreation and resources fund shall be expended on the state  
34 recreation tourism grant program. This program shall provide  
35 matching grants to cities and unincorporated communities for

1 purposes of developing or improving recreational projects or  
2 tourist attractions. A city or unincorporated community may  
3 submit an application to the commission for a matching grant,  
4 except that an unincorporated community shall submit the  
5 application through the county board of supervisors.  
6 Applications shall be reviewed by the advisory council for the  
7 public outdoor recreation and resources fund. The advisory  
8 council shall submit recommendations to the commission  
9 regarding possible recipients and grant amounts. Grants made  
10 to an unincorporated community shall be paid to the county  
11 board of supervisors to be used for the project of the  
12 unincorporated community. The amount of the grant shall not  
13 exceed fifty percent of the cost of the development or  
14 improvement to be made and the application must demonstrate  
15 that the city or unincorporated community will provide the  
16 required matching funds.

17 3. ~~Five percent of the funds credited-to-the~~ appropriated  
18 for purposes of this section for public outdoor recreation and  
19 resources fund shall be expended on advertising which shall  
20 promote the use of recreational facilities and tourist  
21 attractions in the state. The commission shall enter into an  
22 agreement with the Iowa department of economic development for  
23 the expenditure of these funds for this purpose.

24 4. ~~Notwithstanding any other provision of law, beginning~~  
25 ~~on July 1, 1991, moneys to be credited to or deposited in the~~  
26 Moneys available to be expended for purposes of this section  
27 for public outdoor recreation and resources fund shall be  
28 credited to or deposited to the general fund of the state and  
29 appropriations made for purposes of this section ~~shall not be~~  
30 ~~deposited into the public outdoor recreation and resources~~  
31 ~~fund but~~ shall be allocated as provided in this section.  
32 Moneys credited to or deposited to the general fund of the  
33 state pursuant to this subsection are subject to the  
34 requirements of section 8.60.

35 Sec. 74. Section 461A.80, subsections 1 and 2, Code 1993,

1 are amended to read as follows:

2 1. An advisory council for the public outdoor recreation  
3 and resources fund appropriations made for the purposes of  
4 section 461A.79 is created. The council shall consist of a  
5 public member appointed by the governor from each  
6 congressional district, the chairperson of the commission, the  
7 director, and a designee of the Iowa department of economic  
8 development. No more than three public members shall belong  
9 to the same political party. The council shall elect a  
10 chairperson annually from among ~~their-own~~ the council's  
11 members, and the director shall serve as council secretary.  
12 Persons already serving in an elected or appointed  
13 governmental capacity are not eligible to serve as council  
14 members.

15 2. The advisory council shall meet annually, in July, and  
16 upon the call of the chairperson of the advisory council. The  
17 advisory council shall make policy recommendations to the  
18 commission regarding the projects and programs to be funded  
19 from the funds available for public outdoor recreation and  
20 resources fund from appropriations made for the purposes of  
21 section 461A.79.

22 Sec. 75. Section 473.11, subsection 1, paragraph f, Code  
23 Supplement 1993, is amended to read as follows:

24 f. The moneys deposited under section 473.16 in the energy  
25 research-and-development general fund of the state shall be  
26 used for research and development of selected projects to  
27 improve Iowa's energy independence by developing improved  
28 methods of energy efficiency, or by increased development and  
29 use of Iowa's renewable nonresource-depleting energy  
30 resources. The moneys credited to the general fund of the  
31 state under section 556.18, subsection 3, shall be used for  
32 energy conservation and alternative energy resource projects.  
33 The projects shall be selected by the director and  
34 administered by the department. Selection criteria for funded  
35 projects shall include consideration of indirect restitution

1 to those persons in the state in the utility customer classes  
2 and the utility service territories affected by unclaimed  
3 utility refunds or deposits.

4 ~~Notwithstanding the provisions of this paragraph directing~~  
5 ~~that moneys be deposited into the energy research and~~  
6 ~~development fund, beginning July 1, 1991, all moneys shall be~~  
7 Moneys deposited into the general fund of the state under  
8 sections 473.16, 476.51, and 556.18, subsection 3, are subject  
9 to the requirements of section 8.60.

10 Sec. 76. Section 473.11, subsection 5, paragraph f, Code  
11 Supplement 1993, is amended by striking the paragraph.

12 Sec. 77. Section 473.16, Code 1993, is amended to read as  
13 follows:

14 473.16 ADDITIONAL FUNDS.

15 The department may accept funds from state and local  
16 sources and shall take steps necessary to obtain federal funds  
17 allotted and appropriated for the purpose of the above  
18 described energy-related programs. Such These funds shall be  
19 deposited in the energy research and development general fund  
20 of the state and shall be subject to the requirements of  
21 section 8.60. Federal funds received under the provisions of  
22 this section are appropriated for the purposes set forth in  
23 the federal grants.

24 ~~Notwithstanding the provisions of this section directing~~  
25 ~~that funds accepted be deposited into the energy research and~~  
26 ~~development fund, for the fiscal period beginning on July 1,~~  
27 ~~1991, and ending June 30, 1993, all funds accepted shall be~~  
28 ~~deposited into the general fund of the state and shall be~~  
29 ~~appropriated as provided in section 93.11, subsection 1,~~  
30 ~~paragraph "f".~~

31 Sec. 78. Section 475A.3, subsection 3, Code 1993, is  
32 amended to read as follows:

33 3. Salaries, expenses, and appropriation. The salary of  
34 the consumer advocate shall be fixed by the attorney general  
35 within the salary range set by the general assembly. The

1 salaries of employees of the consumer advocate shall be at  
2 rates of compensation consistent with current standards in  
3 industry. The reimbursement of expenses for the employees and  
4 the consumer advocate is as provided by law. The  
5 appropriation for the office of consumer advocate shall be a  
6 separate line item contained in the appropriation from the  
7 ~~utility-trust general fund created-pursuant-to-section-476-10~~  
8 of the state.

9 Sec. 79. Section 476.10, unnumbered paragraphs 5 through  
10 8, Code Supplement 1993, are amended by striking the  
11 unnumbered paragraphs and inserting in lieu thereof the  
12 following:

13 Fees paid to the utilities division shall be deposited in  
14 the general fund of the state. These funds shall be used for  
15 the payment, upon appropriation by the general assembly, of  
16 the expenses of the utilities division and the consumer  
17 advocate division of the department of justice. Subject to  
18 this section, the utilities division or the consumer advocate  
19 division may keep on hand with the treasurer of state funds in  
20 excess of the current needs of the utilities division or the  
21 consumer advocate division.

22 The administrator and consumer advocate shall account for  
23 receipts and disbursements according to the separate duties  
24 imposed upon the utilities and consumer advocate divisions by  
25 the laws of this state and each separate duty shall be  
26 fiscally self-sustaining.

27 All fees and other moneys collected under this section and  
28 sections 478.4, 479.16, and 479A.9 shall be deposited into the  
29 general fund of the state and expenses required to be paid  
30 under this section shall be paid from funds appropriated for  
31 those purposes. Moneys deposited into the general fund of the  
32 state pursuant to this section and sections 478.4, 479.16, and  
33 479A.9 shall be subject to the requirements of section 8.60.

34 Sec. 80. Section 476.51, unnumbered paragraphs 5 and 6,  
35 Code 1993, are amended to read as follows:

1 Civil penalties collected pursuant to this section shall be  
2 forwarded by the executive secretary of the board to the  
3 treasurer of state to be credited to the energy-research-and  
4 development general fund of the state and to be used only for  
5 the low income home energy assistance program and the  
6 weatherization assistance program administered by the division  
7 of community action agencies of the department of human  
8 rights. Penalties paid by a rate-regulated public utility  
9 pursuant to this section shall be excluded from the utility's  
10 costs when determining the utility's revenue requirement, and  
11 shall not be included either directly or indirectly in the  
12 utility's rates or charges to customers.

13 ~~Notwithstanding the provisions of this section directing~~  
14 ~~that civil penalties collected be deposited into the energy~~  
15 ~~research-and-development fund, for the fiscal period beginning~~  
16 ~~on July 1, 1991, and ending June 30, 1993, all funds collected~~  
17 ~~shall be deposited into the general fund of the state.~~

18 Sec. 81. Section 478.4, Code 1993, is amended to read as  
19 follows:

20 478.4 FRANCHISE -- HEARING.

21 The utilities board shall consider said the petition and  
22 any objections filed thereto to it in the manner hereinafter  
23 provided. It shall examine the proposed route or cause any  
24 engineer selected by it to do so. If a hearing is held on the  
25 petition it may hear such testimony as may aid it in  
26 determining the propriety of granting such the franchise. It  
27 may grant such the franchise in whole or in part upon such the  
28 terms, conditions, and restrictions, and with such the  
29 modifications as to location and route as may seem to it just  
30 and proper. Before granting such the franchise, the utilities  
31 board shall make a finding that the proposed line or lines are  
32 necessary to serve a public use and represents a reasonable  
33 relationship to an overall plan of transmitting electricity in  
34 the public interest. No A franchise shall not become  
35 effective until the petitioners shall pay, or file an

1 agreement to pay, all costs and expenses of the franchise  
2 proceeding, whether or not objections are filed, including  
3 costs of inspections or examinations of the route, hearing,  
4 salaries, publishing of notice, and any other expenses  
5 reasonably attributable thereto to it. The funds received for  
6 the costs and the expenses of the franchise proceeding shall  
7 be remitted to the treasurer of state for deposit in the  
8 utilities-trust general fund of the state as provided in  
9 section 476.10.

10 Sec. 82. Section 479.16, Code 1993, is amended to read as  
11 follows:

12 479.16 USE RECEIPT OF FUNDS.

13 All moneys received under ~~the provisions of~~ this chapter  
14 shall be remitted monthly to the treasurer of state and  
15 credited to the utilities-trust general fund of the state as  
16 provided in section 476.10.

17 Sec. 83. Section 479A.9, Code 1993, is amended to read as  
18 follows:

19 479A.9 DEPOSIT OF FUNDS.

20 Except as otherwise provided in section 479A.14, subsection  
21 8, moneys received under this chapter shall be credited to the  
22 utilities-trust general fund established of the state as  
23 provided in section 476.10.

24 Sec. 84. Section 524.207, Code Supplement 1993, is amended  
25 by striking the section and inserting in lieu thereof the  
26 following:

27 524.207 EXPENSES OF THE BANKING DIVISION -- FEES.

28 1. All expenses required in the discharge of the duties  
29 and responsibilities imposed upon the banking division of the  
30 department of commerce, the superintendent, and the state  
31 banking board by the laws of this state shall be paid from  
32 fees provided by the laws of this state and appropriated by  
33 the general assembly from the general fund of the state. All  
34 of these fees are payable to the superintendent. The  
35 superintendent shall pay all the fees and other moneys

1 received by the superintendent to the treasurer of state  
2 within the time required by section 12.10 and the fees and  
3 other moneys shall be deposited into the general fund of the  
4 state. The superintendent may keep on hand with the treasurer  
5 of state funds in excess of the current needs of the division  
6 to the extent approved by the state banking board.

7 2. The superintendent shall account for receipts and  
8 disbursements according to the separate duties imposed upon  
9 the superintendent by the laws of this state and each separate  
10 duty shall be fiscally self-sustaining.

11 3. The banking division may expend additional funds,  
12 including funds for additional personnel, if those additional  
13 expenditures are actual expenses which exceed the funds  
14 budgeted for bank examinations and directly result from  
15 examinations of banks. Before the division expends or  
16 encumbers an amount in excess of the funds budgeted for  
17 examinations, the director of the department of management  
18 shall approve the expenditure or encumbrance. Before approval  
19 is given, the director of the department of management shall  
20 determine that the examination expenses exceed the funds  
21 budgeted by the general assembly to the division and that the  
22 division does not have other funds from which examination  
23 expenses can be paid. Upon approval of the director of the  
24 department of management, the division may expend and encumber  
25 funds for excess examination expenses. The amounts necessary  
26 to fund the excess examination expenses shall be collected  
27 from those banks being regulated which caused the excess  
28 expenditures, and the collections shall be treated as  
29 repayment receipts as defined in section 8.2, subsection 8.

30 4. All fees and moneys collected shall be deposited into  
31 the general fund of the state and expenses required to be paid  
32 under this section shall be paid from funds appropriated for  
33 those purposes. Moneys deposited into the general fund of the  
34 state pursuant to this section shall be subject to the  
35 requirements of section 8.60.

1     Sec. 85. Section 533.67, Code Supplement 1993, is amended  
2 by striking the section and inserting in lieu thereof the  
3 following:

4     533.67 EXPENSES OF THE CREDIT UNION DIVISION -- FEES.

5     1. All expenses required in the discharge of the duties  
6 and responsibilities imposed upon the credit union division,  
7 the superintendent, and the credit union review board by the  
8 laws of this state shall be paid from fees provided by the  
9 laws of this state and appropriated by the general assembly  
10 from the general fund of the state. All of these fees are  
11 payable to the superintendent. The superintendent shall pay  
12 all the fees and other moneys received by the superintendent  
13 to the treasurer of state within the time required by section  
14 12.10 and the fees and other moneys shall be deposited into  
15 the general fund of the state. The superintendent may keep on  
16 hand with the treasurer of state funds in excess of the  
17 current needs of the division to the extent approved by the  
18 credit union review board.

19     2. The superintendent shall account for receipts and  
20 disbursements according to the separate duties imposed upon  
21 the superintendent by the laws of this state and each separate  
22 duty shall be fiscally self-sustaining.

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

1 department of management, the division may expend and encumber  
2 funds for excess examination expenses. The amounts necessary  
3 to fund the excess examination expenses shall be collected  
4 from those credit unions being regulated which caused the  
5 excess expenditures, and the collections shall be treated as  
6 repayment receipts as defined in section 8.2, subsection 8.

7 4. All fees and other moneys collected shall be deposited  
8 into the general fund of the state and expenses required to be  
9 paid under this section shall be paid from funds appropriated  
10 for those purposes. Moneys deposited into the general fund of  
11 the state pursuant to this section shall be subject to the  
12 requirements of section 8.60.

13 5. The division may accept reimbursement of expenses  
14 related to the examination of a credit union from the national  
15 credit union administration or any other share guarantor or  
16 insurance plan authorized by this chapter. These  
17 reimbursements shall be deposited into the general fund of the  
18 state.

19 Sec. 86. Section 542B.12, Code 1993, is amended to read as  
20 follows:

21 542B.12 DISPOSITION OF FEES.

22 The staff shall collect and account for all fees provided  
23 for by this chapter and pay the fees to the treasurer of state  
24 who shall deposit the fees in the ~~professional-licensing~~  
25 receiving general fund of the state.

26 Sec. 87. Section 542C.3, subsection 3, Code Supplement  
27 1993, is amended to read as follows:

28 3. All fees and other moneys received by the board,  
29 pursuant to this chapter, shall be paid monthly to the  
30 treasurer of state for deposit in the ~~professional-licensing~~  
31 receiving general fund of the state.

32 The board shall make a biennial report to the governor of  
33 its proceedings, with an account of all moneys received and  
34 disbursed, a list of the names of certified public accountants  
35 and accounting practitioners whose certificates, permits to

1 practice, or licenses have been revoked or suspended, and  
2 other information as it deems proper or the governor requests.

3 Sec. 88. Section 543B.14, Code 1993, is amended to read as  
4 follows:

5 543B.14 FEES AND EXPENSES -- FUNDS.

6 All fees and charges collected by the real estate  
7 commission under this chapter shall be paid into the  
8 ~~professional-licensing-revolving~~ general fund of the state,  
9 except that the equivalent of the greater of ten dollars or  
10 forty percent per year of the fees for each real estate  
11 salesperson's license, plus the equivalent of the greater of  
12 ten dollars or twenty-five percent per year of the fees for  
13 each broker's license shall be paid into the Iowa real estate  
14 education fund created in section 543B.54. All expenses  
15 incurred by the commission under this chapter, including  
16 compensation of staff assigned to the commission, shall be  
17 ~~paid out-of-the-professional-licensing-revolving-fund from~~  
18 funds appropriated for those purposes, except for expenses  
19 incurred and compensation paid for the real estate education  
20 director, which shall be paid out of the real estate education  
21 fund.

22 Sec. 89. Section 543D.6, subsection 2, Code 1993, is  
23 amended to read as follows:

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

27 Sec. 90. Section 544A.11, unnumbered paragraph 2, Code  
28 1993, is amended to read as follows:

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

32 Sec. 91. Section 544B.14, unnumbered paragraph 2, Code  
33 1993, is amended to read as follows:

34 All fees shall be collected by the secretary, paid to the  
35 treasurer of state and deposited in the ~~professional-licensing~~

1 revoiving general fund of the state.

2 Sec. 92. Section 546.9, unnumbered paragraph 2, Code 1993,  
3 is amended by striking the unnumbered paragraph.

4 Sec. 93. Section 546.10, subsection 5, Code Supplement  
5 1993, is amended by striking the subsection.

6 Sec. 94. Section 546.10, subsection 6, Code Supplement  
7 1993, is amended by striking the subsection and inserting in  
8 lieu thereof the following:

9 6. Fees collected under chapters 542B, 542C, 543B, 543D,  
10 544A, and 544B shall be paid to the treasurer of state and  
11 credited to the general fund of the state. All expenses  
12 required in the discharge of the duties and responsibilities  
13 imposed upon the professional licensing division of the  
14 department of commerce, the administrator, and the licensing  
15 boards by the laws of this state shall be paid from moneys  
16 appropriated by the general assembly for those purposes. All  
17 fees deposited into the general fund of the state, as provided  
18 in this subsection, shall be subject to the requirements of  
19 section 8.60.

20 Sec. 95. Section 556.18, subsection 1, Code Supplement  
21 1993, is amended to read as follows:

22 1. All Except as provided in subsection 3, all funds  
23 received under this chapter, including the proceeds from the  
24 sale of abandoned property under section 556.17, shall be  
25 deposited monthly by the treasurer of state in the general  
26 fund of the state. However, the treasurer of state shall  
27 retain in a separate trust fund an amount not exceeding two  
28 hundred thousand dollars from which the treasurer of state  
29 shall make prompt payment of claims duly allowed under section  
30 556.20. Before making the deposit, the treasurer of state  
31 shall record the name and last known address of each person  
32 appearing from the holders' reports to be entitled to the  
33 abandoned property and the name and last known address of each  
34 insured person or annuitant, and with respect to each policy  
35 or contract listed in the report of a life insurance

1 corporation, its number, the name of the corporation, and the  
2 amount due. The record shall be available for public  
3 inspection at all reasonable business hours.

4 Sec. 96. Section 556.18, Code Supplement 1993, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 3. The treasurer of state shall annually  
7 credit all moneys received under section 556.4 to the general  
8 fund of the state. Moneys credited to the general fund of the  
9 state pursuant to this subsection are subject to the  
10 requirements of section 8.60.

11 Sec. 97. Section 327H.24, Code 1993, is repealed.

12 Sec. 98. Section 546.11, Code Supplement 1993, is  
13 repealed.

14 Sec. 99. The requirements of section 8.60, subsection 17,  
15 with respect to moneys received and credited under section  
16 556.18, subsection 3, as enacted by this Act, relate back to  
17 moneys received and credited to the energy research and  
18 development fund under section 556.18, subsection 3, Code  
19 1993, except that the reference to former section 93.11 is  
20 replaced with a reference to section 473.11.

21 EXPLANATION

22 Division I -- Resubmissions

23 The sections included in Division I of this bill were  
24 originally submitted as part of a 1993 Code editor's bill  
25 which failed to pass in 1993. Proposals that are presented  
26 for the first time in 1994 are included in Divisions II and  
27 III of this bill.

28 7A.3, unnumbered paragraph 3: In section relating to  
29 biennial reports of officials and departments, provides that  
30 the director of the department of management, rather than the  
31 director of revenue and finance, has responsibilities with  
32 respect to the furnishing of standardized report forms. This  
33 amendment was requested by the department of revenue and  
34 finance.

35 15.283(4): Revises provision relating to the planning

1 allocation under the rural community 2000 program. This  
2 amendment was requested by the department of economic  
3 development as a means of clarifying the extent of the  
4 director's discretion.

5 35A.3(12) and 35B.6(1)(b): In chapter 35A.3, relating to  
6 the state commission of veterans affairs, a new subsection is  
7 added specifying the duty to provide training for county  
8 veteran affairs executive directors pursuant to section 35B.6.  
9 The substance of this new provision was enacted in 1992 as a  
10 duty of the veterans affairs division of the department of  
11 public defense (see 92 Acts, chapter 1075, section 1).  
12 However, it could not be codified in the 1993 Code because of  
13 the repeal of the veterans affairs division. Under this bill  
14 the duty is given to the newly independent commission of  
15 veterans affairs. Conforming amendments are made in section  
16 35B.6.

17 87.11D: In workers' compensation provision relating to  
18 fees for the examination of self-insured employers, deletes a  
19 reference to the former insurance division revolving fund and  
20 refers instead to payment to the general fund.

21 99D.15(3)(c): Amends subparagraph (1) of provision  
22 requiring that specified portions of the pari-mutuel wagering  
23 taxes at dog tracks be set aside for retiring any debt of the  
24 licensee, for capital improvement to the facilities of the  
25 licensee, for funding of possible future operating losses, or  
26 for charitable giving. The word "track" is changed to  
27 "licensee" as was done in the other two subparagraphs under 91  
28 Acts, chapter 268, section 427. (Subparagraph (1) was added  
29 by 91 Acts, chapter 166, section 6, to take effect January 1,  
30 1993.)

31 124.401(1)(d): In section setting forth the penalties for  
32 controlled substance violations, amends the quantity of  
33 marijuana covered in paragraph "d" so that a violation  
34 involving fifty kilograms or less is a class "D" felony. (A  
35 violation involving more than fifty kilograms is a class "C"

1 felony under paragraph "c".) The exact amount of fifty  
2 kilograms was inadvertently omitted when the statute was  
3 amended in 1989.

4 161A.42(11): In definition of "soil loss limit" in chapter  
5 relating to soil and water conservation, substitutes a  
6 reference to the current policy statement (section 161A.2) for  
7 the reference to former section 467D.1, which was repealed  
8 when soil and water conservation functions were restructured.

9 218.86 and 421.31(9): In the chapter relating to  
10 institutions governed by the human services department and the  
11 chapter relating to the department of revenue and finance,  
12 strike specific references to preaudit responsibilities of the  
13 department of revenue and finance with respect to the  
14 department of human services. The department of revenue and  
15 finance requested removal of these references, stating that  
16 the department's auditing duties are enunciated elsewhere in  
17 the Code.

18 422.4(1)(d): In definition of "annual inflation factor"  
19 for income tax purposes, provides that the department of  
20 management, not the department of revenue and finance, is the  
21 agency certifying when the unobligated general fund balance on  
22 June 30 is less than sixty million dollars. (The annual  
23 inflation factor is one hundred percent for the calendar year  
24 in which such a certification is made.) This change was  
25 requested by the department of revenue and finance.

26 422A.2(1, 2): In chapter relating to the hotel and motel  
27 tax, amend provisions governing the local transient guest tax  
28 fund to require that the fund be located in the department of  
29 revenue and finance rather than in the office of the treasurer  
30 of state. These amendments were requested by the department  
31 of revenue and finance, which stated that the change was  
32 proposed in order to expedite the more timely return of the  
33 funds to cities. The law requires that remittances from the  
34 fund be made at least quarterly to each city.

35 542B.2, unnumbered paragraph 3 and 542B.14(1)(b): In the

1 chapter governing the engineering and land surveying examining  
2 board, substitute the term "engineer intern" for "engineer-in-  
3 training". These amendments were requested by the  
4 professional licensing and regulation division of the  
5 department of commerce, which stated that the new terminology  
6 brings the statute into compliance with terminology adopted by  
7 the national council of examiners for engineering and  
8 surveying in 1992.

9 713.3 through 713.6: In sections relating to the crime of  
10 burglary, adds "one or more" preceding the word "persons".  
11 This change was requested by the attorney general's office.

12 Division II -- New Submissions

13 (excluding H.F. 669 coordinating amendments)

14 The sections included in Division II of this bill are  
15 submitted for the first time in 1994. See Division I for  
16 proposals that were originally presented as part of the 1993  
17 Code editor's bill. The coordinating amendments which have  
18 been prepared in response to the directive in section 30 of  
19 H.F. 669 (1993 Iowa Acts, chapter 131, relating to fund  
20 transfers) appear separately in Division III of this bill.

21 2B.12(7)(a): Amends provision relating to the Code  
22 Supplement to reflect the present practice of including state  
23 constitutional amendments which were approved by the voters at  
24 the preceding general election rather than proposed amendments  
25 passed by the general assembly during the first session of the  
26 biennium.

27 13B.4(6): In provision relating to reports by the state  
28 public defender, replaces an incorrect internal reference to  
29 funds recouped or collected for indigent defense purposes.

30 321L.5(2): In subsection relating to the dimensions of  
31 handicapped parking spaces, strikes reference to a specific  
32 section of the Code of Federal Regulations and replaces it  
33 with a provision requiring compliance with state departmental  
34 rules which adopt accepted national standards consistent with  
35 the requirements of federal law. The applicable rules would

1 be those in effect when the spaces are designated. This  
2 proposal was submitted by the department of public safety,  
3 which stated that federal requirements concerning the  
4 provision of handicapped parking spaces have changed, and use  
5 of state rulemaking procedures would allow the department to  
6 respond to these and future changes.

7 421.17(1), (2), un. paras. 2 and 3, (15), and (17);

8 421.20, un. para. 1: In provisions setting forth powers and  
9 duties of the director of revenue and finance, strike obsolete  
10 reference to boards of assessment and levy and boards of  
11 equalization, change references to reassessments in "taxing  
12 districts" by substituting the broader term "assessing  
13 jurisdictions", and strike subsections 15 and 17 (relating to  
14 the duty to exchange information with other states in  
15 connection with the discovery of taxable property and the duty  
16 to certify the aggregate of each state tax for each county).  
17 These proposals were submitted by the department of revenue  
18 and finance, which described the stricken provisions as  
19 obsolete or covered elsewhere in the Code.

20 422.35(9): In section describing the computation of net  
21 income of a corporation, strikes the subsection relating to  
22 the nondeductibility of the federal windfall profits tax.  
23 This change was proposed by the department of revenue and  
24 finance, which stated that the federal windfall profits tax  
25 was repealed in 1988.

26 422.42(12), un. para. 2: In provision stating that the  
27 sale of carpeting to owners, contractors, subcontractors, or  
28 builders does not constitute a sale of building materials  
29 entitled to different treatment under subsection 12, adds a  
30 phrase specifying ordinary taxability for carpeting under the  
31 use tax as well as the sales tax. This proposal was submitted  
32 by the department of revenue and finance to provide parallel  
33 treatment under the sales and use tax chapters.

34 423.1(8) and 423.22: In provisions of the use tax chapter  
35 relating to regulation of retailers having a duty to collect

1 the tax, restore former provisions affecting authorization to  
2 do business in this state (stricken in 1993 bill repealing  
3 chapter 494), but with references to chapter 490 replacing  
4 references to former chapter 494. These changes have been  
5 suggested by the secretary of state's office, which indicated  
6 that the provisions were erroneously stricken.

7 499.45: In section relating to filing fees for cooperative  
8 associations, substitutes a flat fee of \$50 for the current  
9 fee structure which is based on capital stock. This proposal  
10 was submitted by the secretary of state's office, which stated  
11 that the fees for cooperative associations were missed when a  
12 similar change was made in 1993 for fees of certain other  
13 entities outside chapter 490.

14 554.9403(5): Reduces from \$10 to \$8 the filing fee for  
15 electronically filed continuation statements under paragraph  
16 "b". This proposal was submitted by the secretary of state's  
17 office, which indicated that the reduction for continuation  
18 statements was missed in 1993 when a similar reduction was  
19 provided for original financing statements under paragraph  
20 "a".

21 Division III -- H.F. 669 Coordinating Amendments

22 The sections included in Division III of this bill are  
23 submitted as coordinating amendments in response to the  
24 directive in section 30 of H.F. 669 (1993 Acts, chapter 131),  
25 the 1993 enactment which made permanent the requirement that  
26 certain moneys, which were formerly segregated in special-  
27 purpose accounts or funds, be credited to and deposited in the  
28 state general fund. The following funds and accounts are  
29 affected:

30 Pari-mutuel regulation fund  
31 Gamblers assistance fund  
32 Excursion boat gambling special account  
33 Milk fund  
34 Dairy trade practices trust fund  
35 Commercial feed fund

- 1 Fertilizer fund
- 2 Pesticide fund
- 3 Motor vehicle fraud account
- 4 Public transit assistance fund
- 5 Salvage vehicle fee paid to Iowa law enforcement academy
- 6 Railroad assistance fund
- 7 Special railroad facility fund
- 8 State aviation fund
- 9 Marine fuel tax fund
- 10 Public outdoor recreation and resources fund
- 11 Energy research and development fund
- 12 Utilities trust fund
- 13 Banking revolving fund
- 14 Credit union revolving fund
- 15 Professional licensing revolving fund
- 16 Administrative services trust fund

17 Under section 8.60, the moneys which were previously  
18 collected to be used for specific purposes, or to go into a  
19 particular account or fund, must still only be used for the  
20 designated purposes even though they now go into the state  
21 general fund.

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SENATE FILE 2086

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES.

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

DIVISION I -- RESUBMISSIONS

Section 1. Section 7A.3, unnumbered paragraph 3, Code Supplement 1993, is amended to read as follows:

The officials and departments required by this section to file reports shall submit the reports on standardized forms furnished by the director of ~~revenue and finance~~ the department of management. All officials and agencies submitting reports shall consult with ~~the director of revenue and finance and~~ the director of the department of management; and shall devise standardized report forms for submission to the governor and members of the general assembly.

Sec. 2. Section 15.283, subsection 4, Code 1993, is amended to read as follows:

4. Moneys available under this program for the traditional infrastructure category, the new infrastructure category, and the planning category shall be allocated by the director. ~~Annually, not more than~~ The director may allocate up to three hundred thousand dollars of the funds for the program ~~shall be allocated for annually to~~ the planning category.

PARAGRAPH DIVIDED. Moneys available under this program for the housing category shall be allocated by the executive director of the Iowa finance authority who may transfer a portion of the moneys to the department for the planning category. If moneys allocated to the housing category are not

used or dedicated by April 1 of the fiscal year, the moneys shall be reallocated to the other categories that have the most need as determined by the department.

PARAGRAPH DIVIDED. At least one-third of the moneys allocated for the traditional infrastructure category, the new infrastructure category, and the housing category shall be set aside for cities with populations of five thousand or less. For the purposes of this set-aside, a city located in a county with a population in excess of three hundred thousand, if the city is contiguous to another city in the county and that other city is contiguous to the largest city in that county, shall be considered as having a population in excess of five thousand.

Sec. 3. Section 35A.3, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Provide training to executive directors of county commissions of veteran affairs pursuant to section 35B.6. The commission may adopt rules in accordance with chapter 17A to provide for training of county veteran affairs executive directors.

Sec. 4. Section 35B.6, subsection 1, paragraph b, Code 1993, is amended to read as follows:

b. Upon the employment of an executive director, the executive director shall complete a course of initial training provided by the ~~veterans-affairs-division-of-the-department-of public-defense-pursuant-to-section-29-4~~ commission of veterans affairs pursuant to section 35A.3. If an executive director is not appointed, a commissioner or a clerical assistant shall complete the course of training. The ~~division~~ commission shall issue the executive director, commissioner, or clerical assistant a certificate of training after completion of the initial training course. To maintain annual certification, the executive director, commissioner, or clerical assistant shall attend one ~~division~~ commission training course each year. Failure to maintain certification may be cause for

removal from office. The expenses of training shall be paid from the appropriation authorized in section 35B.14.

Sec. 5. Section 87.11D, Code 1993, is amended to read as follows:

**87.11D PAYMENT OF EXAMINATION EXPENSES BY THE SELF-INSURED EMPLOYER.**

The commissioner of insurance, upon the completion of an examination, or at such regular intervals prior to completion as the commissioner determines, shall prepare an account of the costs incurred in performing and preparing the report of such examinations which shall be charged to and paid by the self-insured employer examined, and upon failure or refusal of any self-insured employer to pay such a charge, the amount of the charge may be recovered in an action brought in the name of the state, and the commissioner may also revoke the employer's exemption under section 87.11. All fees collected in connection with an examination shall be paid into the ~~insurance-division-revolving~~ general fund.

Sec. 6. Section 99D.15, subsection 3, paragraph c, Code 1993, is amended to read as follows:

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

(1) If the rate of tax paid by the track licensee is six percent, one-sixth of the tax liability by the track licensee during the racing season shall be set aside.

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

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

Sec. 7. Section 124.401, subsection 1, paragraph d, Code 1993, is amended to read as follows:

d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, or simulated controlled substances classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving ~~less than~~ less than fifty kilograms or less of marijuana, is a class "D" felony, and in addition to the provisions of section 902.9, subsection 4, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars.

Sec. 8. Section 161A.42, subsection 11, Code 1993, is amended to read as follows:

11. "Soil loss limit" means the maximum amount of soil loss due to erosion by water or wind, expressed in terms of tons per acre per year, which the commissioners of the respective soil and water conservation districts determine is acceptable in order to meet the objectives expressed in section ~~467D.2~~ 161A.2.

Sec. 9. Section 218.86, Code 1993, is amended to read as follows:

**218.86 ABSTRACT OF CLAIMS.**

~~When vouchers~~ Vouchers for expenditures other than salaries ~~have been duly audited as provided for in section 423.91 said audited vouchers~~ shall be submitted to the director of revenue and finance, who shall ~~therefrom~~ prepare in triplicate an abstract of claims submitted showing the name of the claimant, ~~and the institutions and institutional fund thereof~~ on account of which the payment is made. ~~Said~~ The claims and abstracts of claims shall ~~then~~ be returned to ~~such~~ the director of the department of human services where the correctness of ~~said~~ the abstracts shall ~~then~~ be certified by the director. The original abstract shall ~~then~~ be delivered to the director of revenue and finance, the duplicate to be retained in the office of ~~such~~ the director of the department of human services and the triplicate forwarded to the proper institution to be retained ~~there~~ as a record of claims paid.

Sec. 10. Section 421.31, subsection 9, Code 1993, is amended by striking the subsection.

Sec. 11. Section 422.4, subsection 1, paragraph d, Code 1993, is amended to read as follows:

d. Notwithstanding the computation of the annual inflation factor under paragraph "a", the annual inflation factor is one hundred percent for any calendar year in which the unobligated state general fund balance on June 30 as certified by the director of ~~revenue and finance~~ the department of management by October 10, is less than sixty million dollars.

Sec. 12. Section 422A.2, subsections 1 and 2, Code 1993, are amended to read as follows:

1. There is created in the ~~office of the treasurer of state~~ department of revenue and finance a local transient quest tax fund which shall consist of all moneys credited to such fund under section 422A.1.

2. All moneys in the local transient quest tax fund shall be remitted at least quarterly by the ~~treasurer of state~~ department of revenue and finance, pursuant to rules of the director of revenue and finance, to each city in the amount collected from businesses in that city and to each county in the amount collected from businesses in the unincorporated areas of the county.

Sec. 13. Section 542B.2, unnumbered paragraph 3, Code 1993, is amended to read as follows:

The term "~~engineer-in-training~~" "engineer intern" as used in this chapter ~~shall mean~~ means a person who passes an examination in the fundamental engineering subjects, but ~~shall~~ does not entitle the person to claim to be a professional engineer.

Sec. 14. Section 542B.14, subsection 1, paragraph b, Code 1993, is amended to read as follows:

b. Successfully passing a written, oral, or written and oral examination in fundamental engineering subjects which is designed to show the knowledge of general engineering

principles. A person passing the examination in fundamental engineering subjects ~~will be~~ is entitled to a certificate as an ~~engineer-in-training~~ engineer intern.

Sec. 15. Section 713.3, Code 1993, is amended to read as follows:

713.3 BURGLARY IN THE FIRST DEGREE.

A person commits burglary in the first degree if, while perpetrating a burglary in or upon an occupied structure in which one or more persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or intentionally or recklessly inflicts bodily injury on any person. Burglary in the first degree is a class "B" felony.

Sec. 16. Section 713.4, Code 1993, is amended to read as follows:

713.4 ATTEMPTED BURGLARY IN THE FIRST DEGREE.

A person commits attempted burglary in the first degree if, while perpetrating an attempted burglary in or upon an occupied structure in which one or more persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or intentionally or recklessly inflicts bodily injury on any person. Attempted burglary in the first degree is a class "C" felony.

Sec. 17. Section 713.5, Code 1993, is amended to read as follows:

713.5 BURGLARY IN THE SECOND DEGREE.

A person commits burglary in the second degree in either of the following circumstances:

1. While perpetrating a burglary in or upon an occupied structure in which no persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or a bodily injury results to any person.

2. While perpetrating a burglary in or upon an occupied structure in which one or more persons are present, the person

does not have possession of an explosive or incendiary device or material, nor a dangerous weapon, and no bodily injury is caused to any person.

Burglary in the second degree is a class "C" felony.

Sec. 18. Section 713.6, Code 1993, is amended to read as follows:

713.6 ATTEMPTED BURGLARY IN THE SECOND DEGREE.

A person commits attempted burglary in the second degree in either of the following circumstances:

1. While perpetrating an attempted burglary in or upon an occupied structure in which no persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or a bodily injury results to any person.

2. While perpetrating an attempted burglary in or upon an occupied structure in which one or more persons are present, the person does not have possession of an explosive or incendiary device or material, nor a dangerous weapon, and no bodily injury is caused to any person.

Attempted burglary in the second degree is a class "D" felony.

DIVISION II -- NEW SUBMISSIONS

Sec. 19. Section 2B.12, subsection 7, paragraph a, Code 1993, is amended to read as follows:

a. All of the statutes of Iowa of a general and permanent nature which were enacted or amended during that session, except as provided in subsection 3, and an indication of all sections repealed during that session, and any amendments to the Constitution of the State of Iowa ~~passed-by-the-general assembly-in-that-session approved by the voters at the preceding general election.~~

Sec. 20. Section 13B.4, subsection 6, Code Supplement 1993, is amended to read as follows:

6. The state public defender shall report in writing to the general assembly on January 20 of each year regarding any

funds recouped or collected for court-appointed attorney fees or expenses of a public defender pursuant to section 331.756, subsection 86 5, or section 602.8107 during the previous calendar year.

Sec. 21. Section 321L.5, subsection 2, Code 1993, is amended to read as follows:

2. A handicapped parking space designated after July 1, 1990, shall ~~be in accordance~~ comply with the dimension requirements of ~~36-C.F.R.-§-1190.31~~ specified in rules adopted by the department of public safety and in effect when the spaces are designated. The department shall adopt accepted national standards for dimensions of handicapped spaces, consistent with the requirements of federal law. However, these dimension requirements do not apply to parallel on-street parking spaces.

Sec. 22. Section 421.17, subsection 1, Code Supplement 1993, is amended to read as follows:

1. To have and exercise general supervision over the administration of the assessment and tax laws of the state, over boards of supervisors and all other officers or boards of ~~assessment-and-levy~~ in the performance of their official duties, in all matters relating to assessments and taxation, to the end that all assessments of property and taxes levied thereon on the property be made relatively just and uniform in substantial compliance with the law.

Sec. 23. Section 421.17, subsection 2, unnumbered paragraphs 2 and 3, Code Supplement 1993, are amended to read as follows:

The director may order the reassessment of all or part of the property in any ~~taxing-district~~ assessing jurisdiction in any year. Such reassessment shall be made by the local assessor according to law under the direction of the director and the cost thereof of making the assessment shall be paid in the same manner as the cost of making an original assessment.

The director shall determine the degree of uniformity of valuation as between the various taxing-districts assessing jurisdictions of the state and shall have the authority to employ competent personnel for the purpose of performing this duty.

Sec. 24. Section 421.17, subsections 15 and 17, Code Supplement 1993, are amended by striking the subsections.

Sec. 25. Section 421.20, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The director of revenue and finance may bring actions of mandamus or injunction or any other proper actions in the district court to compel the performance of any order made by the director or to require any board of equalization or any other officer or person to perform any duty required by this chapter. The director shall commence an action only in the district court in the county in which the defendant or defendants in the action perform their official duties.

Sec. 26. Section 422.35, subsection 9, Code 1993, is amended by striking the subsection.

Sec. 27. Section 422.42, subsection 12, unnumbered paragraph 2, Code 1993, is amended to read as follows:

For the purposes of this subsection, the sale of carpeting is not a sale of building materials. The sale of carpeting to owners, contractors, subcontractors, or builders shall be treated as the sale of ordinary tangible personal property and subject to the tax imposed under section 422.43, subsection 1, and the tax imposed under section 423.2.

Sec. 28. Section 423.1, subsection 8, Code Supplement 1993, is amended to read as follows:

8. "Retailer maintaining a place of business in this state" or any like term includes any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, or other place of business, or any agent operating within this state under the authority of the retailer or its subsidiary.

irrespective of whether such place of business or agent is located here permanently or temporarily, or whether the retailer or subsidiary is admitted to do business within this state pursuant to chapter 490.

Sec. 29. Section 423.22, Code Supplement 1993, is amended to read as follows:

423.22 REVOKING PERMITS.

If a retailer maintaining a place of business in this state, or authorized to collect the tax imposed pursuant to section 423.10, fails to comply with any of the provisions of this chapter or any orders or rules prescribed and adopted under this chapter, or is substantially delinquent in the payment of a tax administered by the department or the interest or penalty on the tax, or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the permit-holding corporation, or interest or penalty on the tax, administered by the department, the director may, upon notice and hearing as provided, by order revoke the permit, if any, issued to the retailer under section 422.53, or if the retailer is a corporation authorized to do business in this state under chapter 490, may certify to the secretary of state a copy of an order finding that the retailer has failed to comply with specified provisions, orders, or rules. The secretary of state shall, upon receipt of the certified copy, revoke the permit authorizing the corporation to do business in this state, and shall issue a new permit only when the corporation has obtained from the director an order finding that the corporation has complied with its obligations under this chapter. No order authorized in this section shall be made until the retailer is given an opportunity to be heard and to show cause why the order should not be made, and the retailer shall be given ten days' notice of the time, place, and purpose of the hearing. The director may issue a new permit

pursuant to section 422.53 after revocation. The preceding provision applies to users and persons supplying services enumerated in section 422.43.

Sec. 30. Section 499.45, Code Supplement 1993, is amended to read as follows:

499.45 FEES.

~~The following fees~~ A fee of twenty dollars shall be paid to the secretary of state:

~~1--Upon filing articles of incorporation, amendments, or renewals thereof, ten dollars for authorized capital stock up to twenty-five thousand dollars, and one dollar per one thousand dollars or fraction in excess thereof, or ten dollars if there be no capital stock.~~

~~2--Upon filing amendments, one dollar, and if authorized capital stock is increased to an amount exceeding twenty-five thousand dollars, an additional fee of one dollar per thousand dollars or fraction of such excess.~~

~~3--Upon filing all articles, renewals, or amendments, a recording fee of fifty cents per page.~~

Sec. 31. Section 554.9403, subsection 5, Code Supplement 1993, is amended to read as follows:

5. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing shall be as follows:

a. Ten dollars for an original financing statement if the statement is in the standard form prescribed by the secretary of state, and otherwise twelve dollars. However, if the original financing statement is filed electronically in the office of the secretary of state, the fee shall be eight dollars if the statement is in the standard form prescribed by the secretary of state, and otherwise twelve dollars.

b. Ten dollars for a continuation statement if the statement is in the standard form prescribed by the secretary of state, and otherwise twelve dollars. However, if the continuation statement is filed electronically in the office

of the secretary of state, the fee shall be eight dollars if the statement is in the standard form prescribed by the secretary of state, and otherwise twelve dollars.

DIVISION III -- H.P. 669 COORDINATING AMENDMENTS

Sec. 32. Section 8.60, Code Supplement 1993, is amended to read as follows:

8.60 USE OF DESIGNATED MONEYS.

Moneys credited to or deposited in the general fund of the state on or after July 1, 1993, which under law were previously collected to be used for specific purposes, or to be credited to, or be deposited to a particular account or fund shall only be used for the purposes for which the moneys were collected, including but not limited to moneys collected in accordance with any of the following provisions:

1. Pari-mutuel regulation fund created in section 99D.17, Code Supplement 1993.
2. Gamblers assistance fund pursuant to section 99E.10, subsection 1, Code Supplement 1993.
3. Excursion boat gambling special account pursuant to section 99F.4, subsection 2, Code Supplement 1993.
4. Milk fund created in section 192.111, Code Supplement 1993.
5. Dairy trade practices trust fund pursuant to section 192A.30, Code Supplement 1993.
6. Commercial feed fund created in section 198.9, Code Supplement 1993.
7. Fertilizer fund created in section 200.9, Code Supplement 1993.
8. Pesticide fund created in section 206.12, Code Supplement 1993.
9. Motor vehicle fraud account pursuant to section 312.2, subsection 13, Code Supplement 1993.
10. Public transit assistance fund pursuant to section 312.2, subsection 15, and section 324A.6, Code Supplement 1993.

11. Salvage vehicle fee paid to the Iowa law enforcement academy pursuant to section 321.52, Code Supplement 1993.

12. Railroad assistance fund created in section 327H.18, Code Supplement 1993.

13. Special railroad facility fund created in section 327I.23, Code Supplement 1993.

14. State aviation fund created in section 328.36, Code Supplement 1993.

15. Marine fuel tax fund created in section 452A.79, Code Supplement 1993.

16. Public outdoor recreation and resources fund pursuant to section 461A.79, Code Supplement 1993.

17. Energy research and development account fund created in section 473.11, Code Supplement 1993.

18. Utilities trust fund created in section 476.10, Code Supplement 1993.

19. Banking revolving fund created in section 524.207, Code Supplement 1993.

20. Credit union revolving fund created in section 533.67, Code Supplement 1993.

21. Professional licensing revolving fund created in section 546.10, Code Supplement 1993.

~~22. Administrative services trust fund created in section 546.11.~~

Sec. 33. Section 99D.17, Code Supplement 1993, is amended to read as follows:

99D.17 USE OF FUNDS.

Funds received pursuant to sections 99D.14 and 99D.15 shall be deposited in the pari-mutuel-regulation-fund-created-in-the-racing-and-gaming-commission general fund of the state and shall be subject to the requirements of section 8.60. These funds shall first be used to the extent appropriated by the general assembly. ~~The remainder shall be transferred to the treasurer of state to be deposited in the general fund of the state.~~ The commission is subject to the budget requirements

of chapter 8 and the applicable auditing requirements and procedures of chapter 11.

~~Notwithstanding the provisions of this section directing that funds received be deposited into the pari-mutuel regulation fund, beginning on July 17, 1991, all funds received shall be deposited into the general fund of the state.~~

Sec. 34. Section 99E.10, subsection 1, paragraph a, Code Supplement 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

a. An amount equal to one-half of one percent of the gross lottery revenue shall be deposited in the general fund of the state and shall be subject to the requirements of section 8.60. In each fiscal year the first seven hundred fifty thousand dollars of the moneys under this paragraph shall be appropriated to and shall be administered by the director of human services and used to provide assistance and counseling to individuals and families experiencing difficulty as a result of gambling losses and to promote awareness of "gamblers anonymous" and similar assistance programs.

Sec. 35. Section 99F.4, subsection 2, Code Supplement 1993, is amended to read as follows:

2. To license qualified sponsoring organizations, to license the operators of excursion gambling boats, to identify occupations within the excursion gambling boat operations which require licensing, and to adopt standards for licensing the occupations including establishing fees for the occupational licenses and licenses for qualified sponsoring organizations. The fees shall be paid to the commission and deposited in a special account of the general fund of the state. All revenue received by the commission under this chapter from license fees and admission fees shall be deposited in the special account in the general fund of the state and shall be subject to the requirements of section 8.60.

~~Notwithstanding the provisions of this subsection and sections 99F.10 and 99F.17 directing that all license and admission fees be paid to the commission or be deposited into a special account, beginning on July 17, 1991, all fees shall be deposited into the general fund of the state:~~

Sec. 36. Section 99F.11, subsection 3, Code 1993, is amended to read as follows:

3. Three percent of the adjusted gross receipts shall be deposited in the ~~gamblers assistance fund specified in section 99B.10, subsection 1, paragraph "a"~~ general fund of the state and shall be subject to the requirements of section 8.60.

Sec. 37. Section 99F.17, subsection 1, Code 1993, is amended to read as follows:

1. A manufacturer or distributor of gambling games or implements of gambling shall annually apply for a license upon a form prescribed by the commission before the first day of April in each year and shall submit the appropriate license fee. An applicant shall provide the necessary information as the commission requires. The license fee for a distributor is one thousand dollars, and the license fee for a manufacturer is two hundred fifty dollars. The license fees shall be credited to the special account general fund of the state as provided for in section 99F.4, subsection 2.

Sec. 38. Section 192.111, subsection 3, Code Supplement 1993, is amended to read as follows:

3. a. Fees collected under this section and moneys ~~appropriated to the department for dairy control shall be deposited in the milk fund which is established in the office of the treasurer of state sections 192.133, 194.14, 194.19, 194.20, and 195.9 shall be deposited in the general fund of the state.~~ All moneys deposited in the milk fund under this section are appropriated to the department for the costs of inspection, sampling, analysis, and other expenses necessary for the administration of this chapter and chapters 194 and 195, and shall be subject to the requirements of section 8.60.

~~All moneys in the milk fund are subject to audit by the auditor of state. The milk fund is subject at all times to warrants by the director of revenue and finance, drawn upon written requisition of the secretary. Notwithstanding section 8.33, moneys, including interest earned, in the milk fund shall remain from year to year and shall not revert to the general fund:~~

b. In each fiscal year, the secretary shall calculate the balance of funds deposited under this section by subtracting all moneys expended for the costs of inspection, sampling, analysis and other expenses necessary for the administration of this chapter and chapters 194 and 195. If there is an unencumbered the calculation shows a balance of funds in the milk fund deposited under this section on June 30 of any fiscal year equal to or exceeding one hundred fifty thousand dollars, the secretary shall reduce the fees provided for in subsection 2 of this section and section 194.20 for the next fiscal year in an amount which will result in an ending estimated balance of such funds for June 30 of the next fiscal year of one hundred fifty thousand dollars.

~~c. Notwithstanding the provisions of paragraph "a" and sections 192.133, 194.14, 194.19, 194.20, and 195.9 directing that fees collected and appropriations made for dairy control be deposited into the milk fund, beginning on July 17, 1991, all fees collected under those sections shall be deposited into the general fund of the state. All moneys deposited in the general fund under this section shall be appropriated for the costs of inspection, sampling, analysis, and other expenses necessary for the administration of this chapter and chapters 194 and 195. Such appropriations shall not be deposited into the milk fund:~~

Sec. 39. Section 192.133, Code 1993, is amended to read as follows:

192.133 LICENSE TERM -- FEES.

A license, unless earlier revoked, is valid until July 1 after the date of its issuance. The maximum fee for a license is twenty-five dollars, which shall be paid before the license is issued, and standard test bottles and pipettes shall be furnished at actual cost. Fees collected under this section shall be deposited ~~in the milk fund established and used as required~~ in section 192.111.

Sec. 40. Section 192A.30, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

~~Notwithstanding the provisions of this section, fees~~ Fees paid to the secretary shall ~~not be deposited into the dairy trade practices trust fund beginning on July 1, 1993, but shall be deposited into the general fund of the state and shall be subject to the requirements of section 8.60.~~

Sec. 41. Section 194.14, Code 1993, is amended to read as follows:

194.14 LICENSE TERM -- FEES.

A milk grader's license, unless sooner revoked, is valid until July 1 after the date of issuance. The maximum fee for each license is ten dollars, which shall be paid before the license is issued. Fees collected under this section shall be deposited ~~in the milk fund established and used as required~~ in section 192.111.

Sec. 42. Section 194.19, Code 1993, is amended to read as follows:

194.19 LICENSES FOR COLLECTION VEHICLES -- FEES.

A vehicle used for the collection of milk for manufacture of dairy products shall first be licensed by the department. A license, unless earlier revoked, is valid until July 1 after the date of its issuance. The maximum fee for a license is twenty-five dollars, which shall be paid before the license is issued. A fee shall not be imposed under this section if the vehicle or its operator has paid the fee imposed upon milk haulers under section 192.111. Fees collected under this section shall be deposited ~~in the milk fund established and~~

~~used as required~~ in section 192.111. This section does not apply to individuals transporting their own dairy products.

By applying for ~~and the~~ license, the applicant consents to abide by all laws set forth in this chapter and the rules and regulations which may be promulgated to implement these laws in the case of all milk obtained from Iowa producers for manufacture of dairy products.

The provisions of section 189.28 shall not apply to milk for manufacture of dairy products.

Sec. 43. Section 194.20, Code 1993, is amended to read as follows:

194.20 INSPECTION FEES -- GRADE "B" MILK.

A purchaser of milk from a grade "B" milk producer shall pay an inspection fee not greater than one-half cent per hundredweight. The fee is payable monthly to the department at a time prescribed by the department. Fees collected under this section shall be deposited ~~in the milk fund established and used as required~~ in section 192.111.

Sec. 44. Section 195.9, Code 1993, is amended to read as follows:

195.9 LICENSE TERM -- FEES.

A license, unless sooner revoked, is valid until July 1 after the date of its issuance. The maximum fee for a license is twenty-five dollars which shall be paid before the license is issued. Fees collected under this section shall be deposited ~~in the milk fund established and used as required~~ in section 192.111.

Sec. 45. Section 198.9, subsection 3, Code Supplement 1993, is amended to read as follows:

3. Fees collected shall ~~constitute a fund be deposited in the general fund of the state and shall be subject to the requirements of section 8.60.~~ Moneys deposited under this section shall be used for the payment of the costs of inspection, sampling, analysis, supportive research, and other expenses necessary for the administration of this chapter.

If there is an unencumbered balance of funds in the commercial-feed-fund from the fees deposited under this section on June 30 of any fiscal year equal to or exceeding one hundred thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection 1 for the next fiscal year in such amount as will result in an ending estimated balance of the fees deposited less costs paid for from those fees for June 30 of the next fiscal year of one hundred thousand dollars.

The secretary shall publish a report not later than September 1 of each year. The report shall provide a detailed accounting of all sources of revenue deposited under and all dispositions of funds utilized by the commercial-feed-trust fund expended under this section. The report shall detail full-time equivalent positions used in fulfilling the requirements of this chapter. The report shall also indicate to what extent any full-time equivalent positions are shared with other programs. Copies of the report issued by the secretary pursuant to this subsection shall be delivered each year to the members of the house of representatives and senate standing committees on agriculture.

~~Notwithstanding the provisions of this subsection directing that fees collected be deposited into the commercial-feed fund, beginning on July 1, 1991, all fees collected shall be deposited into the general fund of the state.~~

Sec. 46. Section 200.8, subsection 3, Code 1993, is amended to read as follows:

3. If there is an unencumbered balance of funds in the fertilizer-fund from the amount of the fees deposited in the general fund pursuant to sections 200.9 and 201.13 on June 30 of any fiscal year equal to or exceeding three hundred fifty thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection 1 and the annual license fee established pursuant to section 201.3 for the next fiscal year in such amount as will result in an ending

estimated balance of such funds for June 30 of the next fiscal year of three hundred fifty thousand dollars.

Sec. 47. Section 200.9, Code Supplement 1993, is amended to read as follows:

200.9 FERTILIZER FUND FEES.

Fees collected for licenses and inspection fees under sections 200.4 and 200.8, with the exception of those fees collected for deposit in the agriculture management account of the groundwater protection fund, shall be deposited in the treasury to the credit of the fertilizer fund to general fund of the state and shall be subject to the requirements of section 8.60. Moneys deposited under this section to the general fund shall be used only by the department for the purpose of inspection, sampling, analysis, preparation, and publishing of reports and other expenses necessary for administration of this chapter. The secretary may assign moneys to the Iowa agricultural experiment station for research, work projects, and investigations as needed for the specific purpose of improving the regulatory functions for enforcement of this chapter.

~~Notwithstanding the provisions of this section and section 201.13 directing that those fees collected under sections 200.4 and 200.8 and moneys received under chapter 201 be deposited into the fertilizer fund, beginning on July 1, 1991, all such fees and moneys shall be deposited into the general fund of the state -- Moneys received under chapter 201 and deposited into the general fund of the state as a result of this paragraph are appropriated for purposes of section 201.13.~~

Sec. 48. Section 201.13, Code 1993, is amended to read as follows:

201.13 MONEYS TO FERTILIZER GENERAL FUND -- PERIODIC REPORT.

The moneys received under this chapter shall be deposited in the fertilizer fund as established pursuant to chapter 200;

to general fund of the state and shall be subject to the requirements of section 8.60. Moneys deposited under this section shall be used by the department of agriculture and land stewardship only for the purpose of inspection, sampling, analyzing, preparing and publishing of reports, and other expenses necessary for the administration of this chapter. The secretary shall issue an annual report showing a statement of moneys received from license and testing fees, and a biennial report which shall be made available to the public showing the certifications of the effective calcium carbonate equivalent for all agricultural lime, limestone, or aglime certified as provided in this chapter. The report shall list the manufacturers and producers and their locations. Copies of all reports issued by the secretary pursuant to this section shall be sent to the members of the house of representatives and senate standing committees on agriculture.

Sec. 49. Section 206.12, subsection 3, Code Supplement 1993, is amended to read as follows:

3. The registrant, before selling or offering for sale any pesticide for use in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, and the secretary shall set the registration fee annually at one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand dollars for each and every brand and grade to be offered for sale in this state except as otherwise provided. The annual registration fee for products with gross annual sales in this state of less than one million five hundred thousand dollars shall be the greater of two hundred fifty dollars or one-fifth of one percent of the gross annual sales as established by affidavit of the registrant. The secretary shall adopt by rule exemptions to the minimum fee. Fifty dollars of each fee collected shall be deposited in the treasury to the credit of the pesticide fund to general fund of the state, shall be

subject to the requirements of section 8.60, and shall be used only for the purpose of enforcing the provisions of this chapter and the remainder of each fee collected shall be placed in the agriculture management account of the groundwater protection fund.

~~Notwithstanding the provisions of this subsection directing that fifty dollars of each fee collected be deposited into the pesticide fund, beginning on July 1, 1991, fifty dollars of each fee collected shall be deposited into the general fund of the state.~~

Sec. 50. Section 312.2, subsections 13 and 15, Code Supplement 1993, are amended to read as follows:

13. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the department of justice general fund of the state from revenues credited to the road use tax fund under section 423.24, subsection 1, paragraph "d", an amount equal to twenty-five cents on each title issuance for motor vehicle fraud law enforcement and prosecution purposes including, but not limited to, the enforcement of state and federal odometer laws. Moneys deposited to the general fund under this subsection are subject to the requirements of section 8.60.

~~Notwithstanding the provisions of this subsection directing that twenty-five cents on each title issuance be annually credited to the department of justice for deposit into the motor vehicle fraud account, beginning on July 1, 1991, the twenty-five cents on each title issuance shall be deposited into the general fund of the state.~~

15. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under section 324A.67, general fund of the state from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "d", an amount equal to one-twentieth of eighty percent of the revenue from the operation of section 423.7.

~~Notwithstanding the provisions of this subsection directing that one-twentieth of eighty percent of the revenue derived from the operation of section 423.7, be deposited into the public transit assistance fund, beginning on July 1, 1991, such amount shall be deposited into the general fund of the state. There is appropriated from the general fund of the state for each fiscal year to the state department of transportation the amount of revenues credited to the general fund of the state during the fiscal year under this subsection to be used for purposes of public transit assistance under chapter 324A.~~

Sec. 51. Section 321.52, subsection 4, paragraph c, Code Supplement 1993, is amended to read as follows:

c. A salvage theft examination shall be made by a peace officer who has been specially certified and recertified when required by the Iowa law enforcement academy to do salvage theft examinations. The Iowa law enforcement academy shall determine standards for training and certification, conduct training, and may approve alternative training programs which satisfy the academy's standards for training and certification. The owner of the salvage vehicle shall make the vehicle available for examination at a time and location designated by the peace officer doing the examination. The owner may obtain a permit to drive the vehicle to and from the examination location by submitting a repair affidavit to the agency performing the examination stating that the vehicle is reasonably safe for operation and listing the repairs which have been made to the vehicle. The owner must be present for the examination and have available for inspection the salvage title, bills of sale for all essential parts changed, and the repair affidavit. The examination shall be for the purposes of determining whether the vehicle or repair components have been stolen. The examination is not a safety inspection and a signed salvage theft examination certificate shall not be construed by any court of law to be a certification that the

vehicle is safe to be operated. There shall be no cause of action against the peace officer or the agency conducting the examination or the county treasurer for failure to discover or note safety defects. If the vehicle passes the theft examination, the peace officer shall indicate that the vehicle passed examination on the salvage theft examination certificate. The permit and salvage theft examination certificate shall be on controlled forms prescribed and furnished by the department. The owner shall pay a fee of thirty dollars upon completion of the examination. The agency performing the examinations shall retain twenty dollars of the fee and shall pay five dollars of the fee to the department and five dollars of the fee to the treasurer of state for deposit in the general fund of the state. Moneys deposited to the general fund under this paragraph are subject to the requirements of section 8.60 and shall be used by the Iowa law enforcement academy to provide for the special training, certification, and recertification of officers as required by this subsection.

The provision of this subsection requiring a salvage theft examination by a peace officer specially certified or recertified by the Iowa law enforcement academy to do salvage theft examinations shall become effective July 1, 1989. Salvage theft examinations conducted before July 1, 1989, shall be made by peace officers authorized to do so by the state department of transportation or the department of public safety who are qualified, as determined by those agencies, to conduct salvage theft examinations. The state department of transportation shall adopt rules in accordance with chapter 17A to carry out this section, including transition rules allowing for salvage theft examinations prior to July 1, 1989.

~~Notwithstanding the provisions of this lettered paragraph directing that five dollars of each fee be paid to the Iowa law enforcement academy, beginning on July 1, 1991, such five dollars shall be deposited into the general fund of the state.~~

Sec. 52. Section 324A.6, subsections 1 and 4, Code Supplement 1993, are amended to read as follows:

1. ~~There is established a public transit assistance fund in the office of the treasurer of state. Moneys in this fund appropriated for purposes of public transit assistance under this chapter shall be expended for providing assistance to public transit for the development, improvement, and maintenance of public transit systems. Unencumbered moneys appropriated by the general assembly for the implementation of a state assistance plan shall be deposited in the public transit assistance fund. Moneys received by the department by agreements, grants, gifts, or other means from individuals, companies or other business entities, or cities and counties for the purposes stated in this section shall be credited to the public transit assistance general fund of the state.~~

~~Notwithstanding the provisions of this section and section 312.2, subsection 15, directing that moneys be deposited into the public transit assistance fund, beginning on July 17, 1991, all such moneys under these sections shall be deposited into the general fund of the state. -- There is appropriated from moneys Moneys received by the department by agreements, grants, gifts, or other means and deposited into the state general fund as a result of this paragraph subsection are appropriated to the department for purposes of this subsection. Moneys appropriated from the general fund under this paragraph and section 312.2, subsection 15, shall not be deposited into the public transit assistance fund.~~

~~4. -- Moneys deposited in the public transit assistance fund are not subject to sections 87.37 and 87.39.~~

Sec. 53. Section 327H.18, Code Supplement 1993, is amended to read as follows:

327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED.

~~There is established a railroad assistance fund in the office of the treasurer of state. Moneys in this fund provided to the department for railroad assistance under this~~

~~chapter shall be expended for providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards and sidings. Any unencumbered funds appropriated by the general assembly for branch line railroad assistance shall be deposited in the railroad assistance fund. However, not more than twenty percent of the funds appropriated to the department for railroad assistance fund from the general fund of the state in any fiscal year shall be used for restoration, conservation, improvement, and construction of railroad main lines, switching yards and sidings. Any moneys received by the department by agreements, grants, gifts, or other means from individuals, companies, business entities, cities, or counties for the purposes of this section shall be credited to the railroad assistance general fund of the state.~~

~~Notwithstanding the provisions of Moneys received by or reimbursements made to the department pursuant to this section and sections 327I.7, subsection 14, and 327H.20 directing that moneys received or reimbursements made be deposited into the railroad assistance fund, beginning on July 17, 1991, such moneys shall be deposited into the general fund of the state and all moneys received by the department by agreements, grants, gifts, or other means which were deposited into the state general fund as a result of this paragraph section are appropriated for state railroad assistance under this chapter. Such appropriations shall not be deposited into the railroad assistance fund Moneys deposited into the general fund of the state pursuant to this section are subject to the requirements of section 8.60.~~

Sec. 54. Section 327H.20, Code 1993, is amended to read as follows:

327H.20 ASSISTANCE AGREEMENTS.

The department may enter into agreements with railroad corporations, the United States government, cities, counties, and other persons for carrying out the purposes of this

chapter. Agreements entered into between the department and railroad corporations under this section may require a railroad corporation to reimburse all or part of the costs paid from the ~~railroad-assistance-fund~~ funds provided by the department from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard or sidings defined in the agreement. An agreement which does not require the repayment of railroad assistance funds used for rehabilitation projects shall require the railroad corporation to establish and maintain a separate corporation account to which an amount equal to all or part of the costs paid from the ~~railroad-assistance-fund~~ funds provided by the department shall be credited from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard, or siding defined in the agreement. Credits to the corporation account by the railroad corporation may be used for the restoration, conservation, improvement, and construction of the railroad corporation's main line, branch lines, switching yards, and sidings within the state. The agreement shall stipulate the terms and conditions governing the use of credits to the corporation account as well as a penalty for the use of the account in a manner other than as provided in the agreement.

With the department's approval, a city may appropriate money from its general fund to the ~~railroad-assistance-fund~~ department. The department may agree to pay partial or total reimbursement to a city or county which appropriates money to the ~~railroad-assistance-fund~~ department. Money appropriated to the ~~railroad-assistance-fund~~ department from a city or county shall be used only as provided in section 327H.18 and within the city or county providing the money.

Moneys appropriated to the department by a city, county, or railroad district which are unexpended or unobligated following the expiration of an agreement shall be repaid to the city, county, or railroad district.

Sec. 55. Section 327H.21, Code 1993, is amended to read as follows:

327H.21 FEDERAL FUNDS.

The department may accept federal funds to carry out the purposes of this chapter. All federal funds received under this section and all interest and earnings on federal funds received under this section are appropriated for the purposes set forth in the federal grants.

Sec. 56. Section 327H.25, Code 1993, is amended to read as follows:

327H.25 ~~TRANSFER-OF-BUYERS~~ ENERGY POLICY COUNCIL AGREEMENTS.

~~The administration of the railroad-assistance-fund shall be transferred from the energy-policy-council to the department not later than July 17, 1996.~~ All agreements for railroad assistance entered into by the energy policy council with railroads and other persons shall be carried out by the department.

Sec. 57. Section 327I.4, subsections 11 and 15, Code 1993, are amended to read as follows:

11. "Pledged receipts" means the revenues and receipts received or to be received by the authority from the lease, operation or sale or disposition of railway facilities; from loan or other agreements relating to financial assistance; from grants, gifts or payments on guarantees made to the authority by any person; from accrued interest received from the sale of obligations; from income from the investment of special funds of the authority, ~~including the special-railroad-facility-fund~~; from the revenues and receipts deposited in the special railroad facility fund; and from any other moneys which are available for the payment of bond service charges.

~~15. "Special-railroad-facility-fund" means the fund created in section 327I.23.~~

Sec. 58. Section 327I.7, subsections 14, 20, and 21, Code 1993, are amended to read as follows:

14. Extend financial assistance for the purpose of providing for project costs. Make interest-free loans for rehabilitation of railway tracks, roadbeds, or trestles to persons which have repaid in part the original loan from the authority which was made for the purpose of the acquisition or rehabilitation of railway tracks, roadbeds, or trestles. However, an interest-free loan to a person shall not exceed the amount repaid of the original loan made to that person and one-half of the amount of the interest-free loan repaid to the authority shall be credited to the railroad-assistance general fund established in section 327H.18 of the state.

~~28. Pledge any funds contained in the special railroad facility fund to the payment of and as security for obligations issued under this chapter.~~

~~21. Invest moneys in the special railroad facility fund in general or limited partnership interests in a partnership formed to purchase, renovate, and operate a railway facility.~~

Sec. 59. Section 327I.9, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except as provided in this chapter, all obligations are payable solely out of the pledged receipts as designated in the bond proceedings. Tax funds which the authority receives from a political subdivision of the state shall not be pledged for payment of the obligations. Except for those tax funds deposited in the special railroad facility general fund of the state as provided in section 327I.23, subsection 2, or other tax funds available pursuant to section 327I.26, the state shall not appropriate tax funds, directly or indirectly, to the authority for the purpose of payment of obligations of the authority. Obligations shall be authorized by resolution of the board and bond proceedings shall provide for the purpose of the obligations, the principal amount, the principal maturity or maturities, not exceeding twenty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the

dates of payment of interest on them, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. As much as is practicable within the legal and fiscal limitations inherent in bond issuance, a portion of the bonds shall be issued in denominations of five thousand dollars and smaller, in order to allow smaller investors in the state to purchase the bonds.

Sec. 60. Section 327I.12, Code 1993, is amended to read as follows:

327I.12 PAYMENT OF OBLIGATIONS -- NONLIABILITY OF STATE.

Obligations issued under this chapter, and judgments based on contract or tort arising from the activities of the authority or persons acting on its behalf, are not a debt or liability of the state or of any political subdivision within the meaning of any constitutional or statutory debt limitation and are not a pledge of the state's credit or taxing power within the meaning of any constitutional or statutory limitation or provision and no appropriation shall be made, directly or indirectly, by the state or any political subdivision of the state for the payment of the obligations or judgments or to fund any deficiency in the special railroad facility fund any special funds, or for the indemnification of a person subject to a judgment arising from that person's actions on the authority's behalf. These obligations and judgments are special obligations of the authority payable solely and only from the sources and special funds provided in this chapter. Funds from the general fund of the state shall not be used to pay interest or principal on obligations of the authority in the event that receipts from the taxes designated for deposit in the special railroad facility fund available as provided in section 327I.23, subsection 2, and section 327I.26 are insufficient.

Sec. 61. Section 327I.23, subsections 1 and 2, Code Supplement 1993, are amended to read as follows:

1. ~~There is created in the office of the state treasurer a "special railroad facility fund". This fund shall include moneys which by law may be credited to the special railroad facility fund. The moneys in the special railroad facility fund are appropriated to and for the purposes of the authority as provided in this chapter. The funds in the special railroad facility fund shall not be considered as a part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state but shall remain in the special railroad facility fund to be used for the purposes set forth in this section. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the authority. The treasurer of state is authorized to invest the funds deposited in the special railroad facility fund at the direction of the authority and subject to any limitations contained in the bond proceedings. The income from the investment shall be credited to and deposited in the special railroad facility fund. This fund~~ Moneys available, by appropriation or otherwise, to the authority for purposes of this chapter shall be administered by the authority and may be used to purchase or upgrade railroad right-of-way and trackage facilities or to purchase general or limited partnership interests in a partnership formed to purchase, upgrade, or operate railroad right-of-way and trackage facilities, to pay or secure obligations issued by the authority, to pay obligations, judgments, or debts for which the authority becomes liable in its capacity as a general partner, or for any other use authorized under this chapter. The fund moneys may also be used to purchase or upgrade railroad right-of-way and trackage facilities for the development of railroad passenger tourism.

2. Moneys received from repayment from heartland rail corporation as provided in 1983 Iowa Acts, chapter 198,

section 32, as amended by 1987 Iowa Acts, chapter 232, section 28, and 1988 Iowa Acts, chapter 1211, section 6, shall be deposited in a separate account within the ~~special railroad facility fund and shall~~ general fund of the state and are appropriated to the authority to be used by the authority only for debt service or rehabilitation on branch rail lines whose total projected traffic is at least fifty percent agricultural products.

Sec. 62. Section 3271.23, subsection 3, Code Supplement 1993, is amended by striking the subsection.

Sec. 63. Section 3271.25, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The authority shall certify to the treasurer of state amounts of money necessary for payment of principal and interest by the authority on obligations issued on or after July 1, 1988, or to make payments on leases guaranteed by the authority on or after July 1, 1988. However, certification shall only be made under this section when there are insufficient moneys available to the authority for the payment ~~from moneys credited to the special railroad facility fund or other sources available to the authority of such principal and interest or the payment of such leases.~~

Sec. 64. Section 3271.26, Code 1993, is amended to read as follows:

#### 3271.26 APPROPRIATION TO AUTHORITY.

Notwithstanding section 423.24 and prior to the application of section 423.24, subsection 1, paragraph "e d", there shall be deposited into the general fund of the state and is appropriated to the authority from eighty percent of the revenues derived from the operation of section 423.7 the amounts certified by the authority under section 3271.25. However, the total amount credited deposited into the general fund and appropriated to the Iowa railway finance authority under this section shall not exceed two million dollars annually. Moneys credited appropriated to the Iowa railway

finance authority under this section are appropriated only for the payment of principal and interest on obligations or the payment of leases guaranteed by the authority as provided under section 327I.25.

Sec. 65. Section 328.12, subsection 1, Code 1993, is amended to read as follows:

1. Promotion of aeronautics. Encourage, foster, and assist in the general development and promotion of aeronautics in this state, and make disbursements from the ~~state-aviation fund~~ moneys available for such purposes.

Sec. 66. Section 328.24, Code 1993, is amended to read as follows:

328.24 REFUNDS OF FEES.

If, during the year for which an aircraft, except nonresident aircraft used for the application of herbicides and pesticides, was registered and the required fee paid the aircraft is destroyed by fire or accident or junked, and its identity as an aircraft entirely eliminated, or it is removed and continuously used beyond the boundaries of the state, then the owner in whose name it was registered at the time of destruction, dismantling, or removal from the state shall return the certificate of registration to the department within ten days and make affidavit of such the destruction, dismantling, or removal and make claim for the refund. The refund shall be paid from the ~~state-aviation general~~ fund of the state.

The registration fee for the unexpired portion of the year shall be refunded pro rata to the nearest full calendar month, except that a refund shall not be allowed if the unused portion of the fee is less than thirty-five dollars per aircraft.

Sec. 67. Section 328.36, Code Supplement 1993, is amended by striking the section and inserting in lieu thereof the following:

328.36 DEPOSIT AND USE OF REVENUES.

All moneys received by the department pursuant to section 328.21 or other sections of this chapter and those moneys remaining after the cost of administering the aviation fuel tax fund as provided in section 452A.82 shall be deposited into the general fund of the state and shall be subject to the requirements of section 8.60.

Sec. 68. Section 452A.79, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

~~A separate fund is created and designated as the "marine fuel tax fund":~~ All moneys derived from the excise tax on the sale of motor fuel used in watercraft shall be deposited in the ~~marine fuel tax~~ general fund of the state. ~~Moneys in the fund deposited to the general fund under this section and section 452A.84 are subject to the requirements of section 8.60 and~~ are subject to appropriation by the general assembly to the department of natural resources for use in its recreational boating program, which may include but is not limited to:

Sec. 69. Section 452A.79, unnumbered paragraph 3, Code Supplement 1993, is amended by striking the unnumbered paragraph.

Sec. 70. Section 452A.82, Code 1993, is amended to read as follows:

452A.82 AVIATION FUEL TAX FUND.

The portion of the moneys collected under this chapter received on account of aviation gasoline and special fuel used in aircraft shall be deposited in a separate fund to be maintained by the treasurer. All moneys remaining in the separate fund after the cost of administering the fund have been paid shall be credited to the state aviation general fund of the state.

Sec. 71. Section 452A.84, Code 1993, is amended to read as follows:

452A.84 TRANSFER TO MARINE FUEL TAX STATE GENERAL FUND.

The treasurer of state shall transfer from the motor fuel tax fund to the ~~marine-fuel-tax-fund-created-in-section 452A:79~~ general fund of the state that portion of moneys collected under this chapter attributable to motor fuel used in watercraft computed as follows:

1. Determine monthly the total amount of motor fuel tax collected under this chapter and multiply the amount by nine-tenths of one percent.
2. Subtract from the figure computed pursuant to subsection 1 of this section three percent of the figure for administrative costs and further subtract from the figure the amounts refunded to commercial fishers pursuant to ~~subsection 13-of~~ section 452A.17, subsection 13. All moneys remaining after claims for refund and the cost of administration have been made shall be transferred to the ~~marine-fuel-tax~~ general fund of the state.

Sec. 72. Section 456A.17, Code 1993, is amended to read as follows:

456A.17 FUNDS.

The following ~~five~~ four funds are created in the state treasury:

1. A state fish and game protection fund.
2. A state conservation fund.
3. An administration fund.
4. ~~A-public-outdoor-recreation-and-resources-fund;~~
5. A county conservation board fund.

The state fish and game protection fund, except as otherwise provided, consists of all moneys accruing from license fees and all other sources of revenue arising under the fish and wildlife division. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the ~~funds~~ moneys in the state fish and game protection fund and the ~~public-outdoor-recreation-and-resources-fund~~ shall be credited to ~~those-funds-respectively~~ that fund.

The ~~public-outdoor-recreation-and-resources-fund-and-the~~ county conservation board fund ~~consist~~ consists of all moneys credited to ~~them~~ it by law or appropriated to ~~them~~ it by the general assembly.

The conservation fund, except as otherwise provided, consists of all other funds accruing to the department for the purposes embraced by this chapter.

The administration fund shall consist of an equitable portion of the gross amount of the state fish and game protection fund and the state conservation fund, to be determined by the commission, sufficient to pay the expense of administration entailed by this chapter.

All receipts and refunds and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and reimbursements relating to activities of the state fish and game protection fund shall be credited to the state fish and game protection fund.

Sec. 73. Section 456A.19, unnumbered paragraph 7, Code 1993, is amended by striking the unnumbered paragraph.

Sec. 74. Section 461A.79, Code Supplement 1993, is amended to read as follows:

461A.79 PUBLIC OUTDOOR RECREATION AND RESOURCES FUND.

1. Fifty percent of the funds ~~credited-to-the~~ appropriated for purposes of this section for public outdoor recreation and resources fund shall be expended on land acquisition and capital improvements in carrying out ~~the-provisions-of this~~ chapter. Acquisition projects, both fee-simple and less-than-fee, from willing sellers, may be for purposes of establishment or expansion of state parks, public hunting areas, natural areas, public fishing areas, water access sites, trail corridors, and other acquisition projects that are in accord with this chapter. Notwithstanding the exemption provided by section 427.1, land acquired under this subsection is subject to the full consolidated levy of

property taxes which shall be paid from revenues available to be expended under this subsection. Capital improvements may be either new developments or rehabilitative in nature. Lake and watershed restoration projects are eligible for funding under this subsection. Not more than fifty percent of the revenues available to be expended under this subsection may be used by the commission to enter into agreements with county conservation boards and county boards of supervisors in those counties without conservation boards to carry out the purposes of this subsection. The agreement shall not provide for the payment by the commission of more than seventy-five percent of the cost of the project and the agreement shall specify that the county conservation board or county board of supervisors, whichever is applicable, shall provide funds for the remaining cost of the project covered by the agreement. Revenues ~~Moneys~~ available to be expended under this subsection may be used for the matching of federal funds.

2. ~~Forty-five percent of the funds credited to the~~ appropriated for purposes of this section for public outdoor recreation and resources fund shall be expended on the state recreation tourism grant program. This program shall provide matching grants to cities and unincorporated communities for purposes of developing or improving recreational projects or tourist attractions. A city or unincorporated community may submit an application to the commission for a matching grant, except that an unincorporated community shall submit the application through the county board of supervisors. Applications shall be reviewed by the advisory council for the public outdoor recreation and resources fund. The advisory council shall submit recommendations to the commission regarding possible recipients and grant amounts. Grants made to an unincorporated community shall be paid to the county board of supervisors to be used for the project of the unincorporated community. The amount of the grant shall not exceed fifty percent of the cost of the development or

improvement to be made and the application must demonstrate that the city or unincorporated community will provide the required matching funds.

3. ~~Five percent of the funds credited to the~~ appropriated for purposes of this section for public outdoor recreation and resources fund shall be expended on advertising which shall promote the use of recreational facilities and tourist attractions in the state. The commission shall enter into an agreement with the Iowa department of economic development for the expenditure of these funds for this purpose.

4. ~~Notwithstanding any other provision of law, beginning on July 1, 1991, moneys to be credited to or deposited in the~~ Moneys available to be expended for purposes of this section for public outdoor recreation and resources fund shall be credited to or deposited to the general fund of the state and appropriations made for purposes of this section shall not be ~~deposited into the public outdoor recreation and resources fund~~ but shall be allocated as provided in this section. Moneys credited to or deposited to the general fund of the state pursuant to this subsection are subject to the requirements of section 8.60.

Sec. 75. Section 461A.80, subsections 1 and 2, Code 1993, are amended to read as follows:

1. An advisory council for the public outdoor recreation and resources fund appropriations made for the purposes of section 461A.79 is created. The council shall consist of a public member appointed by the governor from each congressional district, the chairperson of the commission, the director, and a designee of the Iowa department of economic development. No more than three public members shall belong to the same political party. The council shall elect a chairperson annually from among ~~their own~~ the council's members, and the director shall serve as council secretary. Persons already serving in an elected or appointed governmental capacity are not eligible to serve as council members.

2. The advisory council shall meet annually, in July, and upon the call of the chairperson of the advisory council. The advisory council shall make policy recommendations to the commission regarding the projects and programs to be funded from the funds available for public outdoor recreation and resources fund from appropriations made for the purposes of section 461A.79.

Sec. 76. Section 473.11, subsection 1, paragraph f, Code Supplement 1993, is amended to read as follows:

f. The moneys deposited under section 473.16 in the energy research-and-development general fund of the state shall be used for research and development of selected projects to improve Iowa's energy independence by developing improved methods of energy efficiency, or by increased development and use of Iowa's renewable nonresource-depleting energy resources. The moneys credited to the general fund of the state under section 556.18, subsection 3, shall be used for energy conservation and alternative energy resource projects. The projects shall be selected by the director and administered by the department. Selection criteria for funded projects shall include consideration of indirect restitution to those persons in the state in the utility customer classes and the utility service territories affected by unclaimed utility refunds or deposits.

~~Notwithstanding the provisions of this paragraph directing that moneys be deposited into the energy research and development fund, beginning July 1, 1991, all moneys shall be~~ Moneys deposited into the general fund of the state under sections 473.16, 476.51, and 556.18, subsection 3, are subject to the requirements of section 8.60.

Sec. 77. Section 473.11, subsection 5, paragraph f, Code Supplement 1993, is amended by striking the paragraph.

Sec. 78. Section 473.16, Code 1993, is amended to read as follows:

473.16 ADDITIONAL FUNDS.

The department may accept funds from state and local sources and shall take steps necessary to obtain federal funds allotted and appropriated for the purpose of the above described energy-related programs. Such These funds shall be deposited in the energy-research-and-development general fund of the state and shall be subject to the requirements of section 8.60. Federal funds received under the provisions of this section are appropriated for the purposes set forth in the federal grants.

~~Notwithstanding the provisions of this section directing that funds accepted be deposited into the energy research and development fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all funds accepted shall be deposited into the general fund of the state and shall be appropriated as provided in section 93.11, subsection 1, paragraph 4f.~~

Sec. 79. Section 475A.3, subsection 3, Code 1991, is amended to read as follows:

3. Salaries, expenses, and appropriation. The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly. The salaries of employees of the consumer advocate shall be at rates of compensation consistent with current standards in industry. The reimbursement of expenses for the employees and the consumer advocate is as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation from the utility-trust general fund created pursuant to section 476.10 of the state.

Sec. 80. Section 476.10, unnumbered paragraphs 5 through 8, Code Supplement 1993, are amended by striking the unnumbered paragraphs and inserting in lieu thereof the following:

Fees paid to the utilities division shall be deposited in the general fund of the state. These funds shall be used for

the payment, upon appropriation by the general assembly, of the expenses of the utilities division and the consumer advocate division of the department of justice. Subject to this section, the utilities division or the consumer advocate division may keep on hand with the treasurer of state funds in excess of the current needs of the utilities division or the consumer advocate division.

The administrator and consumer advocate shall account for receipts and disbursements according to the separate duties imposed upon the utilities and consumer advocate divisions by the laws of this state and each separate duty shall be fiscally self-sustaining.

All fees and other moneys collected under this section and sections 478.4, 479.16, and 479A.9 shall be deposited into the general fund of the state and expenses required to be paid under this section shall be paid from funds appropriated for those purposes. Moneys deposited into the general fund of the state pursuant to this section and sections 478.4, 479.16, and 479A.9 shall be subject to the requirements of section 8.60.

Sec. 81. Section 476.51, unnumbered paragraphs 5 and 6, Code 1993, are amended to read as follows:

Civil penalties collected pursuant to this section shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the energy-research-and-development general fund of the state and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the division of community action agencies of the department of human rights. Penalties paid by a rate-regulated public utility pursuant to this section shall be excluded from the utility's costs when determining the utility's revenue requirement, and shall not be included either directly or indirectly in the utility's rates or charges to customers.

~~Notwithstanding the provisions of this section directing that civil penalties collected be deposited into the energy~~

~~research-and-development-fund, for the fiscal period beginning on July 1, 1993, and ending June 30, 1993, all funds collected shall be deposited into the general fund of the state.~~

Sec. 82. Section 478.4, Code 1993, is amended to read as follows:

478.4 FRANCHISE -- HEARING.

The utilities board shall consider ~~said~~ the petition and any objections filed thereto to it in the manner hereinafter provided. It shall examine the proposed route or cause any engineer selected by it to do so. If a hearing is held on the petition it may hear such testimony as may aid it in determining the propriety of granting such the franchise. It may grant such the franchise in whole or in part upon such the terms, conditions, and restrictions, and with such the modifications as to location and route as may seem to it just and proper. Before granting such the franchise, the utilities board shall make a finding that the proposed line or lines are necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. ~~No~~ A franchise shall not become effective until the petitioners shall pay, or file an agreement to pay, all costs and expenses of the franchise proceeding, whether or not objections are filed, including costs of inspections or examinations of the route, hearing, salaries, publishing of notice, and any other expenses reasonably attributable thereto to it. The funds received for the costs and the expenses of the franchise proceeding shall be remitted to the treasurer of state for deposit in the ~~utilities trust~~ general fund of the state as provided in section 476.10.

Sec. 83. Section 479.16, Code 1993, is amended to read as follows:

479.16 USE RECEIPT OF FUNDS.

All moneys received under the provisions of this chapter shall be remitted monthly to the treasurer of state and

credited to the ~~utilities-trust~~ general fund of the state as provided in section 476.10.

Sec. 84. Section 479A.9, Code 1993, is amended to read as follows:

479A.9 DEPOSIT OF FUNDS.

Except as otherwise provided in section 479A.14, subsection 8, moneys received under this chapter shall be credited to the ~~utilities-trust~~ general fund established of the state as provided in section 476.10.

Sec. 85. Section 524.207, Code Supplement 1993, is amended by striking the section and inserting in lieu thereof the following:

524.207 EXPENSES OF THE BANKING DIVISION -- FEES.

1. All expenses required in the discharge of the duties and responsibilities imposed upon the banking division of the department of commerce, the superintendent, and the state banking board by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the general fund of the state. All of these fees are payable to the superintendent. The superintendent shall pay all the fees and other moneys received by the superintendent to the treasurer of state within the time required by section 12.10 and the fees and other moneys shall be deposited into the general fund of the state. The superintendent may keep on hand with the treasurer of state funds in excess of the current needs of the division to the extent approved by the state banking board.

2. The superintendent shall account for receipts and disbursements according to the separate duties imposed upon the superintendent by the laws of this state and each separate duty shall be fiscally self-sustaining.

3. The banking division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for bank examinations and directly result from

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

4. All fees and moneys collected shall be deposited into the general fund of the state and expenses required to be paid under this section shall be paid from funds appropriated for those purposes. Moneys deposited into the general fund of the state pursuant to this section shall be subject to the requirements of section 8.60.

Sec. 86. Section 533.67, Code Supplement 1993, is amended by striking the section and inserting in lieu thereof the following:

533.67 EXPENSES OF THE CREDIT UNION DIVISION -- FEES.

1. All expenses required in the discharge of the duties and responsibilities imposed upon the credit union division, the superintendent, and the credit union review board by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the general fund of the state. All of these fees are payable to the superintendent. The superintendent shall pay all the fees and other moneys received by the superintendent to the treasurer of state within the time required by section 12.10 and the fees and other moneys shall be deposited into the general fund of the state. The superintendent may keep on

hand with the treasurer of state funds in excess of the current needs of the division to the extent approved by the credit union review board.

2. The superintendent shall account for receipts and disbursements according to the separate duties imposed upon the superintendent by the laws of this state and each separate duty shall be fiscally self-sustaining.

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

4. All fees and other moneys collected shall be deposited into the general fund of the state and expenses required to be paid under this section shall be paid from funds appropriated for those purposes. Moneys deposited into the general fund of the state pursuant to this section shall be subject to the requirements of section 8.60.

5. The division may accept reimbursement of expenses related to the examination of a credit union from the national credit union administration or any other share guarantor or insurance plan authorized by this chapter. These

reimbursements shall be deposited into the general fund of the state.

Sec. 87. Section 542B.12, Code 1993, is amended to read as follows:

542B.12 DISPOSITION OF FEES.

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

Sec. 88. Section 542C.3, subsection 3, Code Supplement 1993, is amended to read as follows:

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

The board shall make a biennial report to the governor of its proceedings, with an account of all moneys received and disbursed, a list of the names of certified public accountants and accounting practitioners whose certificates, permits to practice, or licenses have been revoked or suspended, and other information as it deems proper or the governor requests.

Sec. 89. Section 543B.14, Code 1993, is amended to read as follows:

543B.14 FEES AND EXPENSES -- FUNDS.

All fees and charges collected by the real estate commission under this chapter shall be paid into the professional-licensing-revolving general fund of the state, except that the equivalent of the greater of ten dollars or forty percent per year of the fees for each real estate salesperson's license, plus the equivalent of the greater of ten dollars or twenty-five percent per year of the fees for each broker's license shall be paid into the Iowa real estate education fund created in section 547B.54. All expenses incurred by the commission under this chapter, including compensation of staff assigned to the commission, shall be

~~paid out of the professional licensing revolving fund from funds appropriated for those purposes~~, except for expenses incurred and compensation paid for the real estate education director, which shall be paid out of the real estate education fund.

Sec. 90. Section 543D.6, subsection 2, Code 1993, is amended to read as follows:

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

Sec. 91. Section 544A.11, unnumbered paragraph 2, Code 1993, is amended to read as follows:

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

Sec. 92. Section 544B.14, unnumbered paragraph 2, Code 1993, is amended to read as follows:

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

Sec. 93. Section 546.9, unnumbered paragraph 2, Code 1993, is amended by striking the unnumbered paragraph.

Sec. 94. Section 546.10, subsection 5, Code Supplement 1993, is amended by striking the subsection.

Sec. 95. Section 546.10, subsection 6, Code Supplement 1993, is amended by striking the subsection and inserting in lieu thereof the following:

6. Fees collected under chapters 542B, 542C, 543B, 543D, 544A, and 544B shall be paid to the treasurer of state and credited to the general fund of the state. All expenses required in the discharge of the duties and responsibilities imposed upon the professional licensing division of the department of commerce, the administrator, and the licensing boards by the laws of this state shall be paid from moneys appropriated by the general assembly for those purposes. All

fees deposited into the general fund of the state, as provided in this subsection, shall be subject to the requirements of section 8.60.

Sec. 96. Section 556.18, subsection 1, Code Supplement 1993, is amended to read as follows:

1. ~~All Except as provided in subsection 3, all~~ funds received under this chapter, including the proceeds from the sale of abandoned property under section 556.17, shall be deposited monthly by the treasurer of state in the general fund of the state. However, the treasurer of state shall retain in a separate trust fund an amount not exceeding two hundred thousand dollars from which the treasurer of state shall make prompt payment of claims duly allowed under section 556.20. Before making the deposit, the treasurer of state shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

Sec. 97. Section 556.18, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The treasurer of state shall annually credit all moneys received under section 556.4 to the general fund of the state. Moneys credited to the general fund of the state pursuant to this subsection are subject to the requirements of subsections 1 and 2 and section 8.60.

Sec. 98. Section 327H.24, Code 1993, is repealed.

Sec. 99. Section 546.11, Code Supplement 1993, is repealed.

Sec. 100. The requirements of section 8.60, subsection 17, with respect to moneys received and credited under section 556.18, subsection 3, as enacted by this Act, relate back to

moneys received and credited to the energy research and development fund under section 556.18, subsection 3, Code 1993, except that the reference to former section 93.11 is replaced with a reference to section 473.11.

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LEONARD L. BOSWELL  
President of the Senate

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HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2086, Seventy-fifth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 25, 1994

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TERRY E. BRANSTAD  
Governor